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TO THE

PROCEEDINGS

OF

THE INDIAN LEGISLATIVE COUN

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATION

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GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday, the 3rd September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 49 Members, of whom 42 were Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation of allegiance to the Crown :—

The Hon'ble Mr. Frederick Campbell Rose.

" **Sir William Sinclair Marris, K.C.I.E.**

" **Mr. Hugh McPherson, C.S.I.**

" **Pandit Madan Mohan Malaviya.**

" **Mr. William Axel Hertz, C.S.I.**

" **Mr. Nigel Fairholt Paton.**

" **Rai Sahib Seth Nathmal.**

" **Khan Bahadur Ebrahim Haroon Jaffer.**

" **Mr. Ludovic Charles Porter, C.S.I., C.I.E.**

The Hon'ble Mr. Edward Mitchener Cook, C.I.E.

Mr. Ernest Burdon.

Mr. Norman Edward Marjoribanks, C.I.E.

Mr. Lewis James Mountford, C.B.E.

Mr. Sachchidananda Sinha.

Major Malik Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O.

Mr. John Hullah.

Mr. John Perronett Thompson, C.S.I.

HIS EXCELLENCY THE VICEROY'S SPEECH.

11-15 A.M.

The President:—"Let me first welcome Hon'ble Members to another Session. We are met together, for reasons which are familiar to you all, in diminished numbers, but we have important work to do, and I am confident that Hon'ble Members will devote their best attention to it.

"Since our last meeting we have to mourn the loss of a colleague who had earned the respect of us all—the late Mr. Ironside. His standard of devotion to duty, both public and private, was high and he never hesitated to stand by his convictions even at the risk of incurring personal unpopularity. It is a melancholy consolation to know that his merits had been recognised and that it had been the intention of His Majesty the King-Emperor to bestow on him the honour of Knighthood, but for his untimely death which occurred on the eve of the conferment of that honour.

"Another personality we shall miss is that of Sir Sankaran Nair. Sir Sankaran Nair felt it incumbent on himself to resign his office. His reasons for resigning were honourable to himself and I thoroughly appreciated them, but as the relations between colleagues in a Government are necessarily of a private nature, I do not propose to discuss them. We shall all, I am sure, welcome as his successor a Member of this Council of long-standing Mian Muhammad Shafi and wish him all success in his new duties.

"While I am on the subject of welcomes I should like to take the opportunity of welcoming back to this country His Highness the Maharaja of Bikaner. The admirable work which His Highness did during the historic gathering at Versailles has been warmly acknowledged both by the Prime Minister and the Secretary of State, and we all owe to Mr. Montagu, His Highness and Lord Sinha a debt of gratitude for their arduous labours on behalf of India.

"The full result of their labours will not be seen for some time, for the work of the Peace Conference is not completed. Its final decision on the Turkish peace terms, more particularly, is still awaited, and by our Muslim fellow-subjects is awaited with such keen concern that I feel I should say one or two words with regard to the matter. I have throughout done all in my power to ensure full representation of their feelings. Not only have the Government of India placed the views of Muslim India with strong emphasis before His Majesty's Government, our delegates voiced those views before the Peace Conference, and that nothing might be left undone to lend weight to their evidence, it was reinforced by three Muslims of distinction who had been specially delegated to attend the Peace Conference with them. Muslim

India may, therefore, rest assured that its feelings have been given the fullest representation possible.

"Since the close of the last Session there have been events of a grave character disturbing the peace and tranquillity of this country, and I cannot pass them over without mention. Last Session certain Hon'ble Members during the passage of the Rowlatt Bill gave me warnings of an almost minatory character that, if that Bill passed into law, there would be agitation of a serious nature. I think Hon'ble Members will realise that no Government could deviate from a policy which it regarded as essential on account of any threat of agitation. However, there were those who thought that it was necessary to make good this threat, and as a consequence the deplorable events occurred which are to be the subject of an inquiry. It is not my intention to discuss these events, but I would point out this, that it is easy to minimise their gravity after the disorders have been put down. No one who had the responsibility of dealing with them is likely to forget the issue which they had to face. Murders and arson were committed, telegraph wires were cut, railway lines were torn up, and for some days my only sure communication with the Government of the Punjab was by means of the wireless. Occular proof of the gravity of the situation with which we were then faced, and of the damage done is still manifest in many of the districts which suffered; and to any one who would attempt to minimise the trouble I would say 'Go into these districts and see for yourself the vestiges of senseless destruction which are still there.'

"The policy of my Government was clearly set out in our Resolution of April 14th. I promised support to the Head of each Local Government for such measures as he thought it might be necessary to take, and that support was given unwaveringly throughout. No one deplores more than I the need there was for stern action, but the result of our prompt measures was that the disorders were quelled and peace restored. It is my desire now, and it is that of His Honour the Lieutenant-Governor of the Punjab, to exercise clemency towards the unfortunate misguided men who were led away by 'some educated and clever man or men,' to use Mr. Gandhi's words, to commit outrages. For some time past Sir Edward Maclagan has been busily engaged in reviewing the sentences passed, and in every case possible he has tempered justice with mercy.

"And for those cases which have come before the Government of India I have no hesitation in claiming that they received the most careful consideration, and that orders were passed with the greatest possible despatch.

"For some time past my Government has been in correspondence with the Secretary of State upon the question of an inquiry into these disorders. We have both been anxious to settle this question as quickly as possible, but an announcement has been delayed largely by the difficulty of procuring the services of a suitable Chairman. It was only on Saturday last that I heard that Lord Hunter had agreed to come to India in that capacity. The Committee is now complete and will consist of—

Chairman:

Lord Hunter, formerly Solicitor-General for Scotland.

Members:

(1) The Hon'ble Mr. Justice Rankin.

(2) The Hon'ble Mr. Rice.

(3) Major-General Sir George Barrow.

(4) Sir Chimanlal Setalvad.

(5) Sahibzada Sultan Ahmad.

"Their instructions will be to inquire into and to report to the Governor General in Council regarding the causes of, and the measures taken to cope with, the recent disorders in Delhi, the Punjab and the Bombay Presidency. The proceedings of the Committee will ordinarily be public, but the Chairman will have authority to direct them to be held *in camera* when he considers that the public interests so require. It is hoped that the Committee will begin its sessions next month. The members have a difficult task before them; and I trust that people of all classes of opinion will do nothing to add to their difficulties by the needless importation of irrelevant or intentionally inflammable material.

"After disorders involving so great an upheaval of normal conditions such an inquiry as I have just announced is one inevitable consequence. The second and no less necessary sequel is the passing of an Act indemnifying those officers of Government who were called upon to undertake the onerous and ungrateful task of restoring order, and the validating of such acts as the stress of circumstances required. Whatever the findings of the Commission may be such a measure would be necessary; and in justice to our officers we are bound to indemnify them at the earliest convenient moment.

"I now turn from internal troubles to our difficulties on the frontier.

"Before law and order had been finally restored in India a fresh complication arose on our North-West border. On the evening of May 3rd news reached us that our frontier had been violated in the neighbourhood of Landi Kotal. In view of the friendly correspondence which had been passing between the Amir and myself, I found it difficult to believe that such aggression was with the knowledge and had the support of the Afghan Government, and I despatched an immediate letter to the Amir asking him to repudiate the action of his officials. Unfortunately within 24 hours overwhelming evidence came into my hands of the deliberate aggression of the Afghan Government, and I gave orders for the immediate expulsion of the Afghan forces from our territories. On May 9th and 11th actions were fought expelling our foe from the vicinity of Landi Kotal. On May 13th Dakka was occupied by the Cavalry, and on May 16th and 17th actions were fought in the hills overlooking it which resulted in the defeat and dispersal of the Afghan forces. At the same time our aeroplanes were not idle, and Jalalabad was visited and bombed resulting in the abandonment of that city by the Afghan troops and its looting by the ever-watchful tribes.

"In the meantime the Afghan Government had become aware of the grave miscalculation of which they had been guilty in thus challenging the British Empire. On two occasions after these defeats they attempted to approach me with a view to a cessation of hostilities, but, having regard to the doubtful character of the credentials of their envoys, I insisted on a personal request from the Amir himself, and this was received on June 1st. As a result of the Amir's appeal hostilities against Afghanistan were discontinued and Armistice terms were laid down. There ensued correspondence with the Amir relating to the details of these which terminated on the 8th July, when I invited him to send in his delegates to the Peace Conference.

"In the meantime the protracted delay rendered the military position difficult. Hostilities had ceased against the Afghans, but the tribes who had been aroused knew little or nothing of the courtesies of war. The war zone of 105,000 odd square miles which constitutes the provinces and tribal areas of Baluchistan and the North-West Frontier was an immense area. It was impossible to be strong at every point, and convoys passing through difficult country necessarily ran grave risks. Moreover, it was necessary to maintain in certain localities troops massed and ready to advance into Afghanistan at a moment's notice if peace negotiations broke down. An active offensive striking at the vital points of an enemy's defence is always the best defensive. Owing to the Armistice our troops were debarred from that. There have been then certain unfortunate incidents of a minor character, but I think the wonder is, in view of the extraordinarily difficult military position which I have outlined, not that they occurred, but that there were not more of them.

"I now come to the treaty of peace and the policy embodied in it. I want to make this clear—our policy was divided into two Chapters, the first comprising a treaty of peace, the second, which has yet to be written, envisaging a treaty of friendship.

"In view of the aggression which had taken place we felt that it would be a hollow mockery to conclude at once a treaty of friendship. Anxious though we are to see our Afghan neighbour prosperous and friendly, we felt that time must pass before we can wipe away the memory of what has occurred. I believe myself confidently that the time will come when Afghanistan will realise that we have no designs upon her, and that we only wish to see her prosper and live on friendly terms with us. But the initiative towards a *rapprochement* must come from her. Not only have we no designs on her, but India is in no way dependent upon her. If Afghanistan wishes for our friendship nothing will give us greater pleasure than to respond, but if she prefers to hold aloof, we shall not force ourselves upon her. That being the position then we made the treaty of peace with the terms of which Hon'ble Members are familiar, and if the Afghan Government after an interval of six months wish to expand that treaty of peace into a treaty of friendship, we shall be delighted to consider their overtures, provided always that they have in the meantime given us by their conduct satisfactory evidence of the sincerity of their purpose. I cannot leave this subject without paying a tribute to the ability, tact and skill with which Sir Hamilton Grant, assisted by Mr. Maffey and General Moberly, conducted the peace negotiations at Rawalpindi, and I would also specially mention the great assistance given them by their Indian colleagues.

"And now I must say a few words about the allegations of breakdown in our medical arrangements in the late campaign. I shall confine myself in the main to a statement of facts, but it may interest you also to hear what I gathered during my tour at the front.

"The first fact which should be borne in mind is that of the strength of our forces on the frontier, for the only significance that figures can have is their relationship to other figures. And if you take the total admission figures without reference to the strength of the force of which they are the casualties, you necessarily misinterpret their meaning.

"Taking the operations as a whole the maximum ration strength of our forces on the frontier was 247,000 men. For the period 5th May to 9th August the total admissions to hospital were 10,882 British and 45,774 Indian troops and followers, giving a daily admission rate per thousand of strength of 4·98 British and 2·97 Indians. At the same time the deaths per 1,000 admissions to hospital (excluding wounded) were British 0·82 and Indians 27·74. Now I could compare this with similar figures in other campaigns at the same period of the year, but I will content myself with two years' figures in Mesopotamia, when the medical arrangements were admittedly admirable. In 1917, the admissions per 1,000 were British 5·04 and Indians 2·11, and the mortality per 1,000 admissions was British 19·30, Indians 15·96. Similarly, in 1918, the admissions per 1,000 were British 3·48 and Indians 2·27, and the mortality per 1,000 was British 7·41 and Indians 20·51. One word is needed with regard to the relatively high mortality among Indians. This was due to the high incidence of cholera especially among Indian followers, whose standard of water discipline was naturally lower than that of regular troops, and who could not be restrained from quenching their thirst at pools and streams which though apparently pure were in reality full of cholera germs.

"Another comparative estimate of the sick rate of the force may be obtained from the daily number of hospital evacuations from the front to the base. The normal loss by evacuation on account of sickness from a force engaged in active operations in a temperate climate in Europe is accepted by all military authorities as averaging 3 per 1,000 of strength per day. This figure in the case of the troops operating on the frontier under the most adverse climatic conditions, and including gunshot wounds, was 2·8 for British and 1·3 for Indian troops and followers. I could give you other figures and other comparisons, but these would be out of place at this moment when I am endeavouring to give a general *conspectus* of the position. Believe me I make no complaints of the not unnatural anxiety which has been aroused as to our medical arrangements at the front, and I can sympathise with the man who lying sick under conditions of shade temperature varying from 110 to 120 and of the inevitable hardship of frontier campaigning writes with a pen dipped in the gall of his experiences, but is it not right and fair to the men who are responsible for the medical arrangements to judge them by the result of their work as a whole and not by isolated cases, sad but I venture to think inevitable, in any campaign however admirably conducted?

"Now let me say one word as to my tour at the front. I endeavoured to see everything and I asked questions of everyone I met—from Generals down to the soldier in the ranks. I brought away from what I saw and heard the impression that everything was being done that was possible to alleviate the trials and discomforts of the campaign, but I will quote one sentence from one whose opinion will, I think, carry weight, and who is not in any way connected with the military or medical aspect of the campaign. I refer to Sir George Roos-Keppel, whose approaching departure for England will rob the frontier of one who has for so many years been its most dominating personality. He said that in his experience of frontier warfare, and I am sure everyone will acknowledge that experience, he had never seen so much done for the health and comfort of the troops.

"In concluding this subject I should like to express my sympathy with and admiration for the troops who have been serving in this campaign. The British troops were for the most part due for demobilisation; some being for all practical purposes taken off the ship that was to take them home. They have taken their disappointment admirably. We wish to send them back to England at the earliest possible opportunity, and everything is being done to hasten their departure. I was glad to have the opportunity which my visit afforded of showing them the interest which I have in them, and of the gratitude which we all in India feel for their services.

"To the Indian troops I would also express my admiration of the soldierly bearing which was so marked in the ranks of the fine regiments which I visited. They too have had their disappointments. Some had been separated for months and even years from their families and were about to rejoin them, only to be hurried off to a fresh campaign. Others had been forced to forego the furlough they had earned and take their place in the ranks. But one and all they cheerfully accepted their orders, and it was a pleasure and a pride for me to pass down their splendid ranks.

"Before I leave the subject of the Afghan war, I should like to express our obligations to the Ruling Princes and Chiefs who without exception immediately on the outbreak of hostilities placed the resources of their States at the disposal of Government, and offered the assistance of their Imperial Service Troops, many of whom had only just returned to India from the countries overseas, in which they had fought so gallantly on behalf of the Empire. Contingents of Cavalry, Infantry, Artillery, Sappers and Miners and Transport from many of the States were employed either with the field army at the front or on garrison duty, while the Rulers of Patiala, Dholpur, Ratlam and Baria and two sons of the Nawab of Loharu were at their own request appointed to the staff in the field. It would take me too long to recount the numerous offers of camels, motors and money for the provision of comforts for troops engaged in the campaign which we received and gladly accepted. For all these and generous assistance in every way I ask the Princes and Ruling Chiefs to accept our grateful thanks.

"I wish also to express my most cordial thanks to His Excellency the Prime Minister of Nepal, who, in spite of the difficulties attendant on the movement of troops through the Terai in the hot weather, sent to our assistance another magnificent contingent, which I had the pleasure of visiting at Nowshera during my recent tour.

"Reference to the troops brings me by a natural sequence to mention of the Indian Soldiers' Board, the creation of which I described at the last meeting of Council, and which has, under the wise direction of my colleague Sir George Lowndes, been actively engaged during the summer in devising measures to reward distinguished service during the war, to safeguard the interests of Indian soldiers and their dependants, and suitably to commemorate the exploits of the Indian Army. Throughout the war the officers and men of the Indian Army have looked forward with expectancy, at the conclusion of hostilities, to the promised distribution of rewards for distinguished service. This distribution is now about to take place. Thanks to the generosity of Local Governments, and especially of the Punjab, large areas of land will, in the near future, be divided amongst our soldiers ; while those who are not agriculturists or for whom no land can be made available will receive monthly allowances of money with effect from the current month.

"The relief of necessitous cases among the dependants of soldiers has been carried out with a considerable measure of liberality, large sums having been placed at the disposal of Local Governments to help those whose circumstances, in the opinion of the local authorities, require assistance. We also intend to make a further distribution from the accumulated funds of the Imperial Indian Relief Fund among Indian soldiers who have been permanently incapacitated, and dependants left in straitened circumstances.

"Turning to the Indian Defence Force, training on a modified scale was resumed last April. Proposals regarding the future organisation and terms of service of the European portions of the Force based on the recommendations of a conference held last March have now been worked out. They will shortly be published as a draft Bill in the Gazette of India in order that all interests concerned may be afforded ample opportunity of discussing its provisions before legislation is undertaken in February next. The re-organisation of the Indian Branch of the Force is also under consideration. Meanwhile, the University Corps is making steady progress.

"The pay of officers, both of the Indian Army and the British Army in this country, is also under revision, and the recommendations of Government are now before the Secretary of State. The pay of the army officer at home has now been raised, and I hope that before long we shall be able to announce a similar improvement in the pay of his *confrere* in India.

"I move on from things military to more peaceful matters.

"To touch first the question of Reforms—this has now passed out of our hands, and the issues involved rest for decision by the High Court of Parliament. But while this is so I cannot but express my regret that some of those, who are interested in this great question, have done such scant justice to the Government of India. Our efforts have been described as endeavours to whittle away the proposals of the Report. They were in truth designed to work out the principles laid down in the Report, and where criticism had been levelled against particular proposals, to substitute for those alternatives which might be less open to objection. It is indeed somewhat amusing to me to find that the Joint Report which at the outset came under so hot a fire of criticism from some of my Indian friends is now to them a sacrosanct document, and that any tampering with its verbally inspired proposals savours of sacrilege. With them I have a not unnatural admiration for that document, but my admiration does not extend to idolatry, and I am quite prepared if something better is suggested to give it my best consideration. But with these words I will leave the subject with the expression of the hope that there will emerge from Parliament a scheme which will carry out the principles and the promises of the Announcement of August 1917. My colleagues and I have slaved at this problem for now nearly three years, and we hope that before another Session comes round Parliament will have delivered its final judgment upon our efforts. From the very beginning I have laid stress on the fact that this is an issue which can be decided by His Majesty's Government alone. We have given them the considered views of the Government of India; the opinions of Local Governments are fully before them; and political bodies of every kind have sent in their criticisms and suggestions. No one can say that he has not been heard. It may be that Parliament in its wisdom will not accept in its entirety any one scheme which may have been put forward, but for my part I shall accept its decision and carry it out loyally, and I hope and trust that all those who have engaged and been interested in this great controversy will similarly endeavour to sink their differences and concentrate their efforts on making the Reforms a success.

"I pass on to a subject which to the people of India as a whole is of even more interest than reforms—the monsoon.

"Since this Council last met, India has passed through a period of grave anxiety, and indeed I do not care to think of what our position would be to-day if the present monsoon had been less satisfactory. As the Council is aware, the monsoon of 1918 was disappointing, and though timely showers improved the *rabi* crops in some provinces, the year 1918-19 was marked by a failure of crops unprecedented as regards the extent of country affected. Famine, high prices and economic distress have, of course, been the inevitable result, and either famine or scarcity has been declared in parts of Bengal, Bihar and Orissa, United Provinces, Rajputana, Central India, Central Provinces, Bombay, Hyderabad and Madras. Prices of foodgrains too have reached a level never before touched. Much distress has been caused by these high prices, but it is a striking proof of the increased wealth and greater staying power of India that the numbers on relief have been comparatively small. High-water mark was touched in the week ending June 21st, 1919, when 589,535 persons were on relief. In the famine of 1899—1901, I may mention, the maximum numbers on relief in any one week were 6,332,121. Our anxieties have been relieved to some extent by the favourable character of this year's monsoon. The rains, though late in setting in in parts of the country, have recently been abundant, and though it is too early to speak with absolute confidence, the prospects of the *kharif* crop may fairly be said to be encouraging. The numbers on relief are also decreasing, but prices do not yet show any signs of material reduction, and I am afraid that the prolonged strain must be telling on people with small fixed incomes. A Resolution, however, is to be moved on the subject of high prices, and the Hon'ble Revenue Member will no doubt take the opportunity of explaining the measures we have taken to deal with the situation. I will not take up the time of the Council, therefore, by anticipating what he has to say.

"I think it was a former Finance Member who referred to the Indian budget as a gamble in rain. In addition to his anxiety on the score of the monsoon, the present Finance Member has had to grapple with serious difficulties in the matter of currency and exchange.

"One matter in connection with the latter has been exercising the minds of the Commercial Community, and I have deep sympathy with their anxiety with regard to it. I refer to the continual alteration in the exchange value of the rupee. We equally with them want stability, and it was with the object of obtaining a permanent solution of this problem that the Secretary of State appointed an influential body of experts to advise him. The rupee value had been fixed in May at 1*s.* 8*d.*, and it was our hope that it would be possible to maintain the exchange value at that figure at least until the Committee had made its recommendations. Unfortunately events have proved too strong for us, and the further rise in the price of silver has forced us again to advance the rupee to 1*s.* 10*d.* We thoroughly realise the great handicap to India's foreign trade caused by a feeling of unsettlement regarding the course of exchange, but we hope that the Commercial Community will equally realise that it is impossible for us to coin rupees, the bullion value of which is greater than their face value. I can only leave the matter here and express the hope that the Committee will be able to find a solution of this problem which will be permanent and ensure us a stability in the exchange value of the rupee. It must be remembered that in this matter India is at the mercy of conditions beyond her control. Apart from the rise in the value of silver, the rupee position is affected by the fall in the value of the pound sterling as measured in gold, and these are matters among others which will have to be carefully weighed by the Expert Committee to which the examination of this difficult problem has been referred. I have asked the Hon'ble the Finance Member, who has lately visited Bombay, to visit Calcutta and discuss the situation with the Chamber of Commerce there.

"I think there has been some misunderstanding in regard to the Indian Companies Restriction Act. The present position is that the Act will automatically lapse six months after the date which may be notified as the termination of the war. Licenses are now being given practically as a matter of course, but the fact that applications accompanied by various papers are required causes some inconvenience and delay. We are anxious to abolish, at the earliest date possible, all restrictions introduced during the war which are now not absolutely necessary, and we have therefore decided to anticipate the natural death of this particular restriction by repealing the Act this Session.

"The Labour Problem is now, as you are aware, of almost world-wide importance, and although we have been spared the labour troubles which have disturbed other countries, India has not been left altogether untouched. A number of clauses in the Treaty of Peace concluded at Versailles, as you probably know, relate to labour questions. India, who has the honour of being one of the original members of the League of Nations, is, as such, also an original member of the Permanent Organisation for the Promotion of the International Regulation of labour conditions. This organisation will consist of an International Labour Conference with an International Labour Office as part of the machinery of the League of Nations. It is intended that the first meeting of the Conference should take place at Washington in October, and the various countries will be represented by four delegates each, two representing the Government of the country concerned, one representing employers and one representing employed. We have been asked to select representatives to send to Washington on behalf of India, and I hope shortly to be able to announce their names.

"It is of course of great importance to recognise, as was fully recognised by my Right Hon'ble friend Lord Sinha and by His Highness the Maharaja of Bikaner, that the conditions of industrial labour in this country differ wholly from those prevailing in the West. I believe it is largely due to their representations that the draft Convention drawn up at the Peace Conference specifically recognised that the labour conditions which might be settled for Western countries would have to be modified in the case of countries such as India. I will read to you that portion of the articles of the draft Convention which makes this reservation. It runs as follows :—

> 'In framing any recommendation of draft Convention of general application, the Conference shall have due regard to those countries in which climatic conditions, the imperfect

development of industrial organisation, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.'

" I need hardly say that the great diversity of physical conditions affecting employment in India, the lack of education among workers and consequent low standard of comfort and absence of organisation, the usually poor physique of Indian labour, and its inability to concentrate effort over a shorter working period, the preponderating importance of agriculture and the lack of specialisation and skill among industrial workers render it impossible to translate propositions which are accepted in Western countries as natural into terms applicable to India, or to devise any formula which will convert the Indian factors into Western equivalents. We must recognise that any attempt to bring Indian labour conditions into line with those of Western countries by violent legislative changes will be disastrous both to employers and to employed. But, while we recognise this, we believe that there is a quickening consciousness throughout the country generally that the existing state of affairs is unsatisfactory and unworthy of India's political aspirations. We believe that there is now a prospect of progress more rapid, more radical and more substantial than could have been imagined some few years ago. We had, before we knew the terms of the Peace Conference, taken up the consideration of this question as arising out of the remarks made in the Industrial Commission's Report, and have asked Local Governments for their opinions as to what amendments of the law, if any, are necessary either in the direction of the reduction of the hours of labour or in other respects. We are also elaborating means for making the existing agencies for the care of public health, the provision of industrial housing and primary education more effective.

" I pass on to a question closely connected with Indian labour which is greatly exercising public opinion and which has given my Government the most serious anxiety. I refer to the troubles which have arisen in South Africa in connection with the trading rights of Indians in the Transvaal. I need not repeat the history of the recent legislation passed by the Union Parliament. An account of this has been given in a letter from Sir George Barnes to Mr. Gandhi in July last, which has been published in the Press, and you will all be familiar with the main features of the case. I only wish to say that the Government of India have not failed to press the Indian point of view upon His Majesty's Government, and we can claim that we have the full support of the Secretary of State. We have urged that the recent legislation in South Africa is unjustified and is not consonant with the undertaking given by the South African representative at the Imperial War Conference that Lord Sinha's memorandum relating to the rights of Indians in the Transvaal would receive the sympathetic consideration of the Union Government.

" Let me, however, make a plea for calmness and moderation in dealing with this question. We must admit the strength of feeling on the subject in South Africa, and it behoves us to see that our words and actions are not such as may embitter the existing sentiment and make a settlement more difficult.

" I feel too that there is ground for hoping that calmness and moderation will not be wanting in South Africa in dealing with this question, for we know that the late General Botha and General Smuts returned there after discussing fully questions akin to the present one with the distinguished representatives of India whom we sent to the Imperial Conference.

" The Union Government, as you know, are appointing a Commission to examine the whole question, and we have asked that our interests should be represented. We are making arrangements to send a deputation to see that our point of view is thoroughly presented and thoroughly understood. On this deputation, we propose to send Sir Benjamin Robertson, who so successfully conducted a similar mission in 1914. I am sure that you will agree that we could not select a better representative.

"There is another matter relating to the position of Indians overseas, to which I should like to refer, namely, the position of the indentured labourers of Fiji. The main facts are well known to all of you. After the unsatisfactory conditions under which these labourers lived had been brought to the knowledge of the Government of India, all further flow of labour under indenture was stopped, and the Government began to press most strongly for the immediate improvement of the conditions, particularly with regard to housing and hospital accommodation. The Colonial Office in London was convinced, and decided that the improvements demanded by the Government of India must be carried out or the indentures cancelled. This was announced by Sir George Barnes in the debate in this Council last September. How far these improvements have been carried out up to date, we have no very clear information. We know, however, that they have been effected at least in part, and that employers have voluntarily in many cases provided separate quarters for married couples. We have nevertheless thought it right to continue to press for the cancellation of the outstanding indentures.

"We have just recently been informed by the Secretary of State that the Fiji legislature has made a step in the direction we desire by passing a unanimous resolution that all indentures outstanding on 1st August, 1920, should be cancelled from that date, compensation being paid to the employers from the public funds of Fiji. This, however, is not sufficient, and we are pressing again that the cancellation of all indentures should take place by the end of the present year.

"I think that I ought also to inform you that the Fiji Government has appointed a Select Committee which is now considering how effect can best be given to our wishes on the other points at issue.

"Great difficulty has, as you know, existed hitherto with regard to the repatriation of labourers who may wish to return to India from Fiji. We have no knowledge at present how many desire to return; it is very possible that a large number may wish to make Fiji their home as free men, for the climate is good and some Indians who began life as indentured labourers are now men of substance in Fiji. However, we have kept the question of repatriation strongly in mind, and the Secretary of State has at our instance been pressing the Shipping Controller and the Shipping Companies to provide vessels for those who may wish to return to India.

"I have another interesting announcement to make. An unofficial mission from Fiji headed, I understand, by the Bishop of Polynesia, is expected to visit India during the coming cold weather in order to investigate conditions in India, and, if possible, to persuade Indian public opinion to agree to the resumption of free emigration to Fiji under wholesome conditions. I need hardly assure you that the Government and the people of Fiji are really anxious to do what is right, and I think that we ought to listen carefully to what they have got to say. It may be that they will be able to prove to us that Indian labour would benefit from a well-directed scheme of free emigration to Fiji, which has, as I have said above, a healthy climate and is in many ways a country well suited to Indian settlers. If they can show us that our interests coincide, it ought not to be impossible to come to an agreement, but the burden of proof will lie on them, and all I ask you to-day is that, when the mission comes, it should be given a fair hearing.

"I have endeavoured to give Hon'ble Members a résumé of the chief questions which are engaging public attention.

"So much for the past and present, and now what about the future?

"With what I may hope to be the final settlement for the time being of the Reforms problem, it remains for me to indicate the particular problems to which I wish to devote attention.

"I hope in the first place to lay deep and sure the foundations of the new Industrial development. We have been expeditious in dealing with this most important matter. We were able within a short time of the publication of the Industrial Commission Report to circulate to Local Governments our views upon its recommendations, and I despatched Mr. (now Sir Ernest) Low on a tour round the Provinces to elicit their views and discuss any points of difference. By this method we obtained the views of Local Governments early this year, and we formulated our final and considered opinion in a despatch to the Secretary of State in April. Sir Thomas Holland left by the subsequent mail on deputation to discuss the whole question with the Secretary of State, and I have reason to hope that, in the course of the next few weeks, we may have a despatch on the subject from the India Office.

"This will enable us to proceed straightaway with the inauguration of our machinery for the stimulation and development of Indian industries. I think this brief statement of what has occurred should show the importance which we attach to this subject and our intention of pressing forward. It is scarcely necessary for me to dilate on its importance. We wish to see an India self-sufficing in many of the things which at the present moment she is obliged to import from outside; we wish to see her dealing with her own raw products; and we wish to see her youth through this development of her industries utilising their undoubtedly great qualities in fields of enterprise from which they have in the main so far held aloof. But if this policy is to be attained, and mind you, we can only lay the foundations of it in the months to come, we shall want the co-operation of you all. It will be idle for the Government to establish machinery unless there is a general desire and willingness on the part of Indians to help to work it. And that brings me to one more matter in which I hope to see a very real advance. We have had among us during the past two years the distinguished gentlemen who drafted the Calcutta University Commission Report. That Report, though it is confined to the Calcutta University problem, gives us a luminous *conspectus* of the position of higher education in India. We are making a start at once with its recommendations by the introduction of the Dacca University Bill. This is an old question. Lord Hardinge promised a University to Dacca and I have renewed his pledge. As Hon'ble Members are aware it is a subject in which the Mahomedans of Bengal are deeply interested. I am now giving an earnest of our intentions in the matter by the introduction of a Bill. Between this stage and its consideration at the next Delhi Session there will be ample time for an examination of its provisions by the general public, and we shall of course very carefully consider such criticisms as they may have to make on it. In the matter of legislation affecting the Calcutta University, we hope that by February those interested will have had time to formulate their views. But I would impress this point upon Hon'ble Members. In the appointment of the Commission I was careful to see that its members had the highest educational qualifications to deal with the problem they were asked to examine. And that problem has been investigated solely from the educational standpoint. Their recommendations surely should carry great weight, and we should be slow to depart from them save on good cause shown. The members of the Commission who came from England, to whom we are under the deepest obligation, had the great advantage of the assistance of the Hon'ble Sir Ashutosh Mukerjee, whose zeal in the cause of education is so well known and from whom we may hope to get invaluable assistance in pressing forward the necessary measures; they also had as their colleague Dr. Ziauddin who, though he differed from the majority in certain matters of detail, gave his support to the main principles of the Report. To both these gentlemen as well as to their official colleague, Mr. Hornell, I would offer my grateful appreciation of the work which they have done.

"But this Report, like that of the London University Commission, though based on the conditions of one University, is full of suggestiveness on University problems as a whole. I, therefore, hope that the Universities throughout

India will take it into consideration and will on their own initiative examine how far its recommendations may throw light on some of their own problems and suggest amendments of their own machinery. I trust, therefore, that this monumental report will serve as a starting-point for the re-examination of problems in the sphere of higher education throughout India. It will be our privilege to help the Universities in any way we can from the centre, and I hope they will not be slow to invite that help.

"So then, as in the case of the Industrial Commission Report I look to a great awakening in the region of Industrial development, from the Calcutta University Commission Report, I look for great things in the examination and development of our higher education. These two matters are indeed closely interwoven. If Industries are to progress, our higher education must be on sound lines and taken out of its narrow grooves. If higher education is to be broadened, it is to the industrial development that we must look for the openings which are to induce the student to leave his old haunts and adventure himself in fresh fields and pastures new.

"We have come through five terrible years, years full of trouble, years such as the author of our Christian Litany might well have had in mind when he wrote 'From plague, pestilence and famine; from battle and murder and sudden death Good Lord deliver us'. We have come through them however successfully, and the new era of peace has opened for us auspiciously. With the renewal of peace nature is giving us the promise of plenty. The ravaged world will look to us, who have escaped unscathed, for the material with which to rebuild itself.

"Let us then grasp our opportunities with both hands. We can of course spend our time in futile wrangling over the past. We can, if we are unwise, throw away these opportunities by fanning racial bitterness. I hope, however, we shall do none of these things. But let us rather, leaving those things which are behind, reach forward to those things which are before in the sure and certain confidence that success will crown our efforts, if they are devoted with a single eye to our country's good."

STATEMENTS LAID ON THE TABLE.

The Hon'ble Sir William Vincent:—"My Lord, I lay on the table statements* showing the lists of magazines and journals proscribed from registered libraries by Government. This statement was promised in reply to a question asked by the Hon'ble Mr. Patel on the †5th September, 1918."

QUESTIONS AND ANSWERS.

The Hon'ble Sir Dinshaw Wacha asked:— 12-7 P.M.

1. "(*a*) Are Government contemplating legislation to provide for the housing of the working classes employed in industrial establishments, on the lines of the Housing Act lately passed by Parliament so modified in detail as to suit Indian conditions of living and social habits?

Introduction of practical legislation for the housing of the working classes.

(*b*) If no such legislation is under consideration, will Government be pleased to state when they contemplate taking up this matter?"

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*Vide Appendix to these Proceedings.
† Vide page 44 of Council Proceedings of 5th September, 1918.

The Hon'ble Mr. Shafi replied :—

"The question of the housing of the working classes in India including that of necessary legislation in the matter is engaging the serious consideration of the Government of India, and Local Governments will shortly be addressed on the subject."

The Hon'ble Sir Dinshaw Wacha asked :—

Primary and secondary roads in British India.

2. "(*a*) Are Government aware that in England the mileage of primary and secondary roads is reckoned at 13,000 miles, the cost of maintaining which, according to a statement reported to have been made recently by Sir Eric Geddes in the House of Commons, was £20 million per annum; also, that the secondary roads are five times the length of primary roads?

(*b*) What is approximately the mileage of primary and secondary roads in British India?"

The Hon'ble Mr. R. A. Mant replied :—

"With reference to part (*a*) of the Hon'ble Member's question Government are aware that in the course of the debate on the Ministry of Ways and Communications Bill, Sir Eric Geddes stated that £20,000,000 per annum are spent on roads, but he did not specify the length of the roads referred to. Mr. Joynson-Hicks, however, stated on the 26th February 1919 that 152,000 miles of road would come under the control of the Ministry of Ways and Communications. Government have no information as to the relative lengths of primary and secondary roads.

With regard to (*b*), roads in British India have been classified according to the character of their construction, and are grouped under two main heads as follows :—

	Miles.
Metalled	65,457
Unmetalled	139,805
	205,262"

The Hon'ble Sir Dinshaw Wacha asked :—

Constitution of a Central Cotton Committee.

3. "Has any action been taken towards the constitution of—

(*a*) a Central Cotton Committe, or

(*b*) a Cotton Committee in Bombay, as recommended by the Indian Cotton Committee?"

The Hon'ble Mr. R. A. Mant replied :—

"It will be observed from paragraph 4 of Government of India, Revenue and Agriculture, Resolution on the Cotton Committee's Report, which was published for general information in the supplement to the Gazette of India, dated the 9th August 1919, that it has been decided to give precedence to the proposals in Chapter XIX of the Report for the formation of a Central Cotton Committee, and these proposals are at present under consideration."

The Hon'ble Sir Dinshaw Wacha asked :—

Increase in the staff of the Provincial Agricultural Departments for work on Cotton.

4. "What action has been taken by Local Governments to give effect to the recommendations of the Indian Cotton Committee regarding an increase in the staff of the Provincial Agricultural Departments, specially for work on cotton?"

The Hon'ble Mr. R. A. Mant replied :—

" In the Resolution which I have just cited Local Governments and Administrations have been asked to take up at once the recommendations in the Report regarding the increase in the staff of the Provincial Agricultural Departments for work on cotton in order that the Secretary of State for India may be asked as soon as possible to sanction such further appointments as may be considered necessary. A proposal for the appointment of an additional Economic Botanist has been received from the Government of the United Provinces."

The Hon'ble Sir Dinshaw Wacha :—" My Lord, in view of the very lucid and satisfactory statement made by your Excellency in your speech, I withdraw for the present question No. 5.*"

The Hon'ble Mr. Kamini Kumar Chanda asked :—

5. " (*a*) Is it a fact that a memorial protesting against compulsory acquisition of houses in Simla signed by a large number of the principal house-owners was recently submitted to His Excellency the Viceroy and was transferred to the Punjab Government for disposal ? Acquisition of houses in Simla.

(*b*) Will Government be pleased to state the prices paid for houses now occupied by Members of the Executive Council, the acreage of each of the said houses, and the rent paid for each during the last ten years ?

(*c*) What was the amount spent on each of these houses for up-keep during the same period ?

(*d*) Has the attention of Government been drawn to a letter by 'Veritas' in the *Englishman*, dated 25th July, 1919, and do Government intend to inquire into the allegations made therein ?

(*e*) Are Government aware that the compulsory acquisition of houses in Simla has created considerable indignation in the public mind, and has been regarded with alarm by house-owners generally throughout the country ? "

The Hon'ble Mr. R. A. Mant replied :—

" (*a*) The memorial of the house proprietors of Simla was not transferred to the Punjab Government for disposal, but was returned to the memorialists for re-submission through the Local Government. The memorial was forwarded to the Government of India in July last and orders on it will shortly be issued.

(*b*) *and* (*c*) The statement† placed on the table gives the information asked for in paragraphs (*b*) and (*c*) of the Hon'ble Member's question in so far as four of the six houses occupied by Members of the Executive Council are concerned. The houses occupied by the other two Members of the Council are not the property of Government.

(*d*) Government have seen the letter referred to. They do not consider any inquiry necessary.

(*e*) Some protests have appeared in the press with regard to the acquisition of houses in Simla, but Government are not aware that there is any general feeling of indignation or alarm on the part of householders throughout the country. "

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* 5. Will Government be pleased to state whether any appeal has been received from the Indian National Congress of South Africa or other like organisation regarding the alleged inconveniences and hardships that have for some months past been entailed on Indians there, and whether any fresh representation has been made to the Government of South Africa in respect thereof either directly or through the Secretary of State ?

† Not included in these Proceedings.

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Establishment of an aerial inland mail service in India.

6. "Is it in contemplation to establish an aerial inland mail service in India? Will Government be pleased to make a statement on the matter and place on the table any scheme that may be settled?"

The Hon'ble Sir George Barnes replied :—

"The Government of India have under consideration a scheme for the establishment of an aerial inland mail service in India, but they are unable at present to make any further statement on the subject or to place the scheme on the table."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Case of Babu Kishori Lal Chatterjee at Asansol.

7. "(*a*) Was Babu Kisori Lal Chatterjee, a Vakil of the Calcutta High Court, prosecuted at the instance of the East Indian Railway at Asansol on a charge of travelling in a compartment reserved for ladies?

(*b*) Did the Court acquit him and accept his plea that it was a false case, and that he had been forced to vacate an ordinary compartment in a train by some Eurasian Railway servants?

(*c*) Is it a fact that he complained to the Agent against the said Railway servants, and repeatedly inquired what action had been taken of their conduct, but got no reply beyond an offer to pay his actual out-of-pocket expenses in connection with his prosecution?

(*d*) Did he then file a suit in the Calcutta High Court claiming damages against the East Indian Railway?

(*e*) Is it a fact that the Company at first filed a written statement disputing the claim and supporting the said Railway servants, but afterwards at the trial paid the sum of Rs. 250 to the plaintiff as compensation, and in a petition filed in Court 'expressed their sincere regret to the plaintiff for the insult, trouble and inconvenience caused to him by the conduct of the servants and agents of the defendant Company'?

(*f*) Will Government state what punishments have been inflicted on the said servants and agents of the Railway?"

The Hon'ble Sir Arthur Anderson replied :—

"The Hon'ble Member's question refers to incidents which took place some 18 months ago.

The statements made in (*a*), (*b*), (*c*), (*d*), and (*e*) are substantially correct.

As to (*f*), the Agent reports that the staff concerned were suitably punished by reprimand or transfer."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Report of the Calcutta University Commission.

8. "(*a*) Has the attention of Government been called to the proceedings of the Senate of the Calcutta University, dated the 21st June last when a resolution was passed complaining that the Hon'ble the Vice-Chancellor and the members of the Senate had not been favoured with copies of the Report of the Calcutta University Commission, while other persons had received such copies?

(*b*) Do Government propose to make a statement on the matter?"

The Hon'ble Mr. Shafi replied :—

"The reply to (*a*) is in the affirmative.

(*b*) The proceedings of the Senate of the University of Calcutta to which allusion is made by the Hon'ble Member took place some six weeks before the publication of the Report. On account of the size of the Report, the printing of it occupied a long time, and despite all efforts, the Report could not be brought out before August. It was clearly impossible to provide the Senate with copies before publication, firstly, because copies were not available, secondly, because, under standing orders of the Secretary of State, no document of this nature may be made public until the interval has elapsed which is required for its receipt by the Home Government. In the present case the Government of India had, in view of the desirability of publishing the Report in this country at the earliest possible date, made special arrangements with the Secretary of State whereby the Report should be published in India on the date of its shipment. The Secretary of State's sanction to this proposal was received on the 20th June 1919. Shipment was arranged to take place on the 9th August and the Report was published on that day. Further, as it was recognised that the Senate of the University of Calcutta had a peculiar interest in the Report, arrangements were made by the Secretary to the Commission to provide members of the Senate with copies without any delay when publication took place. These arrangements were made before the meeting of the Senate to which the Hon'ble Member alludes.

As regards the statement that other persons had received copies before publication, a certain number of proof copies were sent out in order to facilitate the framing of a distribution list and the introduction of such legislation as might be possible or desirable in September, both of which were urgent matters, and also to a very limited number of persons regarding whom requests had been made that they should see the Report at the earliest possible date. These copies were proof copies, whose correctness could not be guaranteed. For reasons already stated, any wider distribution of them was impossible. "

The Hon'ble Mr. Kamini Kumar Chanda :—" May I ask a supplementary question, my Lord ? Is it a fact that the 'Madras Mail' published extracts from this report before publication ? "

The President :—" Would you mind repeating that again Mr. Chanda, a little slower ? I am afraid I could not catch what you said."

The Hon'ble Mr. Kamini Kumar Chanda :—" Sorry, my Lord. Is it a fact that the 'Madras Mail' published extracts from this report long before publication ?"

The Hon'ble Mr. Shafi :—" It is a fact."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Tone and utterances of Anglo-Indian newspapers.

9. " Is it a fact that there have been constant complaints in the Indian Press and in public meetings as well as by interpellations in Legislative Councils that Government take no notice of the tone and utterances of some of the Anglo-Indian newspapers ? "

The Hon'ble Sir William Vincent replied :—

" Government have seen occasional complaints of the nature referred to by the Honourable Member in the Indian Press, but are not aware that such complaints have been repeated at public meetings or in Provincial Legislative Councils. Government have on more than one occasion intervened when they considered that articles offensive to Indian opinion had been published by Anglo-Indian newspapers."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Resignation of Sir Sankaran Nair.

10. "Will Government be pleased to publish the letter in which the Hon'ble Sir Sankaran Nair tendered resignation of his appointment as a Member of the Executive Council of the Governor General?"

The Hon'ble Sir William Vincent replied:—

"Government have no present intention of publishing any information as to the circumstances in which Sir Sankaran Nair vacated his office of Member of the Governor General's Council."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Representatives at the Peace celebrations in London.

11. "(*a*) Is it a fact that representatives from the Indian Defence Force regiments have been selected to be present at the Peace celebrations in London?

(*b*) Is it a fact that the selection has been confined to the European and Anglo-Indian branch of the Indian Defence Force, while the purely Indian Branch of the Indian Defence Force in Bengal, the Bengal Light Horse and the Calcutta University Corps have been left out altogether?

(*c*) Will Government be pleased to state the grounds for this racial distinction?

(*d*) Is it a fact that the Bengal Light Horse is the only mounted unit in the Indian Branch of the Indian Defence Force?"

His Excellency the Commander-in-Chief replied:—

"(*a*) Yes.

(*b*) The answer to the first part is in the negative.

As regards the second part, as only two representatives were allowed for the strength of a battalion and for other units in proportion, and as the representatives should have seen active service, the particular units of the Indian Branch of the Indian Defence Force referred to by the Hon'ble Member were not represented.

(*c*) No racial distinction was made in selecting representatives. This is evident from the fact that the contingent consisted of about 1,500 Indian officers and men of the Indian Army and Imperial Service Troops, as against some 320 British officers and men.

(*d*) Yes. The Bengal Light Horse is, as the Hon'ble Member states, the only mounted unit in the Indian Branch of the Indian Defence Force. Its strength, however, is only 76."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Speech delivered by Sir Reginald Craddock in connection with the Rowlatt Act.

12. "(*a*) Has the attention of Government been called to the following passages in a speech delivered by Sir Reginald Craddock at a meeting of the Burma Legislative Council—

'(1) The action of Indian political leaders in opposing the Rowlatt Act Bill and in encouraging the storm of opposition has been the most grievous blunder in the history of Indian political life. The action of these leaders constitutes the greatest encouragement to the anarchical movement that it has ever received.

(2) The liberty for which they (the Indian Press) are crying out is the liberty of the secret conspirator to pursue his nefarious career, the liberty to spoil the lives of hundreds of promising young men, the liberty to subject the liberty of honest and peaceful people to the ruthless decrees of criminal mischief-makers. This is the kind of liberty for which Mr Gandhi fasts and prays.'

(*b*) Do Government propose to consider the propriety of calling upon Presidents of Provincial Legislative Councils to exercise greater restraint in their utterances?"

The Hon'ble Sir William Vincent replied :—

" The Government of India have seen the report of the speech and do not propose to take any action in the matter."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Sir Rabindra Nath Tagore

13. " (*a*) Is it a fact that Sir Rabindra Nath Tagore has returned the insignia of Knighthood which was conferred on him begging to be relieved of the title ?

(*b*) Will Government be pleased to place on the table the letter in which he gives his reasons for his action and any reply which Government may have sent him ?

(*c*) What action do Government propose to take on his letter ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) Sir Rabindra Nath Tagore wrote a letter to His Excellency the Viceroy asking to be relieved of the title of Knighthood. He did not return any insignia because there are no insignia to return.

(*b*) As Sir Rabindra Nath Tagore's letter was published in the press, Government do not consider it necessary to lay a copy on the table. In reply to his letter he was informed that His Excellency the Viceroy was unable himself to relieve him of his title, and that, in the circumstances of the case, His Excellency did not propose to make any recommendation on the subject to His Majesty the King-Emperor. The Secretary of State has also intimated that he does not propose to make any recommendation, and Sir Rabindra Nath Tagore has been so informed."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Security and forfeiture under the Press Act in the case of Anglo-Indian newspapers.

14. " In how many cases since the Indian Press Act, 1910, was passed has there been any (*a*) security taken, and (*b*) forfeiture of security, in respect of any Anglo-Indian newspaper, that is any newspaper owned or conducted by persons other than Indians ?"

The Hon'ble Sir William Vincent replied :—

" Security has been taken in respect of newspapers owned or conducted by persons other than Indians on eight occasions. The security has been forfeited in two cases."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Suspension of sentence of persons convicted b Courts Martial.

15. " (*a*) Is it a fact that the Privy Council has granted leave to appeal to 21 persons convicted by Courts Martial at Lahore in connection with disturbances at Amritsar on the 10th April ?

(*b*) Do Government intend to consider the question of suspending the sentences passed in analogous cases tried by the Courts Martial pending the decision of the Privy Council ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) The answer is in the affirmative.

(*b*) The death sentences passed on five of the convicts whose appeals have been admitted by the Judicial Committee of the Privy Council have of course been suspended. None of the summary courts appointed by the General Officer Commanding were empowered to pass sentences of more than two years' imprisonment, and therefore in their case the question of suspending death sentences does not arise. Sentences of imprisonment are not being suspended pending the result of an appeal. But convicts sentenced by the commissions to transportation are for the present being retained in jails in India. "

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Appointment of Martial Law Commissions in the Punjab, and number of trials.

16. " (*a*) What is the number of Martial Law Commissions lately appointed in the Punjab ?

(*b*) What is the total number of cases and of individuals tried by such Commissions ?

(*c*) Was any female accused tried by them ?

(*d*) How many of such individuals, male and female, were convicted and acquitted respectively ?

(*e*) Of those convicted, how many have been sentenced to death, how many to transportation for life, and how many to imprisonment from one year upwards ?

(*f*) How many such sentences have been commuted ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) Four.

(*b*) 114 cases and 852 individuals.

(*c*) Yes—one.

(*d*) 580 males and 1 female were convicted and 271 males were acquitted.

(*e*) 108 persons were sentenced to death, 265 to transportation for life and 183 to imprisonment from one year upwards. The figure of 183 includes two persons sentenced to transportation, one for 14 years and one for 10.

(*f*) In 488 cases sentences have been commuted or reductions made. Of the 108 death sentences, 28 were commuted to transportation for life, 23 to imprisonment for ten years, 13 to seven years and 21 to less than seven years. In the case of sentences of transportation for life, 40 were reduced to sentences of more than five years, 48 to five years and 164 to less than five years. Five persons were released. Other sentences of transportation or imprisonment were reduced as follows :—12 to sentences of three to five years, 90 to sentences of two years, 35 to sentences of less than two years. There are a few cases pending in which no final orders have been passed by the Government of the Punjab pending medical reports."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Timing of the Chittagong Mail Train between Goalundo and Calcutta.

17. " (*a*) Is it a fact that the timing of the Chittagong mail train between Goalundo and Calcutta before the war was less than five hours and that now it is nearly six hours ?

(*b*) Will steps be taken to accelerate the train ? "

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) The time occupied by the Chittagong Mail between Calcutta and Goalundo in July 1914, *i.e.*, previous to the war, was 5 hours 21 minutes in one direction, and 5 hours 42 minutes in the other. In July 1919, it was 5 hours 50 minutes and 5 hours 35 minutes, respectively.

(*b*) In the new Time-table from 1st September, the time has been curtaild to 5 hours 26 minutes in the up and 5 hours 16 minutes in the down irection."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Judgments passed by Martial Law Commissions.

18. "Will Government be pleased to lay on the table a copy of every judgment passed by the Martial Law Commissions in the Punjab during the last ive months, and of every order passed by the Magistrates, specially empowered o deal summarily with cases alleged to have been connected with the recent isturbances in the Punjab ?"

The Hon'ble Sir William Vincent replied :—

"Government are not prepared to lay copies of the judgments asked for on the table, as they do not consider that any useful purpose would be served by doing so. Copies of the judgments can presumably be obtained in the ordinary way on application to the proper authority and on payment of the usual fees."

The Hon'ble Pandit Madan Mohan Malaviya :—"May I ask a supplementary question ? Is the Government aware that there has been great delay in granting copies of judgments to persons who intended to appeal to the Privy Council ?"

The Hon'ble Sir William Vincent :—"The Government of India has no information on this point."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Orders, proclamations, etc., by the Administrator of Martial Law in the Punjab.

19. "Will Government be pleased to lay on the table copies of all orders, proclamations, posters, notifications and notices issued during the recent disturbances (*i*) by the Administrators of Martial Law in the Punjab in their respective areas, (*ii*) by Civil Authorities in the same areas during the operation of Martial Law, and (*iii*) by Civil Authorities after the withdrawal of Martial Law notifying that certain acts by the civil population will be treated as offences and dealt with by military officers ?"

The Hon'ble Sir William Vincent replied :—

"Copies of the papers will be supplied to the Committee of Inquiry. The Government of India do not propose to lay copies on the table."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Public Works reorganisation Committee.

20. "(*a*) Have the Government of India consulted the Local Governments as regards the recommendations made by the Public Works Reorganisation Committee ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state whether the opinions of the Local Governments have been received and what action, if any, has so far been taken on them ?"

The Hon'ble Mr. R. A. Mant replied :—

"(*a*) The reply is in the affirmative.

(*b*) The opinions of certain Local Governments have not yet been received, and consequently no action has yet been taken."

THE POISONS BILL.

12-21 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I move that the Bill to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India be taken into consideration. When I introduced this Bill into Council at the last Session two Hon'ble Members pressed me to defer further consideration of it until it had been published in the local official gazettes and the public had been afforded an opportunity of criticising it. I accepted that recommendation although it received very little support from Hon'ble Members. Since then the Bill has been published in the local official gazettes; the Government of India have received no criticisms, and no amendments have been suggested."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

12-22 P.M. **The Hon'ble Sir George Lowndes** :—"My Lord, I beg to move that the Hon'ble Mr. Mountford and the Hon'ble Rai Sahib Seth Nathmal be added to the Select Committee appointed to report on the Bill further to amend the Provincial Insolvency Act, 1907, *vice* Mr. Kincaid and Pandit Bishan Dutt Shukul, who are no longer Members of this Council."

The motion was put and agreed to.

THE SEA CUSTOMS (AMENDMENT) BILL.

12-23 P.M. **The Hon'ble Mr. Shafi** :—"My Lord, I have the honour to move for leave to introduce a Bill further to amend the Sea Customs Act of 1878. As explained in the Statement of Objects and Reasons, the object of the proposed enactment is to supplement provincial legislation for the prevention of adulteration of food by empowering maritime authorities to take action calculated to prevent the importation into this country of adulterated food and drugs by sea.

"My Lord, it is well recognised that the consumption of adulterated food and drugs may not only be the cause of general physical deterioration, but may also be productive of disease. The Government of India, being conscious of their duty as the guardians of public health, consulted Local Governments as far back as 1886 on the desirability of undertaking legislation to prevent the sale of adulterated articles of food. The majority of Local Governments, however, being of opinion that no action in that direction was needed, the matter was dropped at that time. But, subsequent information having made it clear that the evil in question was growing in magnitude in various parts of this country, the Government of India again addressed the Local Governments in 1911 on this subject, with the result that earnest efforts have already been made in the various provinces to check this growing evil, and provincial legislation has been carried through to prevent the sale of adulterated food and drugs. Your Excellency's Government now desire to supplement the action taken in the provinces by giving Customs authorities in our ports certain powers calculated to prevent the importation of adulterated drugs and articles of food by sea.

"My Lord, section 195 of the Sea Customs Act, 1878, authorises the Customs-collector, on the entry or clearance of any goods, or at any time while such goods are being passed through the custom-house, to take samples of such goods, for examination or for ascertaining the value thereof on which duties are payable, or for any other necessary purpose. The Bill which I am now about to introduce proposes to add a clause to this section empowering the Customs-collector, in the case of goods which consist of drugs or articles intended for consumption as food, and in respect of which the taking of samples may have been authorised by general or special order of Local Government for the purposes in view, to take, in like circumstances, samples thereof for submission to and examination by such officer of Government or other local authority as may be specified in such order. In order to avoid unnecessary hardship, it is further provided that the Customs-collector shall pay to the owner the real value of all such samples.

"Hon'ble Members will notice that the provisions of the proposed enactment involve no detention of goods by the Customs officer, nor do they authorise him to take samples without actual payment. The samples thus taken by the Customs officers will be forwarded to the officer designated in the order of the Local Government, and will thus come into the hands of Health officers for analysis and examination. The local authorities will, in this manner, be enabled, in case the articles of which the samples have thus been secured are adulterated, to take action under the various Provincial Acts already in operation to prevent the sale of adulterated food and drugs. The Bill, it will thus be seen, while constituting a further step in the right direction, is perfectly innocuous. Your Excellency's Government consider it advisable to proceed very cautiously in this matter; and Hon'ble Members will, I feel sure, sympathise with this attitude of the Government of India.

"In conclusion, I may mention that maritime Local Governments have been consulted by us, and the proposed measure has their unanimous approval."

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—"I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE PROVIDENT FUNDS (AMENDMENT) BILL.

The Hon'ble Mr. Shafi :—"My Lord, I rise to move for leave to introduce a Bill further to amend the Indian Provident Funds Act, 1897. The object which the proposed enactment has in view is so benevolent and the advantages resulting therefrom to a class of persons deserving of special 12-30 P.M.

consideration are so obvious that, in asking for leave to introduce the Bill, I need not detain the Council for long.

"My Lord, the question of making some provision for the old age of teachers in non-pensionable service has been engaging the attention of Government for several years past. Early in 1914, the Government of India convened a small informal Committee to discuss the matter; and, as a result of its deliberations, a draft scheme for the establishment of a Provident Fund was drawn up and circulated to Local Governments and Administrations for opinion. The idea met with general acceptance and, after obtaining the approval of the Secretary of State, this Government has authorised Local Governments and Administrations to establish Provident Funds for teachers in non-pensionable service at their own discretion on prescribed lines.

"But, my Lord, section 4 of the Provident Funds Act, 1897, extends protection to subscribers to the Government Provident Fund as defined in section 2 (2) of that Act, alone, by exempting their deposits from attachment under a decree or order of a Court of justice in respect of any debt or liability incurred by them. The desirability of extending similar protection to subscribers to the Provident Funds which may now be established for the benefit of teachers in non-pensionable services, whether public or private, is self-evident. For the realisation of the end in view, it is now proposed to amend the definition of the phrase 'Government Provident Fund' so as to include Provident Funds for teachers in educational institutions within its scope, and thus make the provisions of the Act applicable to this class. The proposed enactment is obviously non-controversial and will, I am sure, meet with general approval. It will be particularly a source of great benefit to those teachers who are employed in educational institutions maintained by private associations or individuals.

"My Lord, the terms of the proposed Provident Fund for teachers are being communicated to Local Governments, and will, it is hoped, be made public at an early date. They allow of sufficient latitude to suit the different conditions prevailing in different provinces and will, we are confident, be generally acceptable. Meanwhile, Hon'ble Members will recognise the need for protection to subscribers belonging to the teaching profession, which the proposed enactment is intended to satisfy. With these observations I commend the motion for the acceptance of this Council."

The motion was put and agreed to.

The Hon'ble Mr. Shafi:—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN CENSUS BILL.

12-34 P.M. **The Hon'ble Mr. Shafi**:—"My Lord, I beg to move for leave to introduce a Bill to provide for certain matters in connection with the taking of census of British India during the year 1921.

"This, my Lord, is the last of the three non-contentious Bills which it is my good fortune to move in this first meeting of the Imperial Legislative Council held after my assumption of office as Education Member. With your Excellency's permission, I should like to offer my grateful thanks to your Excellency for the very gracious and kind welcome which your Excellency was pleased to accord to me this morning. It has, for a long time, been the custom in India, in common with all civilised countries, to take a census of our population at intervals of ten years. The advantages of taking a census of the Indian population, from local as well as international points of view, are well recognised by the educated section of the Indian community, and were clearly and succinctly summarised by Sir Herbert Risley in his speech in this Council when introducing the Census Bill of 1910. Whatever may have been the misgivings and apprehensions in the minds of the ignorant and illiterate sections of our population when the first Census Bill was introduced in this country, they have now become familiar with the innocent nature of these operations. Under these circumstances, it is unnecessary for me to enter into a discussion either of the advantages of taking a census of our population or of justification for taking the necessary powers for holding the next decennial census which falls due in the Spring of 1921.

"My Lord, the Bill which I am about to introduce reproduces the provisions of the Act of 1910 with the necessary verbal alterations. Clause 1 gives the short title and extent of the proposed Act; clauses 2-5 provide for the appointment of census officers and other persons liable to give assistance at the requisition of the District Magistrate; clauses 6-9 describe the powers of census officers in connection with census operations and obligations of persons to give the information asked for, as well as to allow certain acts to be performed; clause 10 provides penalties for the non-performance of obligations created by the Act; and clause 11 deals with jurisdiction for entertaining prosecutions under the Act. Clauses 12-14 deal with certain privileges attached to census records, temporary suspension of local enactments and rules as to mode of taking census in municipalities and power in regard to expenses. Lastly, clause 15 empowers the Governor General in Council to make rules for carrying out the purposes of the proposed enactment.

"The Bill, as I have said, is non-contentious in its character, and I trust the motion now before the Council will meet with unanimous acceptance."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"My Lord, the Hon'ble Mr. Shafi, who has this day taken his seat in your Excellency's Legislative Council for the first time and to whom I take this opportunity of according a cordial welcome, has introduced a Bill to provide for certain matters in connection with the taking of Census. This has apparently been done with the object of facilitating the next decennial census which will take place in the year 1921. If that be so, the Bill has not come up before your Excellency a day too soon. While supporting the principle underlying the Bill generally, I beg to suggest that in the coming census, steps should be taken to define the various communities that inhabit India. My object in making this suggestion is to avoid the chances of amalgamating one community with another, and to preserve their distinctive characteristics. We want to know who is who. A group of men without any particular bundle of religious ideas, sufficient to identify them with any recognised religion of the world, cannot reasonably be classified as belonging to a particular religious community. Nor can a man who professes one religion be classed as belonging to another. I may be permitted to cite an instance in point. Some aboriginal tribes and people who are never permitted to enter Hindu temples have been wrongly classed as Hindus. This, my Lord, should be put a stop to. Each religious community should clearly be defined in the rules to be framed under clause 15. Hon'ble Members will, I trust, realise that it is not my object to wound the religious susceptibilities of other communities. I only want to see it enacted that each community is defined strictly in accordance with religion. With these few observations, I beg to support the Bill." 12-37 P.M.

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, as the youngest member of your Excellency's Council, I would very much have 12-40 P.M.

preferred to hold my peace to-day and not take part in these deliberations, especially as the Hon'ble Mr. Shafi announced that the Census Bill he was introducing was a non-contentious measure. If I rise now to say a few words with your Excellency's leave, it is first to congratulate my esteemed friend Mr. Shafi on his appointment as an Ordinary Member of your Excellency's Council, and, secondly, to join issue on some of the points on which the Hon'ble Nawab, Nawab Ali Chaudhri, has just spoken. He has raised, in my opinion, questions of large and serious import, and questions which, I fear, will rouse great public feeling in the country. The census results are not intended to support any political propaganda. I have always regarded the census as one of the most beneficent measures that British rule has introduced into this country; it is a measure of great civilizing influence, as it tends to place before the Government and the public facts and figures of an unimpeachable character, obtained through the census operations, which are of great value in the work of administration. But these census results, my Lord, are not intended for the purpose of pandering to the political feelings and sentiments of any particular community.

"Now the question raised by the last speaker is not only highly controversial but unfeasible, as it is clearly not for the Census officer to define who is a Hindu and who is not a Hindu or a Mussalman or not a Mussalman. I remember reading many years ago the late Sir Denzil Ibbetson's monumental Report of the Punjab Census of 1881, where, describing the Muhammadans of the Eastern part of the Province, he says that these Muhammadans were converted from Hinduism observing the feasts of both religions but the fasts of neither, and he goes on to say that these Muhammadans may be classed either as Hindus or as Muhammadans. Supposing a bigoted Hindu took up this matter and said to the Census officer that these Muhammadans should be classed as Hindus, that would open up a very controversial question. At the present moment we are eagerly looking forward to the Reforms, those beneficent measures of advancement, looking to the solidarity of this great country, and I think the question my friend raises will be very detrimental to progress. I therefore hope the Hon'ble Mr. Shafi will take steps to see that no efforts are made to introduce this question of whether a particular tribe or community, by worshipping God in its own way, forfeits its right to call itself Hindu or Muhammadan just as it may care to designate itself. With these few observations I shall take my seat."

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

THE CALCUTTA HIGH COURT (JURISDICTIONAL LIMITS) BILL.

12-43 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I move for leave to introduce a Bill to declare and prescribe the limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal. The reasons for this Bill are fully explained in the Statement of Objects and Reasons, and I do not think I need detain the Council for any length of time over the motion. The boundary of the ordinary original civil jurisdiction of the Calcutta High Court was first laid down in a Proclamation of 1794. Under the Letters Patent His Excellency's Legislative Council has, however, power to alter these boundaries so demarcated. The metes and posts by which these limits were demarcated in 1794 are now not traceable, although in 1849, I believe, an attempt was made to ascertain their position. After the survey of Calcutta in 1912, the Government of Bengal addressed the High Court suggesting that the boundaries should be accurately demarcated, because this was obviously a matter of great importance to litigants. The High Court agreed, and there was a careful inquiry by the Director of Surveys and the Registrar of the High Court. They laid down a boundary which followed, as far as possible, the old limits described by the Proclamation of 1794. The demarcation was accepted by the High Court, and it is proposed now to enact that that boundary shall be fixed by legislation. The Schedule to the Bill is extraordinarily long, and I do not think I should do the Council a kindness if I attempted to read it; it extends to some four pages of very dull matter. I ask now only for leave to introduce the Bill. I hope, on a future occasion, if it meets with the approval of this Council, to move that it be further considered."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—" My Lord, I introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—" My Lord, I move for leave to introduce a Bill further to amend the Indian Naturalization Act, 1852. Hon'ble Members of this Council are probably aware that there is in India, in addition to the Imperial Act, a local Naturalization Act in force which empowers the authorities in this country to grant certificates of naturalization which have effect within British India. This is an Act which was passed in 1852 long before the present British Naturalization and Status of Aliens Act was passed. Under this local Act we have power to withdraw a certificate of naturalization, only if it is proved that the person who secured it was guilty of false statements in his application. Both in England and in this country difficulty has been experienced since the beginning of the war, in regard to a number of persons who have obtained certificates of naturalization, and have subsequently proved themselves disloyal or in other ways unworthy of the privileges of a British subject. The consequence was that the English Naturalization Act was amended in 1918 to provide for cancellation of certificates in certain cases when such a course was obviously necessary. We propose now to enact a similar measure in this country. The cases in which we propose to take power to withdraw a certificate of naturalization are set out in the Bill. They are cases in which a naturalized subject has engaged in unlawful trade with the enemy during any war, or within five years of the date of the issue of the certificate has been sentenced by a Criminal Court to transportation or penal servitude, or imprisonment for a term of not less than 12 months, or was not of good character when the certificate was issued, or where he has been resident out of the King's dominions for a period of over seven years, after the issue of a certificate save in certain reasonable circumstances set out in the clause, or, lastly, when he remains according to the law of another country a subject of a State at war with His Majesty. Before the certificate is withdrawn in any case an inquiry will be made by a competent authority which will have 12-45 P.M.

power to summon and enforce the attendance of witnesses. The effect of withdrawing a certificate, under the proposed law, is that the man will from that date on be deemed to be an alien, there follow certain provisions in clause 11 (*b*) which I need not refer to further at present, dealing with the status of the wife and minor children of a man whose certificate is withdrawn. All I ask at present is for leave to introduce this Bill into this Council, and on a subsequent date, if it meets with approval, I propose to ask the Council further to consider it."

The motion was put and agreed to.

The Hon'ble Sir William Vincent :—" My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE LAND ACQUISITION (AMENDMENT) BILL.

12-50 P.M. **The Hon'ble Mr. R. A. Mant** :—" My Lord, I move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894. The object of the Bill, as explained in the Statement of Objects and Reasons, is to secure to Co-operative Societies and to charitable and other societies registered under Act XXI of 1860 the same facilities as companies registered under the Indian Companies Act, 1882, for acquiring land under the Land Acquisition Act. There is no distinction in principle between these two classes of societies and corporations registered under the Indian Companies Act. The reason why the Land Acquisition Act does not apply to Co-operative Societies is mainly historical, as that Act was passed ten years before the first Co-operative Societies Act of 1904. As regards societies registered under Act XXI of 1860, there has been a good deal of difference of opinion among the legal authorities on the question whether they come under the Land Acquisition Act or not, and in some cases they have been allowed by Local Governments to acquire land under the Act. The opinion which now holds the field, namely, that of Lord Sinha when Advocate-General, Bengal, is to the effect that neither societies registered under Act XXI of 1860 nor Co-operative Societies registered under Act II of 1912 are companies within the meaning of section 3, clause (*e*) of the Land Acquisition Act.

" The operations of Co-operative Societies are extending and they are beginning to take up enterprises which are useful to the general public, such as seed farms, quite apart from the benefit of the individual members. Similarly, Act XXI of 1860 is frequently used for the registration of societies whose main object is a public one, for instance, education and the maintenance of public reading rooms and libraries. In both these cases it appears reasonable that the societies should be given the same facilities as companies for the acquisition of land. They will of course be subject to the same limitations as companies under the provisions of Part VII of the Act. Thus under section 40 they will have to satisfy the Local Government after due inquiry that the work for which they require land is likely to prove useful to the public, and under section 41 they will have to specify the terms on which the public shall be entitled to use the work. If they satisfy these and the other prescribed conditions, there seems to be no reason why the State should not assist them to acquire land.

" With these remarks, I beg to move for leave to introduce the Bill."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"My Lord, I beg leave to offer only one remark in connection with the Bill for which a motion for leave to introduce has been made by the Hon'ble Mr. Mant to amend the Land Acquisition Act of 1894. While welcoming the Bill, may I suggest to your Excellency at this stage that it may be amended in such a manner as would exclude from its operation mosques, temples and other sacred places which are held in esteem and reverence by the people, both Hindus and Muhammadans. I hope, my Lord, I do not appeal to your Excellency in vain." 12-54 P.M.

The motion was put and agreed to.

The Hon'ble Mr. R. A. Mant:—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English." 12-55 P.M.

The motion was put and agreed to.

THE REPEALING AND AMENDING BILL.

The Hon'ble Sir George Lowndes:—"My Lord, I have the honour to move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments. This is one of the usual Repealing and Amending Acts which are introduced in this Council from time to time. There are a great number of small provisions in it all of which are explained in the margin, and if Hon'ble Members have any difficulty with regard to any particular provision I shall be very glad if they would see me about it. There will be plenty of opportunities for this before the Bill is taken up in Council. At this stage I merely move for leave to introduce the Bill." 12-56 P.M.

The motion was put and agreed to.

The Hon'ble Sir George Lowndes:—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE CHARITABLE AND RELIGIOUS TRUSTS BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill to provide more effectual control over the administration of Charitable and Religious Trusts. In making the motion, I shall have to explain, as shortly as I can, the position of Government in regard to these endowments. Prior to 1863, the Executive Governments of Madras and Bengal, which was then a much larger province than it is now, exercised considerable direct control over many charitable and religious endowments. In 1833, the wisdom of this intermeddling with religious matters by the executive authorities was re-examined and discussed and, finally, in 1863, an Act was passed, Act XX of 1863, which divested Government officers of all control over the particular endowments which were subject to their management, and transferred all those endowments to Committees which were entirely non-official. From that time onwards attempts have been constantly made to secure the reconsideration by Government of the deliberate policy of non-intervention which it then adopted. There has been voluminous noting, correspondence with Local Governments and with the Secretary of State, and 12-57 P.M.

much speaking; various Bills have also been introduced by private Members with the same object in the Imperial and Provincial Councils, but the Government of India have remained steadfast and immoveable, always abiding by the policy which they had set before them of abstaining from any intermeddling with religious matters; the reasons for this policy are as well set out, I think, by Sir Charles Aitchison in a Minute of his in 1880 as anywhere else. He said in the first place that any change from this involved a reversal of a long-established and considered policy. Further, that such a change was contrary to the principle of Her Majesty's Proclamation, which runs as follows:—

> 'We do strictly charge and enjoin those who might be in authority under us that they do abstain from all interference with religious beliefs or worship of any of our subjects on pain of our highest displeasure.'

"He further argued that the interference of Government in these matters was distasteful to the public, and any renewal of or attempt to renew the previous policy would evoke religious opposition and give rise to political trouble. And there were reasons for this contention for, as far back as 1844, it was notorious that the practice of interference with Hindu and Muhammadan religious trusts was extremely distasteful to many. He also pointed out with great cogency that the previous policy under the regulations had thrown upon officers of Government a duty which they could not effectually perform. It was far too heavy a task for any officer of Government in addition to his ordinary duty. Moreover, experience gained during the period prior to 1863 proved that that was true.

"Finally, he said that the management of Hindu and Muhammadan trusts of this character was a serious burden on the religious conscience of many Government officers. I do not know how far that applies now, but I can quite understand the force of this argument in the case of particular individuals. In 1887, there was another attempt made to induce Government to reconsider their policy; but it was again unsuccessful, and it was suggested that the duty of Government was not to look after these trusts and see that the intentions of those who gave money on trust were carried out, but merely to provide laws for all trusts and Courts which could enforce the laws. Lord Macdonnel in the same note, I think, emphasised the danger of any interference with religious questions, and added that 'history teaches us that the clergy of all denominations and creeds are particularly tenacious of their worldly possessions, and attempts to control and secularize ecclesiastical property are resisted always as an attack on religion itself'; there is in my judgment considerable force in that objection. For, in 1908, when Sir Rash Behari Ghosh brought forward his Bill, which was really a simple, though useful measure,—I think some Members of this Council will remember it—it evoked a most extraordinary amount of opposition from certain classes of the public, many of whom resided in the province to which I belong. It was also suggested that those who urged Government to take action in the direction of taking over the management of these trusts really did so with the idea of forcing on Government a very unpopular duty which they themselves were not willing to undertake for fear of religious odium. During this period, indeed from 1878 onwards, a large number of Bills on this subject were put forward, but I do not think I need waste the time of the Council by referring to them; they are specified in the Statement of Objects and Reasons. If, however, any Hon'ble Member is anxious to have further information regarding them, I shall be very glad to furnish him with copies. I think we have also a pamphlet which explains the whole situation pretty clearly. Well, in 1913, there was a further examination of this question; it was raised by various authorities when I was in the Legislative Department, and I remember well that the Hon'ble Member under whom I served, Sir Ali Imam, pressed what I may call the views of the advanced Indian very strongly indeed. He urged that there was a great feeling among progressive Indians, educated Indians, on this subject, that it was notorious that large numbers of these endowments were mismanaged, funds were misapplied, and that if these moneys were really put to the uses for which they were intended, the greatest benefits to the community might ensue. Finally, after prolonged discussions we addressed the Secretary of State, and it was decided to have a conference of officials and non-officials to examine the question. I think possibly some Hon'ble Members who are here to-day attended that conference ; the general view of that conference was that it was desirable to make some change in the policy of Government. At the same time direct interference of the Government with these religious endowments did not, I think, commend itself to many, and it was pointed out by, I think, Dr. Sarbadhikari—I am not sure, however, if I am correct on this point—that the unpopularity of the old regulations was due to the fact that the executive officers of Government had powers of directly interfering with religious endowments which was intolerable to many Hindus and Muhammadans. The officials who attended that conference sounded a note of warning; they feared that any change in policy might provoke opposition and even inflame religious feeling of the depths of which many were unaware. It was also felt, I think, by some that orthodox opinion was not very fully represented at the conference, though it is orthodox opinion that feels most deeply and very sincerely on these matters. Finally, after prolonged consideration, the Government of India again addressed the Secretary of State, and the present Bill is the result. It will be seen that it does not confer any power on the executive authorities of Government at all. It is intended mainly to facilitate the obtaining of information and of audit of accounts of these trusts through the agency of the civil Courts. I do not want to take the Council through the Bill at any length at this stage. I will deal with it as shortly as I can. If Members will look at clause 2, they will see that it gives power to any person interested in charitable or religious trusts to apply to the local District Judge for an order either directing the trustee to furnish particulars about the trust, or directing that the accounts of the trust shall be audited. Then, clause 4 prescribes the procedure in dealing with such applications. It will be noticed that there is a proviso by which the Court is precluded from dealing with any question of title between the petitioner and any person claiming title adversely to the trust or any question as to the existence or extent of the trust. Well, it has been pointed out very cogently by my learned colleague the Law Member—he will pardon me for quoting him—that this may be a serious bar to the effectual use of this Bill. Any trustee may come forward at any time and say—'Oh, this is not a public charitable and religious trust at all' and if the Court grants the petition it will really be trying a question of title as between the trustee and the petitioner. In this way a dishonest trustee might defeat the whole object of the clause. On the other hand, there are obvious objections to giving the Court power to deal with questions of title in a summary inquiry, so that the subject is really one of great difficulty. The Hon'ble the Law Member suggested that it might be possible to provide that when it is denied that the property is held in trust for a religious or charitable purpose, the Court should be authorised to proceed upon a *prima facie* case of a trust being made out, subject to the trustee's right to have the proceedings stayed on undertaking to file a suit within a prescribed time. I do not know whether this proposal will commend itself to Members of this Council, but it is a suggestion to which I shall certainly draw the attention of Local Governments if the present motion is passed and this Bill is referred to them for opinion. We must find some way in which the remedy we propose is made reasonably effectual and at the same time is not dangerous. The next clause of the Bill is, as it were, a corresponding clause for the benefit of the trustee. As the Bill gives the persons interested in a trust power to apply to the Court for an order enabling them to secure information about the trust, so it gives the trustee power to go to the Court for advice on any particular point on which he is in doubt, and if he likes to take that advice then the Bill absolves him from liability for breach of trust. That, I think, is based on a provision of the English law. Clause 7 deals with the costs of such application. Clause 8 is a saving clause, specifying trusts to which it is not necessary to apply the Act.

"Clause 9 is more important. We know that in many cases suits are not brought against trustees of charitable and religious trusts, although there are very good grounds for doing so, because of the expense and delay involved. The public spirit of private individuals will carry them to a certain point, but they are not prepared to spend large sums of money or to incur grave liabilities for the costs of the defendant in the event of a suit against a trustee being dismissed. Therefore, we have proposed here that in a suit for removal of a trustee of an endowment of this character if there is a *bona fide* case, and it is thought necessary in the public interest, the Court should have power on the application of the plaintiff to make an order directing the defendant to deposit costs. This course will be followed if the Court thinks the case is *prima facie* a good one and that such an arrangement is to the public interest. Moneys so deposited may be made over to the plaintiff by the Court subject to his furnishing security if such a course is thought necessary. I do not wish to detain the Council any further at present in discussing details of the Bill, as they will have ample time to examine the provisions of the Bill later, but the sketch I have given will enable them to understand what the main provisions are. We do not desire any interference with the management of these trusts by Government or by any executive authority; that is not the intention of this Bill, but we seek to facilitate action by those interested in the administration of these endowments through the civil Courts. The Bill deals with a subject of great delicacy, and the Government have put it forward with considerable diffidence and hesitation. I have explained to the Council that for many years we have refrained from taking action; it is indeed only owing to pressure from educated public opinion in this country that the present change in policy is proposed. The Government of India have no cast-iron views on the question or on the merits of the Bill at all. If it is not favourably received by public opinion, we shall be prepared to withdraw it, and then on those who press us to do so will rest the responsibility for that action. I may say, however, that this Bill is the product of very careful consultation between officials and non-officials. We do not say that what we have put forward is necessarily the best solution of the difficulty, but it is the best way that we can see at present of securing the object in view. We are quite prepared to amend the Bill in any respect that may commend itself to the general public and which we think consistent with our general policy. I myself hope very much that the Bill will commend itself to the Council, because I have for many years been working on the subject, and I have a very strong personal feeling as to the benefits that will accrue from a better administration of these charitable trusts.

"The Bill being an Imperial Bill is limited in scope because different provinces have advanced to different degrees in this matter. Some provinces probably are ripe for further measures of control. We have had before us proposals for the registration of trusts, for the publication of accounts and the obligatory audit thereof; also for limiting the period of office of those in charge of these endowments and for the creation of new schemes of management, and so on. The Government of India, once this Bill is passed, are prepared to allow Provincial Governments and Legislative Councils to proceed as far as they think fit on these lines subject to certain definite limitations and if orthodox opinion is adequately consulted. I cannot say that they would approve of any direct interference by Government in this management, but, subject to that, I think that we are prepared according to the last instructions that have been received from the Secretary of State and the last discussions in this country, to approve provincial measures which confer much greater power of control over these endowments. We seek to limit legislation in this Council to the point which I have already explained.

"My Lord, I do not think that there is anything else for me to say in regard to this measure at present. It is not our intention to pass it in the present Session, but to publish it in the Gazette of India and in the local official Gazettes; this will allow of its being fully ventilated before Government take any further action."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit." 1-16 P.M.

The motion was put and agreed to.

The Council then adjourned to Wednesday, the 10th September, 1919, at 11 A.M.

SIMLA; H. M. SMITH,
The 8th September, 1919. *Officiating Secretary to the Government of India, Legislative Department.*

APPENDIX.

Statement I.

List of magazines and journals at present on the list of the papers proscribed from Registered libraries in the Bombay Presidency, with the dates from which they were brought on to the list :—

1.	Marathi	25th June 1910.
2.	Arya Prakash	
3.	Gujarati	
4.	Hind Vijaya	
5.	Kesari	
6.	Mumukshu	
7.	Prakash	
8.	Baroda Vartman	27th August 1915.
9.	Sandesh	
10.	Message	19th June 1917.
11.	Young India	
12.	Hindustan	
13.	Hind Vasi	28th January 1918.
14.	Larkana Gazette	
15.	Sind Patrika	
16.	New Times	13th July 1918.
17.	Home Ruler	
18.	Sindhi and Sindh Advocate ...	
19.	Hindu	

Statement II.

List of magazines and journals in the Bombay Presidency which have become extinct after being proscribed from Registered libraries :—

1. Amrit Mani.
2. Baroda Gazette.
3. Bharat Jivan.
4. Jain Vijaya.
5. Rajasthan.
6. Shakti.
7. Swadesh Mitra.
8. Kannada Kesari.
9. Karnatak Patra.
10. Bhala.
11. Bhagwa Zenda.
12. Protod.
13. Pudhari.
14. Rastra Bodha.
15. Shri Shivaji Vijaya.
16. Sudhakar.
17. Dharwar Vritta.
18. Dharma.
19. Sachitra Vinoda.
20. Vikshipta.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday, the 10th September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 52 Members, of whom 48 were Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation of allegiance to the Crown :—

The Hon'ble Mr. Walter Erskine Crum, O.B.E.

„ Chaudhri Muhammad Ismail Khan.

„ Lieutenant-General Sir Havelock Hudson, K.C.B., C.I.E.

QUESTIONS AND ANSWERS.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

11 A.M.

Gold Standard Reserve.

1. " Will Government be pleased to state what recommendations, if any, they have made to the Secretary of State or the Currency Committee regarding

the location and disposition of the Gold Standard Reserve; and whether any and how much of the securities held in the said reserve are proposed to be converted into gold or silver, and what rate or rates of interest they are fetching?"

The Hon'ble Mr. H. F. Howard replied :—

"The Government of India cannot at the present stage disclose the recommendations made by them to the Currency Committee on this subject. A statement* showing the rates of interest yielded by the various securities held in the Gold Standard Reserve on the 31st March 1919 is placed on the table."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Purchase of silver.

2. "(*a*) Has all the silver purchased from the United States been shipped to India?

(*b*) Has any additional silver been purchased? If so, how much and at what rate?"

The Hon'ble Mr. H. F. Howard replied :—

"(*a*) Yes.

(*b*) It is undesirable to make public the information in question, but I shall be pleased to give the facts privately to the Hon'ble Member."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Gold mohurs and sovereigns coined at the Indian Mints.

3. "What is the number of gold mohurs and sovereigns coined at the Indian Mints since 1917?"

The Hon'ble Mr. H. F. Howard replied :—

"There was no coinage of gold in India in 1917. From 1918, 2,109,660 gold mohurs and 1,295,644 sovereigns have been coined in India."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Appointment of Sir Edward Maclagan as Lieutenant-Governor of the Punjab.

4. "On what date did Sir Edward Maclagan arrive in India in April, and what were the reasons, if any, that prevented his taking over charge of the administration of the Punjab at once?"

The Hon'ble Sir William Vincent replied :—

"Sir Edward Maclagan landed at Bombay on 21st April, 1919. In view of recent events in the Punjab, the Government of India considered it desirable to place him on special duty to assist the Lieutenant-Governor at a time when the burden of administration was peculiarly heavy. This arrangement continued till 26th May 1919, when Sir Michael O'Dwyer's term of office expired in the ordinary course."

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*Not included in these Proceedings.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

The Asiatics Trading and Land Act (Transvaal).

5. " Will Government be pleased to state what recommendations, if any, they have made regarding the Asiatics Trading and Land Act (Transvaal) and the results thereof ? "

The Hon'ble Sir George Barnes replied :—

" The Hon'ble Member's question has really been answered by H's Excellency the Viceroy's opening speech. The Government of India have, since the Act became law, urged the Secretary of State that a strong representation be made to the Union Government with a view to a reconsideration of the matter. The Hon'ble Member may be assured that the Secretary of State is fully aware of the great importance of the question, and it appears from recent telegrams that he has just received a deputation on the subject in London. The Hon'ble Member is aware that a Commission is about to be appointed in South Africa, and the Government of India propose, as His Excellency said, to depute Sir Benjamin Robertson to South Africa to represent their views."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Quantities and values of rails, rolling stock sent out of British India.

6. " Will Government be pleased to state—

(*a*) the quantities and values of the rails, rolling stock, and other railway materials belonging to Indian Railways sent outside British India for the purposes of the war ?

(*b*) whether and to what extent and at what cost it has been replaced, when the remainder is proposed to be replaced, and who will bear the difference in cost ? "

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) Railway materials belonging to Indian railways, which were sent out of India for the purposes of the war, include 774 miles of new and second-hand rails, 217 locomotives, and 5,423 vehicles. Of the rolling stock 196 locomotives and 4,908 vehicles were metre gauge. Other materials are so varied in character that they cannot be enumerated in detail. The value will not be known until final adjustments have been made.

(*b*) Prior to the cessation of hostilities the replacement of 157 metre gauge locomotives and 2,500 vehicles had been arranged. Orders which have been placed since the removal of manufacturing restrictions more than cover the balance. Railways expect to receive 1,100 miles of rails this year.

Government propose that the final adjustment of the cost of materials which have been supplied by Indian railways and which have to be replaced shall be such that railways shall not suffer loss.'.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Coinage of gold and silver.

7. " What is the total coinage of gold and silver (Rupees and small coins) since 1st February of this year, and the quantity of silver bullion already purchased or agreed to be purchased and now available for coinage ? "

The Hon'ble Mr. H. F. Howard replied :—

" There has been no coinage of gold since 1st February 1919. Between that date and the 22nd August 1919 (the latest date for which figures are available), whole, half and quarter rupees of the aggregate value of Rs. 30·93 crores were coined. The silver bullion under coinage on the 22nd August, 1919, amounted in value to Rs. 19·16 crores. "

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Construction of Raipur Parvatipur Section of the Vizianagram Parvatipur Railway.

8. " Do Government propose (*a*) to begin the work of constructing the Raipur Parvatipur section of the Vizianagram Parvatipur Railway, and (*b*) to provide funds for the construction of the said railway during the next year's budget ?"

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) It is the intention of Government, subject to the Secretary of State's concurrence, to recommence construction of the Raipur-Vizianagram Railway at the earliest possible date.

(*b*) Next year's budget has not yet been framed, consequently it is not possible to say whether funds can be made available in it for this work."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Administration of the Punjab.

9. "(*a*) Is it a fact that the Secretary of State promised an inquiry into the administration of the Punjab ?

(*b*) If so, will Government be pleased to state—

(*i*) when the Committee of Inquiry is to begin its sittings ;

(*ii*) what powers are to be given to the Committee ;

(*iii*) what its composition is likely to be ; and

(*iv*) the nature and scope of the inquiry ? "

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member's attention is invited to the announcement made by His Excellency the President in his opening speech of September 3rd."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Trials under the Martial Law Tribunals in the Punjab.

10. " (1) How many persons were tried in the Punjab by the special Martial Law tribunals, and how many of them were sentenced (*a*) to death, (*b*) to transportation for life, (*c*) to imprisonment exceeding three years, and (*d*) to forfeiture of property ?

(2) How many such persons have appealed or applied for mercy ; and have all such petitions been disposed of by the authorities before the death sentences were executed ?

(3) How many of those sentenced to death have been executed?

(4) In how many cases of persons convicted by the Martial Law tribunals have (*a*) the sentences been reduced, and (*b*) orders of forfeiture of property been cancelled?"

The Hon'ble Sir William Vincent replied :—

"(1) 852 persons were tried.

(*a*) 108 were sentenced to death.

(*b*) 265 to transporation for life.

(*c*) 104 to imprisonment exceeding three years.

(*d*) 356 to forfeiture of property.

The Hon'ble Member's attention is drawn to the provisions of section 121 of the Indian Penal Code, under which most of these persons were convicted. The minimum sentence which can be imposed under that section is transportation for life and forfeiture of property.

2. All persons sentenced to death submitted petitions to Government, and the petitions of all the 18 persons who have been executed were duly considered before execution. The Government of India are not aware how many petitions have been presented in non-capital cases, but all cases have been reviewed by the Local Government whether petitions were presented or not.

3. 18 persons have been executed.

4. (*a*) 488 sentences have been reduced.

(*b*) 332 sentences of forfeiture have been remitted: and in ten other cases the sentences have not been enforced."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Additional rolling stock etc., for India.

11. "Will Government be pleased to state (*i*) the demands of the several Railway systems in India for additional rolling stock (passenger and goods) to meet their traffic requirements, (*ii*) what proportion thereof can be manufactured or built in India, (*iii*) what improvements and additions in the Railway workshops are proposed to be made in the current year?"

The Hon'ble Sir Arthur Anderson replied :—

"(1) The demands of the several railway systems in India for additional rolling stock amount to 692 passenger vehicles and 12,836 goods vehicles.

(2) With regard to the second part of the question, the Hon'ble Member is probably aware that efforts have been made to encourage wagon building in India, but it is not anticipated that more than 2,500 wagons will be delivered during the current year.

(3) With regard to the last part of the question, approximately 81 lakhs of rupees have been allotted for the current year for improvements and additions to railway workshops."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Steamer building in India.

12. "(*a*) What constructive proposals, if any, have Government resolved upon to encourage steamer building and steamer owning in India ?

(*b*) Is any additional shipping required to relieve the railways from the carrying of coal? If so, how much ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The Hon'ble Member is referred to the answer given him by the Hon'ble Sir Thomas Holland in the meeting of the Council on the 1st of March last, when it was pointed out that, in the case of ocean-going steel ships, it would be inadvisable to give active encouragement until India was in a position to manufacture the principal materials required for their construction, especially steel plates which form a large fraction of the total.

Although some progress has been made in the direction of developing the manufacture of steel plates in India, the general position has not sufficiently developed to enable any more definite reply to be given. The Hon'ble Member may rest assured that, when conditions are suitable, every reasonable help will be afforded by Government for the building of steamers.

With regard to the second part of the question the answer is Yes. If steamer freight is made available at rates which bear favourable comparison with those of railways, it is estimated that coal for local ports to the extent of fully 100,000 tons per month might be diverted from the rail to the sea route."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Indian Railways.

13. "Will Government be pleased to state when a Committee regarding the future administration of Indian Railways will be appointed?"

The Hon'ble Sir Arthur Anderson replied :—

"The Government of India had hoped to set up a Committee to inquire into various matters concerned with Indian railways during the coming cold weather, but it has been found necessary to defer this inquiry until next year. This is mainly due to the fact that the railways are still greatly understaffed owing to the continued absence of many of the superior staff on military duty, and, further, it seems desirable that all the energies of the existing staff should at present be devoted to getting the railways back into normal conditions."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Publication of news during the disturbances in the Punjab.

14. "(*a*) Was any difference made between the Indian and European edited newspapers of the Punjab regarding the publication of news during the late disturbances and, if so, why ? (*b*) What control, if any, was exercised by the Government of India over the Punjab Government in this matter ?"

The Honble Sir William Vincent replied :—

"The Government of India are informed that the publication of all news relating to the disorders in the Punjab was subjected to precensorship without any such discrimination as is suggested. The Government of India passed no orders on the subject."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

15. " Do Government propose to take up any large irrigation projects in the Madras Presidency and the rest of India next year ?" Proposed irrigation projects in India.

The Hon'ble Mr. R. A. Mant replied :—

" Several large new irrigation projects, including one in the Madras Presidency, are under consideration, and it is hoped that at least two of these will receive the sanction of the Secretary of State in time to permit of construction work on them being commenced next year."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

16. " On how many occasions were fire-arms used (*i*) by the Military and (*ii*) by the Police, in Amritsar in March, April and May, and how many were injured and how many were killed on each occasion ?" Use of fire-arms at Amritsar.

The Hon'ble Sir William Vincent replied :—

" Fire-arms were used by the military and police in Amritsar on three occasions—twice on the 10th April and once on the 13th April. The total number killed so far as it can be ascertained is 301. Information as to the number injured is not available."

The Hon'ble Sir Dinshaw Wacha asked :—

17. " In view of the census of population which it is intended to take in 1921, do Government propose to consider the advisability of inserting the necessary column or columns in the census form for recording the number of one room tenements in the different provinces of British India ?" Census for 1921.

The Hon'ble Mr. Shafi replied :—

" The question will be considered in consultation with the Census Commissioner and Local Governments."

The Hon'ble Sir Dinshaw Wacha asked :—

18. " Have the securities of 16·08 crore Rupees in India and of 82·49 crore Rupees in England which were held in the Paper Currency Reserve on 30th June 1919, undergone any depreciation since their purchase, and if so, what is the amount of the loss between their market price (on 30th June 1919) and their actual purchase price ?" The Paper Currency Reserve.

The Hon'ble Mr. H. F. Howard replied :—

" The securities held in India on behalf of the Paper Currency Reserve on the 30th June 1919 consisted of 3½ and 3 per cent paper, the purchase price of which was Rs. 8 and 2 crores, respectively, and Indian treasury bills purchased for Rs. 6·08 crores. On that date, the market value of the rupee paper fell short of the purchase price by Rs. 3 crores. No question of depreciation arises in the case of the treasury bills.

The securities of the Reserve held in England on the 30th June 1919 comprised British treasury bills purchased for £ 54·1 millions and Consols of the face value of £ 1 million. In the case of the former there is no question of depreciation. Out of Consols of the face value of £ 3·1 millions originally held in the Reserve, £ 2·1 millions have been replaced by British treasury bills, the loss of £ 600,000 on their sale having been met out of the Paper Currency Reserve Depreciation Fund, the constitution of which was explained by Sir William Meyer in paragraph 12 of his speech introducing the Financial Statement for 1917-18. The balance of £ 1 million now remaining will also in due course be similarly dealt with, there being a sufficient balance in the Depreciation Fund to cover the loss on their sale."

The Hon'ble Sir Dinshaw Wacha asked :—

Railway line between Burma and India.

19. "Will Government be pleased to state what progress has been made with the proposed railway between Burma and India? To whom has the concession for construction been given? Is it an Indian Company? Will the State build and manage the Railway themselves?"

The Hon'ble Sir Arthur Anderson replied :—

"The preliminary investigations into railway connections between Burma and India have not yet been completed. During 1914-15 extensive survey operations were carried out to ascertain the best alignment for a rail connection, along the coast route, between Chittagong and certain stations on the Burma Railways South of Mandalay. A rival route *via* the Hukong Valley between the northern section of the Assam Bengal Railway and the section of the Burma Railways north of Mandalay was to have been surveyed during the following year, but was postponed because of the war. It is now proposed to commence this survey during the coming cold weather, and on its completion Government will have sufficient information to enable them to decide which route shall be adopted. Thus no arrangements for the construction of a line have yet been made, nor has any concession been granted, but it is probable that the line selected will be built at the cost of Government and worked by one or other of the main lines which it will connect."

The Hon'ble Sir Dinshaw Wacha asked :—

Legislation in connection with the malpractices in Ginning and Pressing Factories.

20. "(*a*) Does the Report of the Indian Cotton Committee disclose certain malpractices in ginning and pressing factories?

(*b*) Do Government propose to introduce legislation at an early date to give effect to the recommendations of the Committee in regard to these and connected matters?"

The Hon'ble Sir George Barnes replied :—

"(*a*) Yes.

(*b*) The matter is under consideration."

The Hon'ble Sir Dinshaw Wacha asked :—

Constitution of the East Indian Cotton Association.

21. "(*a*) What steps do Government propose to take to constitute the East India Cotton Association, as recommended by the Indian Cotton Committee and according to the scheme prepared by Mr. N. N. Wadia? Did Government send Mr. Wadia to Liverpool in connection with such a scheme?

(*b*) Will Government be pleased to lay on the table any criticisms received from Local Governments on Mr. Wadia's scheme?"

The Hon'ble Sir George Barnes replied :—

" Mr. Wadia was asked to go to Liverpool in connection with the scheme recommended by the Indian Cotton Committee for the establishment of a Central Cotton Trade Association in Bombay. His scheme for such an Association, under the name of the " East India Cotton Association " has been referred to the Government of Bombay for their opinion, but their criticisms have not yet been received."

The Hon'ble Sir Dinshaw Wacha asked :—

Indian women labourers in Fiji.

22. "(1) Will Government be pleased to state:—

(*a*) whether they have made, since the close of the last session of the Council, any fresh representation to the Government of Fiji, either directly or through the Secretary of State, for the amelioration of the condition of Indian women labourers in Fiji; and

(*b*) whether any progress has been reported by the authorities in that Colony in response to such representation, specially in respect of the expatriation of such of the women as have completed their contract service; also, the progress, if any, made towards the construction of separate dwelling houses for them in a sanitary locality and the engagement of matrons to look after their social and moral welfare?

(2) Are Government aware of the submission of a representation by the Indian Imperial Association of Fiji to the Government of Fiji? If so, are they in receipt of a copy thereof which can be placed on the table?"

The Hon'ble Sir George Barnes replied :—

" I would refer the Hon'ble Member to His Excellency the Viceroy's speech at the opening of this Session of the Council, which gives him much of the information which he desires.

By way of further answer, I may tell him that the Government of India have been in constant communication with the Secretary of State concerning the labourers in Fiji, and among other documents, have forwarded to him a copy of the Hon'ble Member's own letter to Sir Thomas Holland during my absence.

The Government of India received a telegram dated 10th August from the Indian Imperial Association of Fiji, a copy* of which is laid on the table; but they have received no copy of any representation made by the Association to the Fiji Government. The terms of the telegram presumably refer to the Resolution of the Fiji Legislature which fixed August 1st, 1920, as the date of the final cancellation of indentures. So far as we know, however, this date cannot be termed a postponement, as no earlier date was ever fixed. As His Excellency said in his speech, the Government of India are pressing for the cancellation of all outstanding indentures by the end of the current year."

The Hon'ble Rai Sahib Seth Nathmal asked :—

The Income-tax Act.

23. " Are Government aware that the introduction of the forms under the present Income-tax Act requiring assessees to fill in their exact income subject to certain penalties has caused discontent? Do Government propose to consider the desirability of introducing some panchayat system as before or of consulting non-official opinion with regard to the amendment of such forms?"

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* Not included in these Proceedings.

The Hon'ble Mr. H. F. Howard replied :—

"The Hon'ble Member is presumably referring to the return of income prescribed under section 17 (*2*) of the Income-tax Act, 1918. A model form for that return was suggested by the Government of India for adoption in the various Provinces, the decision as to the actual form adopted being left to the discretion of Local Governments. Various protests against this return were received, mainly from persons in the Bombay Presidency. In forwarding the memorials the Government of Bombay remarked that in their opinion these had their origin primarily in the desire to conceal the abnormal profits which had been made of late, particularly in the cloth trade, and to revert to the former method, which left it to the Collector to make assessments on such information as he might have been able to obtain. The Government of India concurred in that opinion, and the memorials were rejected. As regards the penalties prescribed for omission to fill in the form, Government have no reason to suppose that Collectors of Income-tax do not allow assessees all reasonable latitude by extending the period wherever necessary for filling up the form.

As regards the panchayat system referred to in the Hon'ble Member's question, it is not clear whether he intends to suggest that panchayats should be consulted as to the form of the return of income, or whether he refers to the general question of utilising non-official assistance in making income-tax assessments. If the former, the answer is in the negative; if the latter, the Hon'ble Member is referred to the Government of India's Resolution of the 2nd July 1919, a copy* of which is laid on the table."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Removal of restrictions placed upon Mr. Asaf Ali of Delhi.

24. "My Lord, since giving notice of this question, I find that the restrictions as regards Mr. Asaf Ali have been removed. I therefore put only clause (*c*) of the question.

† * * * * * * * * * *

(*c*) Do Government propose to consider the propriety of withdrawing such restrictions without further delay in respect of Mr. Asaf Ali and other persons against whom similar action was taken under the said Rules during the War ?"

The Hon'ble Sir William Vincent replied :—

* * * * * * * * * * *

"(*c*) It is within the competence of Local Governments to withdraw restrictions imposed under the Defence of India Rules. Several months ago the Government of India invited Local Governments to consider the desirability of removing all such restrictions in view of the altered situation caused by the cessation of hostilities. Local Governments have since been steadily pursuing this policy, and in the great majority of cases the restrictions have now been withdrawn."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The Ecclesiastical Establishment in India.

25. "(*a*) What has been the growth of the Ecclesiastical establishment in India and the expenditure thereon during the last fifty years ?

(*b*) What portion of the present expenditure is for the military and what for the civil population respectively ?"

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* Not included in these Proceedings.

† "(*a*) Is it a fact that restrictions were placed under the Defence of India Rules upon Mr. Asaf Ali, Barrister-at-Law of Delhi ?

(*b*) Is it a fact that the said restrictions have not yet been removed ?"

The Hon'ble Mr. H. Sharp replied :—

"My Lord, I answer this question on behalf of your Excellency.

(*a*) The years 1867 and 1917 are selected as convenient dates for showing the growth in 50 years of the ecclesiastical establishment and the expenditure thereon, since the last figures available are those for 1917. In 1867, the regular ecclesiastical establishment consisted of 3 Statutory Bishops and 160 chaplains belonging to the Church of England and 13 chaplains belonging to the Church of Scotland. The establishment in 1917 consisted of the same number of Statutory Bishops and 166 chaplains (including 4 non-Statutory Bishops) belonging to the Church of England and 18 chaplains belonging to the Church of Scotland. There was thus an addition of 11 chaplains during the 50 years ending 1917. There has been no increase of regular establishment since that year.

The establishment mentioned above represents the establishment in the strict sense of the term—that is to say it does not include clergymen of various denominations who are not on the regular establishment, but who are in receipt of allowances or capitation grants for the performance of certain duties, mainly in connection with troops.

The total expenditure on all kinds of establishment was Rs. 18,12,020 in 1867 against Rs. 24,22,752 in 1917.

These sums include the allowances and capitation grants given to the clergy just mentioned. They also include cemetery charges, since it is difficult in dealing with the figures of 1867 to discriminate cemetery charges from the charges involved in the up-keep of the establishment. They do not include expenditure upon the erection and up-keep of churches, their furniture, etc., since charges on these accounts form no part of the charges incidental to the establishment; nor does the latter figure include a sum of Rs. 76,000 which has been expended upon additional clergy attached to the Indian Expeditionary Forces, since such expenditure is of a temporary nature and the addition of it would vitiate the comparison.

(*b*) The ecclesiastical charges are entered partly in the civil and partly in the military estimates. The military estimates provide for Roman Catholic and Wesleyan chaplains and clergy of other denominations who are entertained for the service of the soldiers of those denominations. The cost of all the Anglican chaplains on the regular establishment, the cost of those Presbyterian clergy who are not attached to regiments, and the allowances made to Anglican clergymen who are not on the regular establishment, together with charges for their subordinate establishment and for contingencies are included in the civil estimates. Of the total expenditure it may be roughly assumed that about two-thirds represents military expenditure, and the balance is for civil purposes."

The Hon'ble Mr. Kamini Kumar Chanda :—"My Lord, may I put a supplementary question? Do the Government propose to show the military and civil expenditure separately in future returns?"

The Hon'ble Mr. H. Sharp :—"The proposal of the Hon'ble Member would have to be considered."

Imposition of restrictions on Indians residing in South Africa.

26. **The Hon'ble Mr. Kamini Kumar Chanda** :—"My Lord, I find that this question has practically been answered in answering the Hon'ble Mr. Sarma's question No. 5. I therefore withdraw it.*"

The question was by leave withdrawn.

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*"(*a*) Is it a fact that a Bill has been introduced in the South African Legislature which imposes restrictions on Indians residing in South Africa and deprives Indians of the Transvaal of vested rights, and debars them from holding fixed property even as shareholders of Companies or as mortgagees and makes it impossible for them to obtain a trading license for any new business in the future?

(*b*) Is it a fact that there was a compact in 1914 with the knowledge and participation of the Government of India which secured certain rights and privileges to Indians in South Africa?

(*c*) Is it a fact that the present Bill if it passes into law will be in derogation of the said compact?

(*d*) Are the Government of India aware that the Bill has caused resentment and consternation among the Indians residing in South Africa as well as in India?

(*e*) Do Government propose to take any action in the matter?"

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Enrolment of prominent citizens of Delhi as special constables.

27. "(*a*) Did the Deputy Commissioner of Delhi enrol certain prominent citizens of Delhi as special constables lately?

(*b*) Will Government be pleased to publish their names?

(*c*) What was the strength of the Police force at Delhi at the time, and was it necessary under the circumstances to enrol special constables?

(*d*) Was it by way of punishment of the parties that they were enrolled as special constables?

(*e*) Did they, or any of them, discharge the duties imposed upon them by such enrolment? If not, was any action taken in the matter?

(*f*) How long was the order in force? How did the enrolment become inoperative?

The Hon'ble Sir William Vincent replied:—

"(*a*) On the 17th April after the rioting in the Chandni Chowk (when the police had to fire in self-protection) the District Magistrate of Delhi on the application of the Senior Superintendent of Police appointed 14 residents of Delhi to act as special police officers under section 17 of the Police Act, V of 1861.

(*b*) Government do not propose to publish the names of the persons appointed as special police officers, but I shall be glad to give them to the Hon'ble Member privately if he so wishes.

(*c*) The total strength of the police force in the Delhi Province on that date was 1,365 officers and men. Of this number, there were available for special duties in connection with the disturbances about 200 officers and men. Under section 17 of the Police Act the responsibility for deciding whether the assistance of special police officers is necessary for the preservation of the peace is vested in certain police officers not below the rank of Inspector, and the Magistrate to whom application for assistance is made by such officers is bound to comply with the application unless he sees cause to the contrary.

(*d*) The persons were appointed as special police officers for reasons similar to those which will be found stated at length in paragraph 293 of the Bengal Police Regulations, namely, by reason of their special influence over the people.

(*e*) The special police officers, except those who were unwell or absent from Delhi, obeyed the orders issued to them.

(*f*) The order actually came into force on the morning of Friday, April 18th; it was cancelled in respect of one special police officer on April 19th and in respect of the remainder on Monday, April 21st, when the District Magistrate was satisfied that there was no likelihood of further rioting or *hartal*. The enrolment became inoperative by the District Magistrate's order. The District Magistrate when discharging them thanked the special police officers for the services rendered."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Decision to treat Bengal as a "surplus" province in respect of rice supplies.

28. "(*a*) Has a decision to treat Bengal as a 'surplus' province in respect of rice supplies been arrived at by the Foodstuffs Commissioner? If so, when was this decision come to and what were the materials before the authorities at the time, justifying such decision?

(*b*) Were the Government of Bengal consulted in the matter prior thereto?"

The Hon'ble Mr. R. A. Mant replied :—

" The Government of India (and not the Foodstuffs Commissioner as suggested) decided to treat Bengal as a surplus province in respect of rice supplies as a result of a Conference held at Delhi in October 1918, at which a representative of the Government of Bengal was present. A copy of the proceedings of that Conference is being placed on the table in response to another question put by the Hon'ble Member. The decision was arrived at as a result of the estimate of surplus stocks of rice available in Bengal which was supplied by the Bengal representative at the Conference. The views of the Hon'ble Member himself were presumably in accord with this decision when he asked the following question in this Council on 18th September, 1918 :—

> '(*a*) Is it a fact that there are large stocks of rice in Bengal which the cultivators have not been able to sell or dispose of in any way owing to the absence of adequate markets and prices, and that, in consequence, great distress has occurred among large masses of people in that Province?
>
> (*b*) If so, do Government propose to take measures for finding adequate markets for this overstocked produce of Bengal?' "

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Conferences held at Nagpur and Delhi re the agricultural situation.

29. " (*a*) Will Government be pleased to state the particulars of the conferences held at Nagpur and Delhi, respectively, during the latter half of 1918, to consider the agricultural situation and the regulation of supplies of food grains?

(*b*) Were the said conferences attended by representatives of the l Governments? If so, what opinions were expressed by them in regard to the stock and the food situation generally of their respective provinces, and upon what materials were these opinions based? "

The Hon'ble Mr. R. A. Mant replied :—

" I would refer the Hon'ble Member to the proceedings of the two conferences which I lay on the table.*"

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Census of stocks of food-grains.

30. " Is it a fact that a census of the stocks of food-grains was taken in each province about the end of 1918? If so, will Government be pleased to state the specific results thereof in respect of each province, together with the results of any other subsequent census of a similar nature that may have been carried out?"

The Honble Mr. R. A. Mant replied :—

" An attempt was made to take a census of stocks of food-grains in each province about the end of 1918. As to the results of this attempt, I would refer the Hon'ble Member to the reply given to a similar question put by Rai Bahadur B. D. Shukul at the meeting of the Council on the 6th February last. For the reasons then explained no subsequent census has been taken."

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* Not included in these Proceedings.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Famine.

31. "Will Government be pleased to lay on the table a statement showing province by province (*a*) the area in square miles in which famine has been declared to prevail, and the total population thereof, (*b*) the respective dates of such declarations, (*c*) the number of people—men, women and children—in receipt of relief, gratuities, etc., in each defined area, (*d*) the total grants, in the shape of loans and gratuities, respectively, sanctioned by the Provincial Governments in respect of each area up to date, and how much of the same has already been distributed?"

The Hon'ble Mr. R. A. Mant replied:—

"I lay on the table* a statement giving the information asked for, so far as it is in possession of the Government of India. The statement shows the number of persons on relief at the time when their number was at its maximum. With reference to part (*d*) of the question, the figures represent the grants sanctioned by the Government of India. No information is readily available regarding the distribution of these grants within the provinces."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Money allotted for relief purposes.

32. "What is the total amount allocated for the current financial year in each province for the relief of distress, from Provincial and Imperial funds, respectively, and how much of the same has been expended up to date in each case?"

The Hon'ble Mr. R. A. Mant replied:—

"I lay on the table† a statement of the allotments.

The Government of India do not possess information of the expenditure up to date."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Stocks of food-grains.

33. "(*a*) Will Government be pleased to make a statement showing the net stock of food-grains actually available for consumption, each year since 1909-1910 (*i*) in the whole of British India (excluding Burma) and (*ii*) in each of the different provinces, and how the same works out per head of the population?

(*b*) How much of the same in each case represents local production, and how much net import?

(*c*) How has the overseas export of rice, wheat and other food-grains from India and Burma, respectively, varied during this period?

(*d*) How do the average total annual production and export of rice, wheat and other food-grains of India and Burma, respectively, during the five years preceding the war, compare with the production and export thereof during each of the subsequent years?"

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* *Vide* Appendix A.

† *Vide* Appendix B.

The Hon'ble Mr. R. A. Mant replied :—

"I regret that I am unable to supply the information asked for in parts (*a*) and (*b*) of the Hon'ble Member's question. It is impossible to frame any reasonable estimate of the net stocks of food-grains available in any one year, either in India as a whole, or in any particular Province, firstly, because we have no reliable information as to the carry-over of stocks from one year to another; secondly, because estimates of out-turn are not available in respect of certain crops; and, thirdly, because in some Provinces the statistics of area under cultivation are incomplete or untrustworthy or both, and the standard out-turns are unreliable. We are steadily improving our statistics, but the very fact that improvement has taken place during the past ten years would vitiate the comparison which the Hon'ble Member desires to draw.

A statement* giving the information asked for in part (*c*) of the question is placed on the table.

As regards part (*d*) the Hon'ble Member will realise from what I have already said that no reliable figures can be given to show the annual variation in output. Such details as are available will be found in the 'Estimates of Area and Yield of the Principal Crops in India' published by the Department of Statistics, of which copies are available for reference in the Imperial Library. In general terms, however, it may be said that the first four agricultural seasons of the war were on the whole above the average, while the Hon'ble Member will see from the statement placed on the table that exports of food-grains during the war were markedly less than during the preceding five years."

The Hon'ble Mir Asad Ali, Khan Bahadur :—

Appointment of a Committee of Inquiry to inquire into the administration of Martial Law in the Punjab.

34. "My Lord, with your permission, I beg to withdraw this question† (No. 34)."

The question was by leave withdrawn.

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Deportation without trial under the Bengal, Madras and Bombay Regulations.

35. "Will Government be pleased to state the number of instances up-to-date in which Bengal Regulation III of 1818, Madras Regulation II of 1819 and the Bombay Regulation XXV of 1827 empowering deportation without trial, have been used, since the transfer in 1858 of India to the Crown?"

The Hon'ble Sir William Vincent replied :—

"I regret that the information asked for by the Hon'ble Member is not available."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Recommendations of the Calcutta University Commission.

36. "(*a*) When will the recommendations of the Calcutta University Commission be taken into consideration by Government?

(*b*) Do Government propose to invite public bodies and individuals to submit their opinion on the recommendations?

(*c*) Is it the intention of Government to give effect to those recommendations as early as possible?"

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* Vide Appendix C.

† "Will Government be pleased to state—

(*a*) whether they propose to appoint a Committee of Inquiry composed of official and non-official representatives to investigate the administration of Martial Law in the Punjab; and

(*b*) if so, whether the non-official members of the Committee will be chosen from among the members of the Imperial and the Punjab Legislative Councils?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The recommendations of the Calcutta University Commission are already under consideration by the Government of India.

(*b*) The views of the University of Calcutta have already been invited. Other public bodies and individuals will have an opportunity of expressing their views when such legislative measures as may be found necessary for carrying out the recommendations of the Commission are introduced and published.

(*c*) The Government of India desire, so far as possible, to give effect to the recommendations of the Commission at an early date. How far those recommendations can be accepted in their entirety is a question which is now under consideration."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Indian Industries Commission.

37. "Will Government be pleased to state in what way effect is being given to the recommendations of the Indian Industries Commission?"

The Hon'ble Sir George Barnes replied :—

"This question has been dealt with fully in the speech of His Excellency the Viceroy on the 3rd September, to which I would refer the Hon'ble Member."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Report of the Calcutta University Commission.

38. "(*a*) Is it a fact that before the Report of the Calcutta University Commission was made available to the public and even before a copy of it was given to the Vice-Chancellor of the University, a Madras newspaper published extracts from it?

(*b*) Do Government propose to inquire into the circumstances under which the Report was given to the Madras paper and by whom? Was it a 'confidential' document at the time?"

The Hon'ble Mr. Shafi replied :—

"(*a*) Yes.

(*b*) Government do not propose to inquire into the matter at present. The Report was at the time unpublished and hence was a confidential document."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Improvement of pay and prospects of non-I.M.S. men in the Sanitary Department.

39. "(*a*) Is it a fact that the pay of all I. M. S. Officers in the Military Service has been increased and that I. M. S Officers in Civil employ specially in the Sanitary and Bacteriological Departments will shortly be entitled to improved terms of pay, but that nothing has been done to improve the pay and prospects of men in the Sanitary Department who do not belong to the I. M. S.?

(*b*) Do Government propose to take up the question of improving the pay and prospects of men in the Sanitary Department who do not belong to the I. M. S.?"

The Hon'ble Mr. Shafi replied :—

" (*a*) It is a fact that the pay of officers of the I.M.S. in military and civil employ has been raised. The new rates of pay for those in civil employ are shown in the statement accompanying Government of India Home Department Notification, Medical, No. 350, dated the 1st August 1919. It is also a fact that the existing rates of pay for officers in the Sanitary Department who do not belong to the I.M.S. have undergone no recent revision.

(*b*) The question of the rates of pay for officers in the Sanitary Department who do not belong to the I.M.S. has for some time been under consideration by the Government of India. Local Governments have already been addressed on the subject."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Arrests and detentions in connection with the recent disturbances in the Punjab.

40. " Will Government be pleased to lay on the table a statement showing—

(*a*) the number of persons actually arrested and detained in custody in connection with the recent disturbances in the Punjab, classified according to town or village, and showing the names, parentage, caste, profession and place of residence of the persons arrested or detained;

(*b*) the number of persons out of the above list who were actually put on trial—

- (*i*) before the Commissions constituted under the Martial Law Ordinance of 1919 promulgated by the Governor General;
- (*ii*) before the Summary Courts established under the orders of the General Officers Commanding the Lahore and Rawalpindi Divisions;
- (*iii*) before the Area Officers constituted by or in virtue of the powers conferred by the General Officers Commanding the Lahore and Rawalpindi Divisions for offences against the Proclamation issued on the 19th April 1919. (Notification No. 10766 of Home Department, Military, dated 21st April 1919);
- (*iv*) before the ordinary Municipal Courts in districts where Martial Law was not declared; and
- (*v*) before the Special Tribunal constituted under the Defence of India Act;

(*c*) the number of persons convicted out of those mentioned above in part (*b*) and the offence or offences of which they were convicted and the sentences passed in each case;

(*d*) the number of persons discharged or acquitted out of those mentioned above in part (*b*);

(*e*) the number of persons arrested but released without trial ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) The information is not available.

(*b*) The following are the figures reported. It is possible that some small modifications may be found necessary.

(*i*) 852.

(*ii*) 1437.

(*iii*) 564 (included in (*ii*)).

(*iv*) 13.

(*v*) 56.

(*c*)

(*i*) 581.

(*ii*) 1179.

(*iii*) 495 (included in (*ii*)).

(*iv*) 11.

(*v*) 21.

(*d*)

(*i*) 271.

(*ii*) 258.

(*iii*) 69 (included in (*ii*)).

(*iv*) 2.

(*v*) 35.

For details as to sentences and convictions attention is invited to the statements* placed on the table.

(*e*) No information is available."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord with regard to the answer of the Hon'ble Member respecting part (*a*) of this question, namely, that the information is not available, am I to understand that the number of persons actually arrested and detained in custody in connection with the recent disturbances in the Punjab is not known to the Government ?"

The Hon'ble Sir William Vincent :—"That is correct. The number of persons arrested is not known to the Government of India."

The Hon'ble Pandit Madan Mohan Malaviya :—"May I request that the Government will be pleased to ask for that information and lay it on the table at the next meeting of the Council ?"

The Hon'ble Sir William Vincent :—"I ask for notice of that question."

The Hon'ble Pandit Madan Mohan Malaviya :—"Then my Lord, with regard to part (*e*) the Hon'ble Member says that no information is available as regards the number of persons arrested but released without trial. Will the Government be pleased to ask for this information also and lay it on the table at the next meeting of the Council ?"

The Hon'ble Sir William Vincent :—"My Lord, these are really questions more for the local Council than for us; but we have met the Hon'ble Member as far as we have information. If the Hon'ble Member so desires, I will attempt to have the information collected."

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*Not included in these Proceedings.

The Hon'ble Pandit Madan Mohan Malaviya asked:—

Cases tried by the Summary Courts established by the Lahore and Rawalpindi Divisions.

41. "Will Government be pleased to lay on the table a statement giving the following particulars regarding all cases tried by the Summary Courts established by the General Officers Commanding the Lahore and Rawalpindi Divisions and also by the Area Officers appointed under Notification No. 10766 of the Home Department, Military, dated 21st April, 1919:—

(*a*) the total number of cases decided by each of the said Courts and officers from day to day;

(*b*) the number of cases in which summaries or memoranda of evidence and reasons for findings arrived at were recorded;

(*c*) the number of cases in which only reasons for findings arrived at were recorded;

(*d*) the number of cases in which no summary or memorandum of evidence, nor any reasons for the findings arrived at was recorded; and

(*e*) the number of cases in which the record does not show even the offence charged?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Attention is invited to the statement placed on the table*.

(*b*) (*c*) and (*d*) From the material at present available Government are not in a position to give accurate information on this point.

(*e*) None."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I beg here also to ask a supplementary question, and I may with your Lordship's permission say here that the local Council is not sitting; and that is why it has become necessary for me to ask so many questions here. With regard to the answer to parts (*b*), (*c*) and (*d*), that from the material at present available Government are not in a position to give accurate information on this point, namely, as to the number of cases in which summaries or memoranda of evidence and reasons for findings were recorded, etc., will the Government be pleased to ask for such information and lay it on the table at the next meeting of the Council?"

The Hon'ble Sir William Vincent:—"I will ask for the information, but I cannot undertake to lay it on the table at the next meeting of the Council."

The Hon'ble Pandit Madan Mohan Malaviya asked:—

Applications for copies of judgments.

42. "Will Government be pleased to lay on the table a statement showing—

(*a*) the number of applications for copies of judgments and evidence taken and other proceedings of the Summary Courts and of the Courts of the Area Officers in cases arising out of the recent disturbances in the Punjab made on behalf of the persons convicted, to the Legal Remembrancer, the District Magistrates, Martial Law Administrators and other Civil or Military Authorities;

(*b*) the number of cases in which copies have been supplied; and

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*Not included in these Proceedings.

(*c*) the number of cases in which such copies have been refused and the reasons for such refusal ?"

The Hon'ble Sir William Vincent replied :—

"The Legal Remembrancer to the Punjab Government received some three or four applications for copies of proceedings of the Summary Courts, but as the records of these cases were not in his office, he returned them to the applicants. The information about the other authorities mentioned is not available."

The Hon'ble Pandit Madan Mohan Malaviya :—"I beg to ask, my Lord, if the Legal Remembrancer informed the applicants where they could obtain copies of the judgments ?"

The Hon'ble Sir William Vincent :—"I have no information on the point. The Legal Remembrancer is an officer of the Provincial Government."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Number of people killed or wounded at Lahore.

43. "(*a*) How many people were (*a*) killed and (*b*) wounded by the firing that took place on—

(*i*) the Upper Mall, Lahore, on the 10th April,

(*ii*) outside the Lahori gate on the 10th April,

(*iii*) in the Hirâ Mandi Chauk on the 12th April ?

(*b*) What was the number of persons injured, if any, among the Police and the Military, specifying the nature of their injuries, in the places and on the occasions mentioned above ?"

The Hon'ble Sir William Vincent replied :—

"The figures are given below—

(*i*) *Upper Mall.*

(*a*) 1 killed.

(*b*) 7 wounded.

(*ii*) *Lahori Gate.*

(*a*) 3 killed.

(*b*) 12 wounded.

(*iii*) *Hira Mandi.*

(*a*) 2 killed.

(*b*) 27 wounded.

No military or police officer was killed at these places, but in every case there were assaults on Magistrates, on the Police or on the troops."

The Hon'ble Pandit Madan Mohan Malaviya :—"I beg to ask if the Government will be pleased to state the details of these assaults on Magistrates, Police and the troops."

The Hon'ble Sir William Vincent :—"The details of these assaults will be placed before the Committee of Inquiry which will be appointed by the Government of India."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Number of casualties during the recent disturbance in the Punjab.

44. "Will Government be pleased to lay on the table a statement showing the total number of persons who were (1) killed or (2) died of wounds or (3) were wounded but recovered, during the recent disturbances in the Punjab, giving the names, parentage and other particulars, and specifying the place where each person was killed or wounded?"

The Hon'ble Sir William Vincent replied :—

"The numbers killed in each district so far as has been ascertained were as follows :—

Lahore	14
Amritsar	301
Gujranwala	17
Gujrat	2
Total ...	334

Further information is not available."

The Hon'ble Pandit Madan Mohan Malaviya :—"May I ask if the Government is aware that the popular estimate of the numbers killed at Amritsar is over a thousand?"

The Hon'ble Sir William Vincent :—"I am aware that exaggerated accounts of the casualties at Amritsar are prevalent. The figures which I have given are those which we have been able to ascertain from the Local Government."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

List of persons executed, transported and confined in various jails.

45. "Will Government be pleased to lay on the table lists of persons who after being sentenced by Martial Law Commissioners or other Martial Law Officers in connection with the recent disturbances were—

(*a*) executed,

(*b*) transported, or

(*c*) confined in the Lahore Central and Borstal Jails and various District Jails in the Punjab?"

The Hon'ble Sir William Vincent replied :—

"The figures asked for are given below :

(*a*) 18 persons.

(*b*) 26 „

(*c*) The number of persons in the Punjab Jails are distributed a under :

Multan District Jail	30
Multan Central Jail...	79
Jullundur District Jail	29
Amritsar „ „	1
Ludhiana „ „	15
Lyallpur „ „	50
Ferozepore „ „	41
Campbellpur „ „	3
Dhariwal Jail	11
Lahore Borstal Jail	189
Lahore Central Jail...	503
Gujranwala District Jail	41
Sialkot „ „	26
Montgomery „ „	34
Rawalpindi „ „	149
Shahpur „ „	4
Delhi „ „	6
Gurdaspur „ „	18
Total ...	1,229"

The Hon'ble Pandit Madan Mohan Malaviya asked:—

Persons flogged in the Sherwood case at Amritsar.

46. "Will Government be pleased to give the names, ages and other particulars of persons, if any, who were flogged on being arrested and subsequently put on their trial in what is known as the Sherwood case of Amritsar?"

The Hon'ble Sir William Vincent replied:—

"Six of the persons accused of the assault on Miss Sherwood were convicted of disorderly conduct while in custody and were sentenced on conviction by a summary Court to two years' imprisonment and whipping. These offences were entirely separate from the assault on Miss Sherwood. Further details are not available."

The Hon'ble Pandit Madan Mohan Malaviya asked:—

Number of persons sent to the Central Jail, Lahore, to be flogged.

47. "(1) Will Government be pleased to state—

(*a*) the number of persons, if any, who were sent under Martial Law to the Central Jail, Lahore, to be flogged there and were actually flogged;

(*b*) the authority under whose orders they were so flogged; and

(*c*) whether there is a record of all such cases of flogging?

(2) If there is such a record, will Government be pleased to lay it on the table?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Number of persons actually flogged	58
(*b*) Authority under whose orders they were flogged—	
By Deputy Commissioner, Lahore	7
By Officer Commanding, Lahore Civil Area	31
By first class Magistrates	12
By Martial Law Commissions	8
Total ...	58

(*c*) There is a record in the Lahore Central Jail, but it is not proposed to lay it on the table."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I ask the reason why?"

The Hon'ble Sir William Vincent:—"The Government of India do not think that any useful purpose will be served by laying this information on the table."

The Hon'ble Pandit Madan Mohan Malaviya asked:—

Total number of floggings in the Punjab.

48. "Will Government be pleased to lay on the table a statement showing—

(*a*) the number of persons flogged in connection with the recent disturbances in each town or village within the Martial Law Area in the Punjab whether—

(1) under Martial Law,

(*i*) on conviction, or
(*ii*) without conviction; or

(2) under the ordinary criminal law during the period in which Martial Law was in force,

giving names, parentage, age, caste, profession and residence of the persons flogged;

(*b*) the offence for which each such person was convicted and the name and designation of the officer who passed the order;

(*c*) the number of stripes inflicted on each such person; and

(*d*) the name of the locality where the flogging was administered?"

The Hon'ble Sir William Vincent replied :—

"The detailed statements already placed on the table give some of the information the Hon'ble Member wants. Further information is not available."

RESOLUTION *re* CONGRATULATIONS TO HIS MAJESTY'S NAVAL, MILITARY AND AIR FORCES, Etc., ON CONCLUSION OF A VICTORIOUS PEACE.

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, it is with much pleasure that I rise to move the Resolution that stands in my name. It runs as follows :— 11-41 A.M.

'This Council requests the Governor General in Council—

(*a*) to convey to the King-Emperor the humble message of the people of India assuring him of their enthusiastic and loyal devotion and allegiance to His Majesty's person and throne, and tendering their warm congratulations on the conclusion of a victorious peace;

(*b*) to convey to His Majesty's Naval, Military and Air forces, British and Indian including the Royal Indian Marine the grateful appreciation and heartfelt thanks of India's citizens for their pre-eminently valuable services and heroic deeds of daring, endurance, skill and cheerful sacrifice which have enabled the British Empire and its Allies to crush Prussian militarism and autocracy and inaugurate an era of orderly progressive self-government on a truly democratic basis under the guidance and protection of a League of Nations;

(*c*) to convey to His Majesty's civil services, especially to the officers and men employed in the Munitions, Railway and Post and Telegraph Departments, the sincere thanks of the country for their untiring energy and zeal and supreme devotion to duty during a prolonged and trying period of more than four years of active warfare.'

"My Lord, it is an axiomatic truth acknowledged on all hands that the Indian people love and revere their Sovereign in a manner not understandable by the generality of the people of other races. It is born in their blood, it is taught by their religion, it is traditional with them; and may I add that reason has confirmed that this political instinct is not incompatible with a true democratic spirit. Recent events have fortified the conviction that a constitutional monarchy on a truly democratic basis is the only ideal form of government for the congeries of races and nations that constitute the British Empire. My Lord, while thrones have been tottering, while thrones have been shattered to pieces, the British monarchy has been more firmly entrenched in the hearts of the people. Why is it so? It is because people realise that their beloved Emperor, George V, has behaved like a true constitutional Sovereign in accordance with the *dharma* which has been preached by ancient sages as the *dharma* of Kings. There is no one throughout the British Empire whose heart has not gone out in sympathy to their Majesties when they were toiling and slaving for the amelioration of the condition of their subjects during these four anxious years. And what has been the result? The result is, as I have said, that the throne is more firmly established than ever in the hearts of the subjects. We in India realise its importance all the more because we believe that it is the silver link, the golden tie, that binds together the various races composing this Empire. It is the royal prerogative to which we look for safety, for protection and for guidance. George V has secured for himself a warm corner in the hearts of his people by the love for his subjects he has manifested throughout his reign, and especially during the last four years. With us Indians his name has been a household word ever since he visited India as Prince of Wales and struck the true chord when he said that the keynote of the administration in India should be sympathy with the people, and the gratitude of the people have been enhanced by his kingly conduct during his stay here, when he came in 1911. It is to such a King and to such a throne that we send our humble message of loyalty. What is the occasion on which we send this message of congratulation? It is on the conclusion of peace at the end of a cruel war, which has devastated Europe and large areas in Africa and Asia; from the results of which we are suffering to-day famine, pestilence, the dislocation of business, and all the normal activities of man. No one would have welcomed an inglorious peace, but all would have welcomed a peace on honourable terms. It is our peculiar privilege, however, to congratulate the Sovereign on the ending of the war in such a crushing victory and such a glorious peace. It is not in a spirit of braggardism or idle bravado that I refer to the nature of the victory of the Allies. We are so jubilant because we believe that this has enabled and will enable the Allies to fulfil the promises they have made during the course of the war, and to undertake the tasks they set themselves during its progress. It was not a war undertaken with a view to conquest, otherwise it would not have appealed to the imagination of mankind; it was a war that was absolutely unforeseen and unprepared for; it was a war undertaken at grave risk to the solidity of the Empire, with a view to upholding the sanctities of treaties and the sacredness of the plighted word. It was carried on during four years with lofty ideals placed before the people. It was a war the object of which was to enable nations and peoples, whether great or small, to develop along their own lines, to evolve their own forms of Government, Government elected and chosen by themselves; to progress according to the genius of their particular race to what they belonged; to uphold the majesty and supremacy of the moral law and the triumph of right over might. It was stated to be distinctly for the purpose of enabling humanity to evolve further progress on new lines and to make the world safe for a peaceful democracy. That is why we value the objects and ideals of the war, and that is why we welcome this glorious peace.

" It may be, my Lord, that occasional disappointments may overtake us, have overtaken us. The Prussian militarism born of autocracy, born of racial arrogance and pride is a disease that is not peculiar to Prussia. It is for the eradication of that evil that this war has been fought; the last flickering fires are ablaze, but they are only indicative of the dying struggles of the old spirit for the eradication of which this war has been fought, and the Indian people hope and trust that this spirit is dying if not dead, amongst all the progressive peoples of the world. The crushing defeat of the Central Powers by the Allies has enabled them to reconstitute the map of the world, thereby redeeming their promise to enable distinct peoples to evolve their progress according to their own peculiar genius, to lay the foundations for the harmonious working of a League of Nations, to preserve and guard the peace of the world while reducing armaments. Much may not rest upon the present formation of the League of Nations, and it may be childish and foolish to expect much from the formation of such a League in its early stages, but the foundations have been laid surely, securely and soundly, and we in India can never be too grateful to His Majesty's Government and to the Indian Government for securing to the people of India a recognition of their status as a member of the League, a recognition for the United States of India, forming the Indian Empire, of their distinct status as a component, integral part, of the British Empire. In this connection it would be only right to thank Lord Sinha and His Highness the Maharaja of Bikaner for their eminent services in helping to secure for us these privileges. We value this recognition all the more highly, because it is indicative of a hopeful promise for the future; because it is a partial fulfilment of the promise which was made to us nearly two years ago that we should be placed on the high road to self-government as an integral, distinct unit of the British Empire. The people of India are grateful for the latest message on behalf of the people of England of the Prime Minister. Mr. Lloyd George, with his rare imaginative insight into and deep understanding of human nature, has stated in the House of Commons when moving a vote of thanks: 'India by her remarkable contribution to our triumph, notably in the East, has won a new claim to our consideration, a claim so irresistible that it ought to overpower all prejudice and timidity which may stand in the way of her progress.' Is it, then, any wonder, my Lord, that in the midst of famine, scarcity and pestilence, in the midst of privation and suffering and disappointments, tossed about in a troubled and distressed world, the people of India with alacrity and eager spontaneity rush forward to lay their humble message at the foot of the throne. To me it is nothing surprising, and I beg that your Excellency's Government may be pleased to convey to His Majesty this message. I now come to the very agreeable task of asking the Council to record a vote of thanks to the various fighting services. We express here our heartfelt gratitude and we lay our tribute of praise and admiration for the gallant heroes, living and dead, who fought for us on sea and land, under the sea and in the bowels of the earth, and in mid air to reconstitute on earth a new heaven and a new life. History can furnish mankind no finer or nobler example than that of a peaceful people unprepared for war, undertaking imminent risk for the upholding of a noble ideal. There can be no more truly magnificent spectacle than millions of young men, middle aged men and boys, rushing to the colours, certain of the imminent risk of death, to uphold the cause of the Empire. From day to day as we looked at the pictures and the photos of the valiant heroes, many of them boys in their teens, beardless, moustacheless, who rushed to the battlefields and laid their lives so nobly fighting their country's cause, there was none whose heart did not ache and send forth a message of sympathy for the bereaved homes throughout the Empire and especially in the United Kingdom.

"That was a magnificent spectacle, and nothing struck the Indians so much, at any rate struck me so prominently as the fact that in the vast majority of these cases the sacrifice was spontaneous. I do not attach so much importance to what has been done since the Conscriptions Acts have been introduced, though much may be justly said in praise of the steadfastness and heroic endurance of the peoples; but this spectacle of millions rushing to the standard voluntarily when they were absolutely untrained and unused to think of war is a spectacle which inspires one with awe, respect and admiration. That contemptible little army has cost the Kaiser his throne and his subjects, nurtured on false ideals, who flattered their soldiers in the perpetration of diabolical deeds of savage warfare, much suffering, privation, disgrace, defeat and humiliation. My Lord, the story is a tale often told, and it is unnecessary to expatiate at greater length on that subject here. The deeds of the Navy we can never forget because they have saved the Empire, the commerce of the Empire, and the commerce of India and have protected our ports. Cruel must have been the strain on the nerves of the men of this brave Navy who had to guard the seas in all weathers, inclement or otherwise, through four weary years, and the tribute of our hearts must also go forth to the mercantile marine and Royal Indian Marine who have guarded our shores and carried on our commerce, and who escaping from perils rushed back again into them to save their country from defeat. And may I be allowed, my Lord, to pay here a tribute to those Indian sailors who have brought credit to their country by undergoing cheerfully all sacrifices along with their brethren, the British seamen, during this long struggle. It gives us hope, it inspires us with trust for the future of our country. The magnificent air forces which were developed with such remarkable rapidity owing to the innate bravery and daring of the British race, have won imperishable fame in winning this war, and the story of their exploits is a fairy tale of romance.

" Now, my Lord, let me say a few words paying our tribute to the gallant warriors from the Dominions, from the Indian States and from other countries forming part of the British Empire, for I use the words His Majesty's forces in a wide and comprehensive sense, for all the countries holding allegiance to the King-Emperor have their forces at His Majesty's command and are His Majesty's forces. And to the various officers and men from the Native States our gratitude is especially due: British statesmen have acknowledged times without number the gallant services to the Empire rendered by the forces from India. We in India can never forget the foresight and wisdom of the Government of India under Lord Hardinge in despatching troops from India to assist the Empire in her time of peril and danger. To those troops we owe much. To them chiefly we owe whatever may be the recognition of India's services to the Empire throughout this conflict. That gallant little army has nearly disappeared, but it has fought for us in the distant fields of France, Gallipoli, East Africa, Egypt, and China and Mesopotamia and our hearts go out to the silent homes, chiefly in the Punjab and in Maharasthra and Rajputana which appeal to us, and ought to appeal to us, with an irresistible force, for those heroes therefore have illustrated to the world that the warlike spirit is not dead in India. They have demonstrated to the world that, whatever may be the temptations, the Indian is true to his plighted word, will never swerve from true allegiance to the throne and will not forsake the Government in time of peril and danger.

"I may just read a few lines from what Mr. Chamberlain said by way of acknowledging the deeds of these gallant heroes for it would be ungrateful to them to leave these deeds unacknowledged :—

'India's troops have fought, I think, in almost every theatre of war; in France, in Egypt, at Aden, on the Suez Canal, in Gallipoli, in East Africa, in West Africa. In the winter of 1914 in France they were nearly one-third of the forces there. They were the first of the over-sea troops. The Indian Army provided the first defence in British East Africa and repelled the first Turkish attack on the Suez Canal.' It was to their efforts mainly, the Minister added, that we owe the conquest of Mesopotamia. It is difficult when one reviews the deeds of the Indian Forces in this war to select for illustration any particular instance, but the House will not forget, and the country will not forget such episodes as in France, the recapture of Neuve Chapelle in October 1914 by the 47th Sikhs, and the 20th, and 21st Companies of Sappers and Miners. The 47th Sikhs lost 178 out of 289 men; the Sappers and Miners lost 119 out of 300.' And then he refers to the doings of the Gharwal brigade on the 10th of March in Neuve Chapelle, and the conduct of the 14th Sikhs at Cape Hellas, Gallipoli, where the Indian Army lost nearly all their British and Indian officers and 430 men out of 550 engaged, and here may we acknowledge the services of His Excellency the Commander-in-Chief Sir Charles Munro—'Where every Sikh had fallen facing his enemy and where most had one or more of the enemy under them.' These were the doings of men who had been trained while the Indians fought valiantly and never showed their back to the enemy. Their stoic, philosophic indifference, their contempt and disdain for death must have left an imperishable impression on the hearts and minds of all, and when such brave men are the heritage and priceless possessions of India, and when there is a new impulse which was nearly absent in the past, the new impulse born of our love of freedom, of a love for our mother land, the deeds of the Indian soldiery cannot and will not be excelled.

"My Lord, may I say a word in this connection with regard to the Indian Medical Service. The organisation and equipment of this Department have come under rigorous scrutiny in more than one place, and this is hardly the time to go into that question, but no one has ventured to deny and every one has acknowledged with gratitude the eminent services rendered to the Army by the officers and men of the Indian Medical Service, as well as all branches of the Medical Service in every theatre of war where they have cheerfully and voluntarily gone to aid the sick and wounded in their sufferings. British and Indian blood has flowed freely in distant fields, in foreign lands. There was no jealousy, no envy, no sense of inequality. All were content to fight for a common cause, for a common flag. I think it will be the sincere hope of this Council that historians, British and Indian, will arise in India to depict the story of these heroes of Hindusthan in vivid, graphic colours, so as not only to do justice to their memory, but so that they may be an inspiring example for the future, and we hope that Indians will vie with one another and will co-operate with the Government in rendering the desolate homes which they have left behind them a little more cheerful than they would be otherwise. Let us all pray for the souls of the departed heroes and express our sympathy with their bereaved families and help in succouring the wounded and the disabled.

"My Lord, I now come to the last part of my Resolution where I ask the Council to express our gratitude to the civil services who have toiled hard during these four years of warfare to achieve for India her destiny. It would be invidious to draw a distinction between one service and another. The history will be told, I daresay, in the near future, when the services of all ranks will be acknowledged suitably by a grateful India, but would it be invidious to signal out the Munitions, Railway and Posts and Telegraphs Departments which, admittedly, have had to work at very high pressure with the depletion of their officers and their staffs and with new work thrown on them. I think it is but our duty to express our thanks to them. May I say a word in regard to the Finance Department than which, I think, no Department could have spent a more sleepless time during these four years. It is true we occasionally gave them some little trouble, but it was not without appreciating their hard work. We might have been mistaken in our appreciation of the merits of their work, but this is due to them that they have managed to bring India as safe as was compatible with her rightful position in the Empire and was possible under the circumstances.

"This performance of their duty which is in accordance with their *dharma* in sending their humble message of fealty and congratulations to His Majesty, in remembering their departed heroes, the departed heroes of the Empire, with gratitude, love and affection, and praying for their souls, in thus expressing the homage of their hearts and in paying a tribute of praise and admiration to those who have fought for them and for the Empire and expressing their thanks to the numerous workers, selfless men and devoted women, official and non-official, who have toiled hard for the Empire during four weary years, inspire the people of India with a new hope, a new courage, a new gladdening of their hearts, and a buoyant optimism born of hope, trust and courage. Rivers of blood, British and Indian, flowed together in sacred union in distant climes and in foreign lands to achieve a noble cause, a common purpose, the upholding of the prestige of the flag. The bones and ashes of our departed heroes, the flower of British and Indian manhood, fertilise foreign lands. There was no jealousy, no envy, no inequality in their common repose. Shall they appeal to us in vain for union, concord and harmony ? United we stand and divided we fall. The Indian people devoutly hope and trust that they will be permitted under a common flag to achieve their destiny according to the genius of their race, unhindered, unhampered and loyally assisted by their British comrades nurtured in freedom. Thus, unhindered and unhampered in the pursuit of peaceful occupations, with equal opportunities, a healthy emulation and a fair field, and with mutual good-will, trust, confidence and co-operation, it is our earnest hope that our common heritage, the Empire, will achieve a higher and loftier destiny and purpose, the emancipation of the human race."

12-16 P.M. **The Hon'ble Major Sir Umar Hayat Khan** :—" The Council will be glad to hear that I have given in my speech to be taken as read, so as not to waste its time, because if the story, which has only been heard, has taken such a long time, I who have seen all that occurred, could go on till to-morrow morning."

The President :—" The Hon'ble Member's request is granted."

The Hon'ble Major Sir Umar Hayat Khan :—" My Lord, as after the conclusion of victorious peace this is the first time that this Council has met, such a loyal Resolution moved by our Hon'ble Friend is the most appropriate, and while endorsing all that he has said I give him my cordial support.

" Having served throughout the war from the very beginning to the end in one or the other capacity, I saw how inferior we were to the enemy in the beginning. Their preparations clearly showed that they had been planning this from generations. All our branches had to make gigantic efforts not only to make up the deficiency, but to come up to a far higher pitch so as to defeat the enemy.

" Those who have seen the strides made by the Government can realise its grandeur and feel proud to be under its protection. Though every one did his duty to the best of his ability, but none had done harder work than His Majesty's person, the Queen Empress and His Royal Highness the Prince of Wales.

" We are proud that Indian soldiers were given the opportunity to fight side by side with the British, and I, as a witness, can bear testimony that they acquitted themselves worthily of it.

" India in turn ought to be proud of the Punjab which furnished most of her army, especially the units which went to fight across the seas in which the Punjabi Muhammadans took the leading part. The first Indian recipient of the Victoria Cross was a member of this community, and I need hardly go into the details of the work done by the Rawalpindi Division mostly comprising of the Punjabi Muhammadans whom your Excellency recently honoured with a visit and called it the ' Sword Arm.'

" With these few remarks I support the Resolution."

[10TH SEPTEMBER, 1919.] [*Maharaja Sir Manindra Chandra Nandi; Rai Sita Nath Ray Bahadur; Mir Asad Ali, Khan Bahadur; Rai Sahib Seth Nathmal.*]

The Hon'ble Maharaja Sir Manindra Chandra Nandi :—" My Lord, I deem it my duty to associate myself with this Resolution on behalf of my fellow countrymen of Bengal. With the conclusion of an honourable peace, our mind first of all turns to the throne and person of His Majesty who has been the symbol of the unity of the Empire during the fearful struggle from which the world has just emerged. In this hour of rejoicing, we are also naturally reminded of those heroic souls to whom humanity now owes rest and calm. But much as we are beholden to those that have won for the Empire the crown of victory, we are bound in an endless debt of gratitude to the immortals who did not live to see the fruition of their noble endeavours. We have, again, to pay a special homage to the memory of those brave sons of India who have cheerfully laid down their lives in strange lands and among strange people, in order that we who have been left behind may live in a freer atmosphere and in a new era of progress which is about to dawn on this land." 12-17 P.M.

The Hon'ble Rai Sita Nath Ray Bahadur :—" My Lord, on behalf of my community I enthusiastically and cheerfully join with my Hon'ble friend in his message of deep devotion, loyalty and attachment of the people of India to the person and throne of His Imperial Majesty the King-Emperor. 12-19 P.M.

" The war and the little part that our countrymen had the proud privilege of taking in bringing it to a victorious close for the Allied arms have more solidly consolidated the bond that binds India to Great Britain, and have also more solidly welded the bond of brotherhood between the different nations that owe allegiance to the great Sovereign under whose protection we live. And, in conclusion, we beg to tender our warm congratulations to His Imperial Majesty on the conclusion of a victorious peace which has added greater lustre to British arms."

The Hon'ble Mir Asad Ali, Khan Bahadur :—" My Lord, I beg heartily to support the Resolution on behalf of the Moslem community of Madras." 12-20 P.M.

The Hon'ble Rai Sahib Seth Nathmal :—" My Lord, the Resolution as moved by the Hon'ble Rao Bahadur B. N. Sarma has full sympathy from me, and on behalf of the landholding classes of the Central Provinces I offer my hearty congratulations to His Majesty the King-Emperor on the conclusion of a victorious peace, assuring His Majesty at the same time on behalf of the people of our Province of their whole-hearted, enthusiastic and loyal devotion and allegiance to His Majesty's person and throne. 12-21 P.M.

" My Lord, we were all engaged for more than four years in the momentous struggle which began in August 1914, and we Indians never realised before what war meant in relation to public and individual lives. There hardly remained a subject which was not affected by the war. Our Sovereign was, as a matter of fact, forced to enter into it by obligations of honour and duty to preserve the neutrality guaranteed by treaty and the liberties of a friendly State and His Majesty had a spontaneous response from all classes and creeds all over the Empire. We all admire the military skill and determination which marked the leadership of our armies in the front, and we cannot forget the gallantry and endurance of the troops throughout the operations which have taken place under the most trying circumstances, and I think we are not going beyond the mark when we say that we ought to pay a tribute to the labours by which His Majesty's Naval, Military and Air forces have accomplished this and enabled the British Empire and its Allies to achieve the success over which we are rejoicing to-day.

"My Lord, we will be failing in our duty if we did not pay our tribute to the services rendered by the officers and men employed in the Munitions, Railway, Post and Telegraph Departments and the manner in which His Majesty's Civil Services had surmounted the difficulties with which they were faced during these past years of war. I should like to take this opportunity of associating myself with the Hon'ble Mover of the Resolution to the full with that tribute.'

12-23 P.M. **The Hon'ble Mr. N. F. Paton:**—"Mr. President, I would ask your permission to request the mover to accept a slight amendment to his Resolution. In part (*b*) of the Resolution I would suggest the inclusion of the words 'and the members of the 'Mercantile Marine, British and Indian.' I do not think the suggestion requires any words of mine to commend it to the Council. I think it is recognised on all sides that the results which we have attained would never have been achieved without the magnificent devotion to duty of the members of the Mercantile Marine."

12-24 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"I certainly accept the suggestion if the Council will permit me to do so."

12-25 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:**—"On behalf of the Muhammadans of Bengal I beg to support the Resolution."

The Hon'ble Raja Sir Rampal Singh:—"My Lord, I beg leave to extend my most cordial support to the Resolution moved by the Hon'ble Mr. Sarma. It is truth—nothing but pure and simple truth—to say that the Resolution voices the innermost feelings of the people of India. The unflinching loyal devotion and sincere affection that we Indians bear towards His Majesty's person and throne were never more strikingly evinced in practical manner than at the time when the gigantic war was at its height, and when the fate of the world was trembling in the balance. Terrible was the tension and the nerves of the great nations were put to the severest test on the issue involved in it. But India never faltered an inch from the strong hope which amounted almost to a religious conviction that the cause of righteousness and liberty will triumph over Prussian militarism and autocracy. India's firm faith in this respect was pinned in an unwavering manner on the teaching of Lord Krishna to his worthy disciple Arjun on the battlefield of Kurukshetra when the Indian Mahabharat was fought. It was यतोधर्मस्ततोजय : *i.e.*, righteousness and victory go together. But though we had this faith in the final victory of the Allies and though our very vital self-interest lay in the triumph of the British arms because on it hinged in unmistakable manner the question of life and death of the Indian progress and advancement yet, my Lord, our deep devotion and allegiance to His Majesty's person and throne were no small asset and potent stimulant in making India respond wholeheartedly to the clarion call of duty—Princes and Peasants, Zamindars and traders, educated and uneducated, all vied with one another in doing their best according to their means and abilities to most sincerely uphold the cause of the Empire. India can legitimately take pride in having had an honourable share in bringing about the dramatic fall of Germany and her Allies. Now we with one accord tender our humble but hearty congratulations to His Majesty the King-Emperor.

"It is also our bounden duty to convey through your Excellency in Council India's grateful acknowledgment of the immense sacrifices which the war entailed upon the Military and Civil Services of the Empire, and which they most willingly and delightfully suffered. We offer our sincere thanks to them for the dauntless courage and tenacious perseverance which they brought to bear in a spirit unequalled in the annals of history in vanquishing the formidable foe. It is impossible to exaggerate the services rendered by them, and India has special reasons to be deeply grateful to them because it was due to those services that she escaped 'unscathed' as your Excellency was pleased to observe the other day from the desolation which the unscrupulous enemy might have caused to her particularly when her people were not prepared to defend themselves from such a foe."

The Hon'ble Mr. Kamini Kumar Chanda:—"My Lord, 12-28 P.M. speaking for the people of Assam I desire to associate myself entirely with this Resolution. The Resolution, my Lord, does not, I think, require any speech; it speaks for itself and I support it."

The Hon'ble Chaudhuri Muhammad Ismail Khan:—"On 12-29 P.M. behalf of the Muhammadan community of Bihar and Orissa I beg to support this Resolution."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, 12-30 P.M. I join with my friends in offering our dutiful and loyal congratulations to His Majesty the King-Emperor on the happy termination of the war. My Lord, it is a matter of sincere satisfaction and of supreme thankfulness that His Majesty's forces and those of his Allies have triumphed. In this connection I may say that the sentiments which have been expressed by the Mover of the Resolution regarding the Royal House in England are generally shared by Indians. These sentiments are very much the same as have been expressed so beautifully in that booklet by Lord Esher called 'After the war', and I hope that the people of England will always have the great advantage and the honour of having a King at the helm of affairs in the United Kingdom. My Lord, to the people of India kingship appeals in a peculiar manner, and I hope that the advantages which are associated with it will be shared always both by the United Kingdom and by such States as exist in this country, and have the advantage of being ruled by Kings. I also join my friend in offering our thanks to the soldiers and sailors and others who have worked in His Majesty's forces for the great sacrifices which they have made in the cause of the Empire. My Lord, above all we have to offer our humble thanks to God for the victory which has been vouchsafed to His Majesty the King-Emperor. While we are offering congratulations to our King-Emperor, while we remember with gratitude the services which have been rendered by soldiers and sailors and statesmen, let us also remember that it was the grace of God that really helped England to win the war. Let not the lessons of humility and righteousness which were preached during the dark days of the war be forgotten. The war has left many lessons for us. It was professedly waged for righteousness and liberty. Let us not give up our adhesion to righteousness and liberty, now that the efforts of the armies of the King-Emperor and of his Allies have triumphed. Let us remember that pride brought about the fall of Germany, and let us discard all racial pride and all racial jealousy and usher in a new era of really brotherly unity and fellow-feeling among Britons and Indians.

"My Lord, the war has unfortunately already produced in some quarters very undesirable results. It has led some people to think that blood and iron can achieve everything. On such an occasion when we are offering our congratulations to the King, and when we are offering our thanks to God that the war has ended as it has, it would be well to remember what Lord Beaconsfield said after the Treaty of Berlin: 'It is not on fleets and armies', said he, 'that I alone or mainly depend in that enterprise on which this country is about to enter. It is on what I most highly value—the consciousness that in the

Eastern nations there is confidence in this country, and that, while they know we can enforce our policy, at the same time they know that our Empire is an Empire of liberty, truth and justice.' This confidence has been somewhat rudely shaken by recent events, and it is the duty of everyone of us, loyal subjects of, His Majesty, Indian or European, so to labour that this confidence shall be restored and deepened, and that a new era of greater fellow-feeling between Indians and Europeans may be ushered into existence. My Lord, if I may do so with apologies to Wordsworth, I would say :

'One lesson Briton let us two divide,
From what this greatest war reveals,
Ne'er to let racial selfishness or pride
Attack a fellowman for he too feels.'

"The Germans have fallen because in their racial pride and selfishness they wanted to dominate the world. Let us so work that this victory may really prove to be a victory of righteousness, and that it should leave us Indians as free to live and grow as are our fellow-subjects in the United Kingdom, to whom also we offer our heartiest congratulations on the triumph which has been vouchsafed to us."

12-33 P.M. **The Hon'ble Sir Dinshaw Wacha** :—"I heartily support the Resolution moved by my Hon'ble friend, Mr. Sarma, in such appreciative terms. To my mind what recalls itself at this moment are the words of Pericles delivered in his great oration on those brave Athenians who had fallen during the first Peloponnesian war. He said : 'Make these men your example. It is by the stoutness of heart that Freedom comes.' With the English people it is the case that once Freedom's battle is begun, it goes on from sire to son till it is won. It is this stoutness of heart which Indians have to cultivate in Freedom's cause. This war I consider to have been the most colossal epic in the history of the evolution of the world. I daresay a future Gibbon will narrate it in his own stately and eloquent language ; and that in times to come a new Homer will sing in verse his Iliad in sublimer and more stirring strains than his own.

"My Indian friends often forget what the sea power of England has done for the world and particularly for India. The prosperity which India has achieved in the past four years and maintained is owing to that power. The crores of rupees which she has received for her trade balance would never have been secured but for the sea power of England which unweariedly guarded and dominated the Atlantic Ocean, the Pacific, the Mediterranean Sea and the Indian Ocean. Sea power is certainly the greatest source of England's strength, and we have seen what it has been in this war. In this connection I heartily endorse every word my friend, the Governor of Bombay, said the other day in a speech on the subject at the University Convocation. It is the same sea power of England which had saved India. I hope my Indian friends will never forget that it is this which has given them prosperity, as well as security of life and property.

"With these few words I beg to support the Resolution."

12-35 P.M. **The Hon'ble Raja of Kanika** :—"My Lord, I desire to associate myself with the sentiments expressed by the mover of the Resolution. On behalf of the landholders of Bihar and Orissa I heartily support this Resolution."

12-36 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"My Lord, on behalf of the people of Bihar and Orissa whom I represent in this Council, I desire to associate myself with the Resolution and the observations made by the Hon'ble Mr. Sarma."

12-37 P.M. **The Hon'ble Sir Zulfikar Ali Khan** :—"My Lord, I desire to associate myself with the sentiments so well expressed by the Hon'ble the

Mover. I hope and trust that they will meet with the approval of this Council."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"My Lord, in supporting the Resolution I have to note that this Council would be failing in its duty if in this Resolution our thanks are not conveyed to the labour corps, to the medical services, to the nurses and also to the ladies who have been able to send so many comforts to the troops, of which work as the President, Her Excellency Lady Chelmsford, was able to do not a little." 12-38 P.M.

His Excellency the Commander-in-Chief:—"My Lord, I conceive that no member of this Council has ever been called upon to respond to, and express his thanks for, such a comprehensive Resolution as has been so eloquently moved by my friend Mr. Sarma; and standing here, I am conscious of my inability to give adequate expression to my appreciation of the generous terms in which this Resolution has been worded. I cannot help wondering as to which of the many attributes which have been ascribed to myself personally will continue to be so ascribed after you have heard the very few words which I am going to address to you. Mr. Sarma expresses attributes of 'daring, endurance, skill and cheerful sacrifice' in reference to the soldiers and other services. In standing here I do not feel that I have ever rendered cheerful sacrifices. I am confident there has been no skill and I also feel that there has been no endurance. Therefore, unless we can get a further expression from the Hon'ble Mr. Sarma, I can only blushingly accept the expression 'daring.' 12-39 P.M.

"It will be realised, I am certain, by my Hon'ble friend, that to respond for the naval, military and air forces, and last but not least the Munitions Board, as represented by Sir Thomas Holland, is a task of the greatest difficulty; hence, in the interests of brevity, I can only express our very warm thanks for the generous terms in which you have referred to the services which these forces have rendered. My Lord, speaking on behalf of the military branches, I can assure this Council that we shall regard the commendations which we have received as the highest reward that can be accorded to public servants. It ought to be, and I think it is the case, that the greatest pleasure that any public servant can receive is to know that such services as he has rendered, and such acts as he has done, have met with the approbation and commendation of those whom he has served. Such services as those to which you have kindly referred will, when the terms of this Resolution are made known, tend to spur us on in our respective services, to even greater efforts than we have made before, so that, if it should be found necessary, which God forbid, at any future time to call upon us to respond to the directions of the King-Emperor in the defence of the Empire, we shall be found, in every Branch, whether it is the Army, the Navy, the Air Forces or the Munitions Board, more prompt, more efficient and more ready to do our duty than we were before, in whatever sphere our country may call upon us to serve."

The Hon'ble Sir Arthur Anderson:—"My Lord, I am glad to welcome on behalf of Government the Resolution which has been moved by the Hon'ble Member in so far as it affects Railways. They are a silent service whose virtues are not published abroad, but whose shortcomings are widely advertised, and a spontaneous appreciation by this Council of their services will be valued by all classes of employés. 12-40 P.M.

"Looking back on the last few years with railways short-handed, material for repairs at a minimum, renewals and replacements interrupted, shipping gone and its traffic diverted to railways, with concentration on the Frontier and a constant heavy traffic for the maintenance of overseas forces, all carried out with smoothness, the fact emerges that it is due to the loyalty and devotion o our Railway staff that we have pulled through the difficult period. Their co tribution to India's share in the war has been no mean one, and I can answe for them that they will warmly appreciate the recognition of their servic which the Resolution gives expression to.

"The higher administrations of railways have co-operated with us mos willingly in all measures which were designed for the general good. State worked and Company-worked lines have been equally ready to meet us in ou various measures of control, and it thus gives me a special pleasure to welcom and associate myself with this Resolution."

12-42 P.M. **The Hon'ble Mr. G. R. Clarke:**—"My Lord, on behalf of th staff of the Posts and Telegraphs, I rise to thank the Hon'ble Membe for the terms of his Resolution. I am sure that every member of the staff wil feel highly gratified that the work that has been done by them during the wa is appreciated by this Council. Wherever the Indian Army has gone, the fiel post offices have accompanied it, to France, East Africa, Egypt, Palestine, Syria Mesopotamia and Persia, and even now we have field post offices on the Blac Sea and the Caspian Sea. The work done by the post offices in the field ha received the highest commendation of the military authorities. Our telegrap staff has been sent to East Africa and to Mesopotamia, where during the war w sent no less than 8,000 men. The work done there was tremendous. In Mesopotamia about 11,000 miles of telegraph wire and 4,000 miles of telephone wir were erected, and traffic amounting at one time to 183,000 messages a mont was handled. I am glad to say, My Lord, that the work done by the Department has been recognised. Over 350 of our men have been mentioned in Despatches, over 82 personal distinctions have been conferred upon officers and me for military service or for work connected with the war.

"There is just one word, my Lord, about the depleted staff that has bee left behind. Our best men, our keenest men, and many of our most energeti men had to be taken to the field, and the work had to be carried on with thos that remained. To show how that work has developed during the war, I shall give you a few figures and examples. During the war the telegraph traffic increased from 16 million to 21 million messages in a year, and the number of postal articles increased from 1,000 to 12,000 millions. I know there have been complaints of delays, and there have been delays, but I doubt if in any country in the world which was at all connected with the military operations the war has caused so little postal and telegraph dislocation and so little inconvenience to the public as in India.

"My Lord, it is a great pleasure to me that the Department which I control should get some commendation for the work it has done, and I can assure the Hon'ble Mr. Sarma that every member of the Posts and Telegraphs will feel the greatest pride and satisfaction for having been singled out for special mention in this Resolution."

12-46 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"I wish to say a few words, my Lord. I am thankful to the Hon'ble Members for according me the support they have given me, and I entirely associate myself with the Hon'ble Mr. Rangaswamy Ayyangar in his tribute of praise to the ladies, British and Indian, who laboured so hard throughout the war, and also to Her Excellency Lady Chelmsford who as President did so much to help and succour the troops at the front. May I say a word, my Lord. The chief burden has fallen on your Excellency's shoulders and the members of your Government. Three years have been spent in sleepless nights by your Lordship and hardworking days in the midst of this war, and under your Excellency's guidance we have emerged successfully out of it."

The motion was put and agreed to.

RESOLUTION *re* APPOINTMENT OF COMMISSION TO INQUIRE INTO RECENT DISTURBANCES IN THE PUNJAB.

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, before the announcement was made by your Excellency on the 3rd instant that a Committee of Inquiry was going to be appointed, I had given notice of the Resolution which stands in my name on the agenda of to-day. In view of that announcement, it has become necessary . . . . .

The Hon'ble Sir George Lowndes :—" My Lord, I rise to a point of order. The rules require that any Member moving a Resolution should move the Resolution first and not make his speech first."

The President :—" That is so."

The Hon'ble Pandit Madan Mohan Malaviya :—" I will follow the technical rule, my Lord, but I thought there was reason in the circumstances of the case to justify a deviation. I will read the Resolution. My Lord, the Resolution of which I have given notice and which stands on the paper runs as follows . . . . .

The Hon'ble Sir William Vincent :—"The Hon'ble Member must move his Resolution first."

The Hon'ble Pandit Madan Mohan Malaviya :—" I understand the meaning of the word 'move' and the duty that rests upon me in moving the Resolution. I am not bound to use the word 'move' in moving the Resolution, and if Hon'ble Members will have a little patience, I shall show them that I am moving the Resolution. May I proceed now, my Lord ?"

The President :—" Yes."

The Hon'ble Pandit Madan Mohan Malaviya :—" Thank you, my Lord."

" My Lord, the Resolution of which I have given notice and which stands on the agenda runs as follows :—

'This Council recommends to the Governor General in Council that he should request His Majesty's Government to appoint without further delay a Commission consisting of gentlemen unconnected with the Indian administration to inquire into (*a*) the causes of the recent disturbances in the Punjab, and (*b*) the propriety of the measures adopted in dealing with them, and to vest the said Commission with legal authority to annul or modify sentences passed by the Martial Law Commissions or by Magistrates specially empowered to deal summarily with cases alleged to have been connected with the said disturbances.'

" My Lord, before placing my reasons for this Resolution before the Council, I should like to refer to the circumstances, to the events, which have happened since notice was given of this Resolution. Those events are very well known to the Council, and they are that on the 3rd of this month your Excellency was pleased to announce that the Government had decided to appoint a Committee of Inquiry to investigate the recent occurrences in the Punjab. It becomes necessary for me therefore, before formally moving the Resolution. . . .

The President :—" The Hon'ble Member must understand that he is moving the Resolution. Though he has not used the word 'move', I can only take it that he has moved it."

The Hon'ble Pandit Madan Mohan Malaviya :—" Certainly, I used the words 'before formally moving it.' This may come at the end of the speech instead of coming at the beginning."

The President :—" All right; the Hon'ble Member must understand that he has moved the Resolution."

The Hon'ble Pandit Madan Mohan Malaviya:—"Yes, my Lord. Your Excellency was pleased to announce on Saturday—my Lord, i I may say one thing with great respect, it is that the rules of Council ar meant to enable us to proceed in a reasonable manner, and where reasor demands that a change should be made, I think I am entitled to place th matter before your Excellency as President of this Council, to consider and rule upon. Now, my Lord, the Resolution of which I gave notice has becom dead, dead as Queen Anne, by reason of the fact that on the 3rd instant, you Excellency was pleased to announce that the Government had decided t appoint a Committee of Inquiry to investigate the Punjab affairs. I beg therefore, in view of that fact, to ask for your Excellency's leave to amend the Resolution in the form of which I have given notice to the Legislativ Department. It runs, my Lord, as follows:—'That this Council recommend to the Governor General in Council, that he should recommend to His Majesty' Secretary of State . . . . .

12-51 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, may I rise t a point of order. The Hon'ble Member is now proposing an amendment to a Resolution which he has never moved, at least sometimes he says he has moved it, at other times he says he has not. I am entitled to three days' notice o any amendment proposed and I take objection to the amendment."

12-55 P.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—"Under th rules of this Council as I understand them, when the President of the Council expresses an opinion about a matter of fact, that is loyally accepted by every Member of this Council. Your Excellency having said that I had moved the Resolution, which I quite readily accepted, I submit the Hon'ble Member is out of order in saying I had not moved the Resolution. . . . . . .

The President:—"The point of substance which the Hon'ble Member must take and which the Hon'ble the Home Member has pointed out is that if a copy of an amendment has not been sent to the Secretary at least three clear days before the date fixed for the discussion of the Resolution, any member may object to the moving of the amendment. That is the point he has taken; the other was, I think, a slap at the Hon'ble Member which perhaps the Hon'ble Member had deserved, perhaps he had not. That is the point which the Hon'ble the Home Member has put before me, and on that point I must rule that the Hon'ble the Home Member has a perfect right to object to the moving of such an amendment. As the Hon'ble Member is aware, this Resolution of his has been before the Council for a large number of days. My speech was made on September the 3rd, just a week ago. If the Hon'ble Member had given notice the day following that he regarded his Resolution as dead, dead as Queen Anne, and that he wished to put in an amended Resolution, then it would have been open to me—and I should have looked upon it favourably—it would have been open to me to allow him to amend or substitute another Resolution. But what did the Hon'ble Member do? At 7-30 last night I received a letter which had been written by him requesting to be allowed to substitute one Resolution for another. I do not think that this is a reasonable notice to give to Hon'ble Members here who have prepared themselves to meet the Resolution of the Hon'ble Member, and therefore I have no choice, as far as I can see, but to say that the Hon'ble Member must comply in this case with the rule, especially in a matter of such paramount importance."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I bow to your Excellency's ruling. In so far as the question of notice is concerned, I quite see that the Hon'ble Member can insist on his three days' notice. But, my Lord, if that is the only difficulty, as my object is to get this matter considered by this Council properly, I should request your Excellency to allow me to keep back this matter and allow the Hon'ble Member to have ample notice of this Resolution. I am sorry I could not send notice of this earlier because the matter, as your Excellency has recognised, is of great importance, and I had to consult friends as to what course I should adopt. I came to the conclusion to which I did in consultation with several friends only last evening and took the earliest opportunity to intimate the fact to the Secretary of the Legislative Department. I am not entitled to go on with this matter unless your Excellency should permit me to do so. I therefore put two propositions for your Excellency's consideration. One is, your Excellency may allow me, if the Hon'ble Member waives his objection, to proceed with the matter and dispose of it. The second is, that if that is not to be, then as only one part of my Resolution is dead as Queen Anne, and the other parts are not, it will be my duty to proceed to discuss the Resolution. I will take either course. I have no wish to spend one minute more of this Council's time or my time than is necessary. If my Hon'ble friend wants notice, I am willing that this matter should come up after the three days' notice . . . .

The Hon'ble Sir William Vincent :—" May I speak on a point of order ?"

The President :—" Yes, on a point of order."

The Hon'ble Sir William Vincent :—"I put it to your Lordship that a Member is not entitled to amend his own Resolution. An amendment must come from somebody else. If the Hon'ble Member seeks to substitute a new Resolution of his own, I am entitled to the full fifteen days' notice." 12-57 P.M.

The President :—" I think that is quite clear that if he substitutes one Resolution for another, he must give the usual time, which is fifteen days' notice."

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I exactly used the word 'substitute' in the letter which I sent to the Secretary in which I requested that in view of the fact that a Committee had already been appointed to inquire into the measures taken, His Excellency the President might allow me to substitute the amended Resolution in place of the one of which I had given notice. I have complied with that requirement, but of course if your Excellency rules that I should give fifteen days' notice of it, I will, with your Excellency's permission, now give notice of it. I shall wait until fifteen days are over, in which case I understand that your Excellency will be pleased to allow me to discuss this substituted Resolution . . . . . . 12-59 P.M.

The President :—" I cannot give the Hon'ble Member any such promise. The Hon'ble Member's Resolution will then have to take its place in the list of Resolutions suggested to this Council. The Hon'ble Member's resolution has been given special priority in this case and put on the first day devoted to Resolutions, but the Hon'ble Member now wishes not to move that particular Resolution, and his Resolution, if he wishes to substitute another one, must take its chance with the other Resolutions."

The Hon'ble Pandit Madan Mohan Malaviya :— " In that case I beg leave to proceed with the Resolution of which I have given notice. My Lord, the reasons which led me to give notice of the Resolution which stands upon the paper, it is hardly necessary for me to repeat. The Government, His Majesty's Government and the Government of India, acting together have recognised that the events which have recently taken place in the Punjab have been of so unfortunate and so grave a character that a Committee of Inquiry should be instituted in order to inquire into them. That having been done, my Lord, it becomes unnecessary for me to either go into those unfortunate events or to draw any inferences which would support such a request as is contained in the Resolution. But before proceeding further, as it is the first opportunity when this melancholy affair comes up before the Council, I wish to say with regard to the occurrences in the Punjab that every one of us, Indians in this Council, and indeed I may say I speak in this matter on behalf of all Indians whether in this Council or outside, deplores the distressing events that took place in the Punjab. My Lord, I do not agree with those who think that the Rowlatt Act agitation was responsible for those events. Nor do I agree with those who think that the Satyagraha movement was responsible for any evil results. The fact remains undisputed and undisputable that the great Satyagraha day—the 6th of April 1919—passed off throughout the country without a single untoward incident. I believe that if some of those who were in power and whose duty it was to keep law and order, had not mismanaged the situation none of the distressing events which we deplore would have occurred. In referring to those events, my object is not to raise a controversy on them, but to express my deep sorrow that they should have happened. I deplore the desecration that was committed on places of worship and the destruction of public buildings. I deplore more deeply the greater desecration which was committed on the living temples of God, on human beings, whether British or Indian, who were destroyed in a fit of fury or without any justification. My Lord, I mourn the death of the seven Europeans who were killed in these disturbances. I grieve for them as I would grieve for the death of my dearest and nearest. I mourn also the death of those several hundreds of persons—their number has been stated by the Government to-day to be more than 300, and it is believed by the public to be more than a thousand,—I grieve for the deaths of those who fell victims to the fury or the indiscretion of those who were charged with suppressing disorder. My Lord, as I have said, it is a sad thing to reflect that any places of worship were desecrated. I am a Hindu, but I never pass by a mosque or a church without paying it that silent reverence which is due to every place of worship. But, my Lord, places of worship are after all made by men ; if they are destroyed, man can remake them. But a man is a temple created by God, and all of us, men, Governors, Kings and administrators, cannot even if we combined, re-build one single human temple if it has been destroyed by the hands of man or beast. I am therefore grieved beyond expression to think of the appalling number of deaths which have been caused, but I will say no more about it at present. My object to-day is merely to express my sorrow for what has happened. It is not my object to apportion blame, whether one brother was to blame for it or another, it is equally a matter of pain to me. I have not any idea here of apportioning blame or desiring that blame should be fixed upon one rather than upon another. I only refer to these unfortunate events to remind you that very distressing things have happened, and it is right, and the Government have held that it is right, that they should be inquired into and their repetition made impossible.

" My Lord, while referring to these events in the Punjab, I wish also to say that it is a matter of real regret to me that I should have to raise questions relating to them at a time when Sir Edward Maclagan has assumed charge of the Government of the Punjab. His kindly and generous nature has inspired respect for him throughout the province and throughout the country, and the Punjab in its hour of distress honoured him by calling for him as a saviour. It was a cruel fate which kept him from the people of the Punjab and the people of the Punjab from him. It is a real regret to me, entertaining the respect which I do for him, that I should have to raise these questions at a time when he is the responsible head of the Punjab administration, and my regret is not quite shaken off by the thought that he was not responsible for the events to which attention is to be drawn and which happened at a time when he was not in charge. My Lord, I also want to say that it is far from my object to impute blame wholesale to the members of the Punjab service. On the contrary, it gives me pleasure to acknowledge that at a time when some members of that service did commit what the people consider to be great wrongs, there were several members of the same service whom the people esteemed and respected and were grateful to for having kept their heads cool and their districts calm. It is not my object to attack either the Punjab administration or the services as a whole. It is my object as a humble subject of the King and as a humble servant of the people to draw attention to events which require looking into. It is for this reason that, distressed by the delay which was caused in the announcement regarding the appointment of a Committee of Inquiry, I gave notice of the Resolution which stands on the paper.

" My Lord, as I have said before, it is not necessary for me now to justify the Resolution. The Government have thought it necessary to appoint a Committee of Inquiry. They have considered the situation to be so grave as to call for the appointment of a Committee of a very important character. Lord Hunter is to preside over it; several important gentlemen are to be members of it. Why then, it may be asked, is it necessary for me to take up the time of this Council by pressing this Resolution? The reason, my Lord, is this: As the expression of opinions through the press and associations has made it clear, the public are disappointed with the constitution of the Committee. Your Excellency must have noted, and other members of the Government must have noted, the chorus of dissatisfaction and disappointment with which the announcement has been received by the Indian papers. The 'Leader,' a leading organ of sound moderate opinion, has expressed itself in unequivocal terms: It has said that the Committee will not command confidence. The reasons it has urged are, first of all, that the Indian element on it is very weak. Secondly, that the Committee is to report to the Viceroy who has been so much identified with the Punjab policy. And, thirdly, that 'the terms of reference do not empower the Committee to go into individual cases.' It has concluded by saying: 'To say that the people will be keenly disappointed with the constitution and terms of reference of the Committee is only to express very mildly the effect they will produce.' Similarly, the 'Bengalee' and other leading organs of public opinion have expressed themselves dissatisfied with the constitution of the Committee and its terms of reference. My object here is not to attack anybody, not to impute any motives to any one, not to cast any reflections upon any officer of Government, but humbly to draw attention to the reasons which justify this dissatisfaction and disappointment and which should lead the Government to reconsider the matter.

"I will take up the first point with regard to the report being made to the Viceroy. My Lord, I speak with the utmost respect without any desire to say anything personal, and I shall be sorry if any remarks of mine in any way, either directly or indirectly, indicate any want of respect for the head of the Government or for the Government of India. My Lord, the Committee is to inquire into events which have happened in the Punjab with which the Government of India are closely identified. My Lord, it was the Government of India, or, if you please, the Governor General in Council, who declared that there was a state of open rebellion in Lahore and Amritsar. That was the starting point of the chapter of troubles. It was the Governor General who promulgated martial law Ordinances. It was the Governor General in Council who supported and sustained the late Lieutenant-Governor of the Punjab, Sir Michael O'Dwyer, in carrying on the martial law administration there. It was the Governor General in Council who accepted the resignation of Sir Sankaran Nair, which as a protest, a most emphatic protest, against martial law . . . . . .

The President:—" Order, order. What authority has the Hon'ble Member for making that statement. I told the Council in my speech the other day that Sir Sankaran Nair had not given out publicly his reasons for resigning, and that any communications he had made were entirely private as between colleagues."

The Hon'ble Pandit Madan Mohan Malaviya:—"I beg your Lordship's pardon, my Lord. It has been said in the papers that Sir Sankaran Nair resigned on account of the administration of martial law in the Punjab, If I have erred in saying this, I beg your Excellency to pardon me.

"Now, my Lord, these are facts of such an important character that there is a feeling in the public mind that the Committee of Inquiry ought to report not tothe Governor General in Council, but to His Majesty's Secretary of State forIndi a. I disclaim, my Lord, any idea of suggesting that the Governor General in Council will not deal fairly and squarely with the Report of the Committee. Personally, I have not the least doubt that every member of the Government will give it his best and most impartial consideration and arrive at conclusions which justice and honour should dictate. But, my Lord, in this matter the Government has to pay heed to the public opinion of the country, and, in view of the events which have happened, the public clearly feel that it would be right, it wouldbe more satisfactory, if the Report went to the Secretary of State for India. This is a view which I consider it my duty to commend to the consideration both of your Excellency's Government and of the Secretary of State. It is not, I repeat, that I make any insinuation or any suggestion, or that I personally have any doubt about how the matter will be dealt with by the Governor General in Council. But it is my duty to draw attention to the public opinion of the country which is voiced by papers of the standing of the 'Leader' and the 'Bengalee,' as well as other organs of Indian public opinion, all of which want this matter to be re-considered.

"I will now come to the next point by reason of which I consider that this Committee is defective and unsatisfactory, and that is the personnel of the Committee. The Committee consists of six members including the President. Four of these are Europeans and only two are Indians. Now, my Lord, I would not have raised the question of Indians and Europeans, were it not that the Government have themselves raised it by proposing such a Committee as they have done.

"My Lord, it is deplorable that seven European lives were lost, but, your Lordship is also aware from the answers given to-day by the Hon'ble the Home Member that several hundreds of Indian lives have been lost; and several hundreds of barristers and vakils, merchants and bankers, and other respectable Indians are rotting in the jails of the Punjab as the list laid before the Council by the Home Member discloses. Several hundreds of Indians have been subjected to indignities which should have been inconceivable. When the Indian members and the Indian public cry for an inquiry into such a state of affairs, one should expect that the Government would appoint a larger number of Indians on the Committee of Inquiry than of non-Indians. Instead of doing that if the Government had put the number even as equal, it would have given more satisfaction. But they have not done this either.

"My Lord, here again I do not mean for a moment to insinuate that any member of the Committee will look at these questions from a racial point of view. I personally believe that every one of the members will act honestly and impartially as a gentleman, and I have no fear, not the remotest fear, in my mind that these gentlemen will not act impartially and justly; but how does the constitution of the Committee appear to the general public? Four of its members are Europeans. They ask why should there be four Europeans as members and why only two Indians? Are not Indians more concerned in this matter than Europeans? The matter ought not to be regarded in any racial light, but it ought to be looked at from the point of view of the persons, whose fates are to be tried or whose interests are at stake, who would naturally desire in a matter like this to see that the jury consists of persons in whom they have confidence. The Indian public do not know sufficiently about some of the members who have been appointed on the Committee. They know only of some;

and by reason of want of knowledge of the qualifications and character of some of the members, they do not feel the same confidence that they would if they had found in the Committee the names of some of those with whom they are acquainted, whom they respect and honour, and in whom they have confidence. For this reason, my Lord, the constitution of the Committee is defective, and I certainly say that it would have been wiser on the part of the Government if they had at least made the number of Indian and European members equal. It is even now possible for the Government to equalise the number by appointing a third Indian member. There are a number of gentlemen available in the country, both among Indian Judges and Indian public men, any one of whom, who enjoys the confidence of the public, might be appointed without any disadvantage to any interest. My Lord, it is in this respect that the constitution of the Committee is considered to be defective. I will not dwell upon the personal merits of any individual; as I have said I have absolute confidence that every member of the Committee will look at the questions in a straight way like a gentleman and come to conclusions which truth and justice and honour dictate.

" My Lord, why has the Government appointed this Committee? It has appointed it, in the first place, to redress wrongs which, it must be satisfied, have been inflicted; and, in the second place, to satisfy public opinion which has been outraged by the events which have taken place. Now, if the public is to be satisfied, if that is the object of appointing this Committee of Inquiry, I submit with great respect that the Government would be wise in appointing a third Indian as member of this Committee, and I hope it will.

"My Lord, the third respect in which the Committee is unsatisfactory is that the terms of reference are not sufficient. Your Excellency has seen from the answers given by the Home Member what sad havoc has been played with the liberty and honour of a number of His Majesty's subjects. Now, my Lord, even if their Lordships of the Privy Council hold that there was no justification for introducing martial law in the Punjab, even if they sweep aside all the proceedings of the martial law commissions and martial law officers, what would be the position? They will only deal with the appeals of those individuals who have gone up to the Privy Council; they will not be able to touch the cases of the vast number of men who have not appealed and who probably will not be able to appeal to the Privy Council. My Lord, the Committee of Inquiry will be an executive body; it can only make recommendations. In the Resolution I have suggested the Commission will be vested with legal authority to deal with, to annul or modify sentences. But it is the convictions which have to be set aside. My Lord, I have reflected that this cannot be done by a Commission or Committee unless it is constituted into a Court, for which either this Council should pass an Act constituting it as a judicial tribunal, or Parliament should do so. In the absence of such a constitution of a judicial tribunal, the Commission or Committee can only make recommendations which may be dealt with by the executive Government. Now, the Governor General in Council or the Secretary of State can, as executive officers, wipe out the sentences of any individual; but, my Lord, neither the Secretary of State nor the Governor General in Council has any authority to set aside any of the convictions; and, my Lord, if the convictions remain, can any of these men be happy to think that the stain of having waged war against the King will remain on their forehead for ever? My Lord, comparatively the sentences do not mean so much. What matters most to every decent citizen, to every loyal subject, to every gentleman, is that his honour should remain stainless, that the stain which has been cast upon his honour shall be completely wiped off. Now, my Lord, as matters stand in the British Empire at present, that can only be done by His Majesty's Privy Council. I submit, therefore, that the reference to the Committee of Inquiry is insufficient and incomplete, and that they should be asked to recommend, if they should think it fit, to His Majesty in Council that the convictions by the martial law commissions and martial law officers and tribunals specially empowered to deal summarily with cases of persons alleged to have been connected with the said disturbances should be annulled. I therefore, ...

The Hon'ble Sir William Vincent :—" May I rise to a point of order ? The Hon'ble Member is doing exactly what he said he would not do, that is, moving an amended Resolution."

The President :—" I should like the Hon'ble Member to show how what he is saying now in the course of his arguments comes within the Resolution which stands on the paper."

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, it will be quite clear in a minute. If the Hon'ble the Home Member had not interrupted me, he would have heard it by this time. My Lord, my Resolution says that :—

> ' This Council recommends to the Governor General in Council that he should request His Majesty's Government to appoint without further delay a Commission consisting of gentlemen unconnected with the Indian administration.'

To support it I have to show that the Committee of Inquiry which has been announced is defective, and that the terms of reference are insufficient, and I have been endeavouring in my humble way to show it. I am surprised that this should not have been clear to the Hon'ble the Home Member. I will proceed more rapidly because I fear my end is approaching. My Lord, I have drawn attention to three circumstances by reason of which I am not satisfied with the proposed Committee of Inquiry; and by reason of which I humbly urge that this Council should recommend to the Governor General in Council that he should request His Majesty's Government that a Commission should be appointed by them to investigate the Punjab occurrences, and that the terms of reference should be laid down as I have suggested.

" Now, my Lord, if this is done, what will be the result ? The result will be that your Excellency's Government will satisfy Indian public opinion. I assure your Excellency that my countrymen are not unreasonable; my experience, extending over forty years, of public life in this country, has convinced me that there has not been one single occasion, when if the Government has been in the right the people have not recognised that they were right; and I believe that in the interests of the good name of the Government, in the interests of justice, in the interests of truth, nothing is more desirable than that the inquiry which the Government have recognised as necessary should be conducted by men who satisfy public opinion, by men who would inspire confidence in the public mind, and that the terms of reference should be such as would enable the Commission to wipe off any stain which has been cast on those concerned, if they should, after investigating the matter, come to the conclusion that it is right that it should be done and in order that the public feeling should be allayed.

" My Lord, it has distressed the people of the Punjab and of India that after the great war, after the loyal services rendered by the people of the Punjab, after the loyal services rendered by India—and we have been repeatedly told that the Punjab has borne the foremost share in the sacrifices made, and that her sacrifices have been appreciated by everybody who knows the fact—it has distressed us all to think that this province should be visited by such a terrible calamity, almost before the war has come to an end. The total number of persons who have been arrested has not been found out by the Government, though several months have passed; yet the number that has been announced by the Hon'ble the Home Member is distressing to think of. I have visited the Lahore Central jail and the Borstal jail on three occasions, and I was grieved to find that men, good men, any of whom might get a seat in this Council, men as honourable as any member of this Council, were rotting in those jails for no fault of their own, for no guilt of their own. I feel that this is a situation that calls for the most searching and impartial inquiry—an inquiry that should command complete public confidence, that would silence the tongue of calumny, silence false rumours and establish that Government does not favour anything except truth and justice; establish that the Government are as solicitous for the life and the honour of every single Indian subject of His Majesty as they are of the life and honour of every European subject of His Majesty. This demands, my Lord, a commission of the character which I have indicated. It is for these reasons that I move this Resolution, being thoroughly dissatisfied with the constitution of the Committee as announced and with its terms of reference. I hope the Government will consider the matter in the light in which I have presented it. I have no wish to embarrass the Government. I tried to modify my Resolution, but I will not speak about it now. I have indicated in my speech measures which might make the Committee satisfactory. I have suggested a modification which will make it unnecessary for the Government entirely to remodel the Committee, by means of a reasonable addition in one respect, and a reasonable extension in another. As this does not evidently commend itself to your Excellency's Government, I must press for the acceptance of my Resolution that a Commission, not a Committee, should be constituted on the lines I have indicated, with the instructions which I have indicated, including the power to recommend that any conviction might be annulled."

His Honour the Lieutenant-Governor:—"My Lord, I should like with your permission, to make a few remarks before this debate comes to an end. 1-25 P.M.

"In considering the steps which have been taken to deal with the recent disturbances, we must, I think, bear in mind the warning which your Excellency gave us at the first meeting of this Session against the tendency, now that the disturbances have been quelled, to minimise their gravity. I do not think that even while the disturbances were in progress people in other parts of India fully realised how extremely serious they were, and now that peace has been restored, there are a good many people inside the Province and outside it who have persuaded themselves that nothing very serious occurred. I have had an opportunity of meeting the chief citizens of two of the towns in which the more serious disturbances occurred. On both occasions I have had to bring to their memory the gravity of the danger through which they passed. If the disturbances had not been met with the utmost rapidity, had they been allowed to proceed a little further than they did, the lives and property of all classes, more especially of the trading classes in the central Punjab, and possibly in other areas extending even beyond the Province, would have been in the most imminent danger. The Province has escaped, and very narrowly escaped, a most serious catastrophe.

"The Hon'ble Member has spoken a good deal about the sentences passed by martial law commissions A good deal can be said about them, but I shall at present only say a few words in order to dispel any misapprehension there may be about the attitude which the Government has hitherto adopted in the matter. As regards the findings of these commissions, it must be remembered that they represent the opinion, the unanimous opinion, of three experienced officers, who had the accused and the witnesses before them and heard what had to be said on either side. It is only in cases where there is patent and incontestable evidence of error that findings of this kind can be upset by an executive authority, and although I have examined many cases, I have not found one in which I felt justified in impugning the substantial accuracy of the findings of the Court.

"As regards the sentences I think things are different The Courts were in a great many cases bound by the law to pass the severest form of sentences. They were influenced in a large number of cases, and I think justifiably influenced, by a sense of the great danger to which the persons before them had so recently exposed the country. It is always open to the Government in such cases to adopt a more extended view and to look upon punishments with regard to their aggregate effect. Where it feels it can reduce the sentences without unduly weakening their deterrent influence, it is justified—and where the numbers concerned are considerable, it is more than justified—in ordering a reduction. The sentences passed on the *Ghadr* revolutionaries in 1915 were in this way reduced by my distinguished predecessor and in the case of such recent sentences as came before him before he left the country, he had himself ordered a considerable number of reductions. To what extent and at what time he would have conducted a general review of these sentences, if he had stayed in the country, I cannot say, but I have reason to believe that after a suitable interval had elapsed, a review would have been undertaken by him. I have myself found that it was possible to effect reductions very shortly after quiet was restored, and I recognise that in doing so I have undertaken a considerable risk. The reductions have, however, served to show that the Government in punishing disturbers of order has no desire to be oppressive or vindictive, and they have helped to ease the tension which has inevitably sprung from the events of April last. They have been made in the hope that the old feelings of confidence between the Government and the people which the sudden upheaval of last April had so violently interrupted might be restored, and if in this hope we are, as I trust we shall not be, disappointed, it will not be for want of anxious effort on the part of the Government.

"I would in all earnestness ask the Council to appreciate the attitude which the Government has adopted. We cannot let past outrages go unpunished, but we are doing what we can to restore good feeling, and to bring things back to normal and peaceful conditions, and the least we can ask from those who have the interests of the country at heart is that they should aid and not impede us in our task."

1-31 P.M. **The Hon'ble Mr. W. E. Crum**:—"My Lord, I stand here to-day as a representative elected by the Bengal Chamber of Commerce, but in speaking I speak not only for the Chamber but also for the great European community scattered throughout the provinces of India. And what is that community? It is a community as truly of the citizenship of India as any community in India. It has been said that we are simply foreigners who come to India to make what money we can in a few years out of the Indians and then go and spend it in England. My own position, my Lord, I will explain to the Council and ask them to judge. My father lived, worked and died in India. For twenty years I have worked in India. My children have been born in India, and I hope that my sons will come back and work in India. The money that I have inherited and the money which I have earned is all invested in India's trade and commerce, and as long as I live it will be so invested. And my position is simply that of many of the thousands of the European community who are scattered throughout India, and as such we claim citizenship of India and the right of protection. We are as solicitous for the future of India, for her material welfare and prosperity, as any other member of your Excellency's Council But, my Lord, with regard to what has happened in the Punjab, it is we who are the aggrieved parties. The Hon'ble Pandit has told us, and I believe with all sincerity, how much he regrets the murders, the sacrilege of churches and the destruction of property which have taken place. But that does not alter the fact that these murders did take place, that churches were burnt, and that property belonging to Europeans was destroyed because it belonged to Europeans. And so, my Lord, (we have the right not only to claim the protection of Government for those Europeans scattered all over India, but also must we be given some assurance that occurrences such as have happened in the Punjab will not happen again.

"My Lord, the Hon'ble Pandit paid a very just tribute to the good work which Sir Edward Maclagan is now doing in the Punjab. But I consider that India also should be thankful and should pay a tribute to his predecessor, Sir Michael O'Dwyer because it was all important for India that at that very serious time she had in the Punjab a man of the courageous fearlessness, of the justice and of the determination of Sir Michael O'Dwyer, and on behalf of the European community, I wish to thank him for the prompt measures which he took in quelling the disturbances. And, further, I wish to thank those officials of the Punjab, both European and Indian, who did their duty and stuck to their posts when circumstances were so much against many of them.

"I should like to allude, my Lord, to the behaviour of His Majesty's Army in the Punjab . . . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"May I rise to a point of order, my Lord? I did not want to go into details regarding the work of His Majesty's forces in the Punjab, and I doubt whether any of the Hon'ble Member's remarks are pertinent here. I have avoided, so far as I could all reference to facts which are to be inquired into by the Committee of Inquiry (Laughter) . . . . . . 1-36 P.M.

The President :—"It is impossible for me to hear what the Hon'ble Member is saying if his voice is drowned by laughter."

The Hon'ble Pandit Madan Mohan Malaviya :—"A little levity is sometimes unfortunately imported even into the most solemn discussions. I have avoided going into those facts of a cardinal character which would establish whether Sir Michael O'Dwyer was responsible for creating the serious time referred to by the Hon'ble Member or not, and whether His Majesty's forces had done well or not. I have avoided all reference to these details, and I would suggest that Hon'ble Members may discuss the Resolution on the grounds I have put forward. I think it would be unfair to the Committee of Inquiry to prejudge matters which have been referred to them, but I put this before your Excellency so that the blame for importing these matters into the discussion may not rest upon me."

The Hon'ble Mr. W. E. Crum :—"My Lord, I think also that the thanks of my community are due to His Majesty's Army in India, both European, Sikh, Muhammadan and Gurkha, who in spite of the greatest provocation behaved with a restraint and discipline which will be a model to the Army in India for ever afterwards. 1-37 P.M.

"Now, my Lord, I cannot help thinking that instead of the Hon'ble Pandit having moved this Resolution that I should have moved it as a member of the European community, and it seems to me that the wording of the Resolution is wrong. The Resolution asks for the annulment and modification of sentences on those who have already been convicted of murder, arson and sacrilege. My Lord, rather surely should the Resolution have asked that reparation should be made for the lives that have been lost and the properties that have been destroyed, and I would ask that in the terms of reference to the Committee of Inquiry which your Lordship has appointed, there should be included the question of reparation for those who have suffered, the question of who is to pay for this reparation, and the question as to how the scattered European community is to be safeguarded in the future. My Lord, I would go further, and ask that as this is a matter which concerns my community so deeply, your Excellency may be pleased to add to this Committee a member of the non-official European community. My Lord, the Committee consists of two eminent Judges, a member of your Excellency's Government, a distinguished soldier and two members of the Indian community. All that I ask is, that we non-official Europeans should also be represented, and since the Hon'ble Mover of the Resolution has asked that the Commission should consist of gentlemen unconnected with the Indian administration, I think that he at least can take no objection to my request."

1-40 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi :—** "My Lord, I think I would be failing in my duty if I were not to speak a few words in connection with the present Resolution. It is the barest truth to say that the recent happenings in the Punjab have grieved people all over India. The loyal and law-abiding section of the Indian community very much deplores the excesses committed by the mob in this province. But there is also a strong feeling, even among the most considerate and sober-minded, that the retribution visited on the people of the Punjab has been unduly severe and undiscriminating. A policy of conciliation and clemency has no doubt been adopted lately, but it has not succeeded in appeasing the public mind altogether. It is a matter of satisfaction that, in response to the public demand for an inquiry, Government have thought fit to appoint a Committee, as was announced by your Excellency the other day. The personnel of the Committee seems, however, to admit of improvement, and I would implore your Excellency's Government to strengthen it by the addition of a few more non-official Indian Members possessing public confidence. There is also a general desire that the terms of reference should be more comprehensive, so as to include individual cases. I venture to suggest that the disturbances in Calcutta should be included within the scope of this inquiry."

1-42 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan :—**"My Lord, the request for the Commission of Inquiry ought to have come from a Punjabi who knew all that happened in the Province and not from an outsider. We have sufficiently suffered from the help extended to us from other Provinces. Most of the well-wishers and inhabitants of our Province are against the holding of any inquiry whatsoever, as they feel it may pour oil on the fast dwindling fire, and even the private inquiry of some gentlemen was resented by the people when some of the newspapers voiced their feelings.

"I also hope that the element of the public men from outside would not be further added to the Commission of these inquiries to enhance our troubles. If any other Indian is to be added to meet the wishes of some of the Members, I suggest that he may be a Sikh from Punjab, as most of the disturbances took place in the area mostly inhabited by the Sikhs, and as there was a Hindoo and a Muhammadan Member already on the Commission, the appointment will be welcomed by that community. The appointment of a Punjabi with the knowledge of the language of the Province, as well as with the first-hand knowledge of affairs not dependent on the misleading reports and extremist papers, will be of much value to the Commission. As I had worked throughout the disturbances as well as at the Frontier troubles, I wanted to deal at length about the close connection of the two and the origin and gravity of the situation as well as the minute plans, of those who wanted to prove their threats as genuine. I refrain from bringing forward any facts and reserve them for a future date when I hope to review the situation and try to prove what would have been the inevitable result if prompt measures had not immediately been taken."

The Hon'ble Rai Sahib Seth Nathmal :—" My Lord, I am quite new to this Council and equally new to what happened in the Punjab. The affairs in the Punjab of course concern, as my friend just said, those people who can very well deal with them with some experience and not myself. Ever since I became a member of this Legislative Council, I have had a chance of visiting several provinces. To begin with I had to go to Calcutta, where I met certain gentlemen of importance who laid great emphasis on the serious nature of the sentences that were passed against certain people in the Punjab, but when I visited the Punjab, I met certain gentlemen who were on the spot and they told me a different story altogether. There are different views and different opinions, and as I have already said, I am quite new to this and may only refer to a report of the Marwari Association which was published last year, in which they have dealt with similar riots which took place in Calcutta. They say in connection with the riots which occurred last year :—' Armed military and police forces were present from the beginning, but they were powerless to control the rioters, knowing that neither the military nor the police could or would fire upon them at once, they openly snapped their fingers at them, pelted stones at them, wounded some of the high officers of the police, besides a number of constables, and went on committing dastardly crimes under the very eyes of the police and the military.' 1-45 P.M.

" They further say : ' Both the military and the police tried to control the situation, but a little exercise of power in time could have nipped the disturbance in the bud, or at least would have had a wholesome effect on the rioters, for ultimately exercise of power and force became unavoidably necessary to bring the rioters to their senses.' My Lord, I imagine that certain disturbances have also taken place in the Punjab, and probably the action which was taken by the Government was thought quite desirable then, and had the necessary wholesome effect. I have heard a lot also about the seriousness of the situation which then arose though most of the papers ignore this, and I hear nothing from them about it. It is possible that certain actions of the Government might have been a little bit serious, as also the action of the mob which was in great fury then. I suppose, however, everybody has got confidence, just as the Hon'ble Mover of the Resolution said, in the goodness and the policy of clemency exercised by the present Lieutenant-Governor of the Punjab, and therefore in view of the Commission that is coming, as already pointed out by your Excellency, to report on the causes of, and the measures taken to cope with, the recent disturbances in the Punjab and the Bombay Presidency, I am not prepared to support the Resolution as it stands."

The Hon'ble Rao Bahadur B. N. Sarma :—" My Lord, your Excellency in your opening speech on the 3rd has rightly given us a warning that nothing that we may do either here or outside should create or embitter the feeling of the various communities in India, and in view of the appointment of the Commission which has been announced by your Excellency, I think it would not be pertinent to make any remarks in detail with regard to our views of the occurrences in the Punjab. But I should be failing in my duty if I did not express in the Council the views of a vast majority of my countrymen, educated as well as uneducated, with regard to the happenings in the Punjab in so far as they have a bearing upon the Resolution in question. Every one whom I have heard deplores greatly the excesses of the mob in the Punjab, the violence and distemper exhibited and the disastrous consequences to European life and property, and I associate myself with what has been said by the Hon'ble Pandit Malaviya with regard to the keen regret of the country as regards those occurrences. Whether some of the later occurrences, or even all those occurrences were not the result of some of the measures taken either then or a little while previously are questions which will come up before the Committee, and I therefore think it would not be right to express an opinion on that question. 1-49 P.M.

"But with regard to the first part of the Resolution raised by my friend, there is something to be said and I hope your Excellency will not take us amiss when we express our view that it might have been desirable and even now would be desirable if a Commission from England, consisting it may be exclusively of Englishmen from there, were to inquire into these Punjab occurrences. Your Excellency will remember that a large part of the Indian public, while deploring the excesses, doubted and doubts whether the circumstances warranted the declaration of a state of war or open rebellion.

"The question is one which, I think, would have to be inquired into by the Committee, and the views of the Government of India and the Resolution of the Government of India may have to be canvassed. We are thankful to your Excellency for taking the initiative and appointing this Committee showing thereby complete confidence in your own honesty and integrity which nobody has ever doubted. But there are many who have doubted and still doubt on reasonable grounds as to whether the Government has not on one-sided reports been thrown into a state of panic and cast an unmerited slur upon the loyalty of vast sections of people in the Punjab and possibly elsewhere. Therefore, it would have been desirable if a Commission entirely unconnected with India, with fresh minds, had been appointed by His Majesty's Government at home to inquire into these questions, because the questions relating to the Punjab are not, as my friend the Hon'ble Sir Umar Hayat Khan thought, connected only with the Punjab, but are of an all-India or imperial character. It is with great distress of mind and regret that I have to state that, rightly or wrongly—and I hope sincerely, that the Committee will find that the opinion is wrong—rightly or wrongly, there is an impression abroad that British justice has never sunk so low as during the past few months, and nothing has distressed us so much, because we, who believe in the continuance of the British connection with India, have set great store upon the prestige of the British race, upon their reputation for integrity and for justice; and it has saddened us that that tie was being weakened by the events which took place in the Punjab. It would have been well, therefore, if the Committee had consisted exclusively of Britishers fresh from England, and if the Commission had been appointed by the Government at home to inquire into these questions and the Report had been made to His Majesty's Secretary of State. However, it may not be too late even now. The Government of India has shown its good faith in starting the inquiry itself, and there would be nothing to prevent them from asking His Majesty's Government to clear the doubts and fears of the Indian people. I was very glad to hear that my friend from Bengal owns his Indian citizenship. Nobody has ever doubted it. Nobody has ever doubted that there are large numbers of Britishers in India who are as proud of being Indian citizens as we are ourselves, and I agree with him that everything that is possible should be done to safeguard their lives and properties, especially as they are scattered all over India. But, my Lord, may I point out to the Council that what the people of India object to is not the swift, speedy, stern punishment of the offenders who are responsible for crimes, but to what they believe to be the use of Prussian methods of terrorism in order to inspire fear in the Indian mind when the European is approached. It is a continuance of that old spirit which we thought had ended and would end with the war that the Indian people fear so much; and if the European community does not back up the theories and doctrines supported by some of the Anglo-Indian papers and does not believe in methods of stern vengeance, I am sure everyone will cordially echo what was expressed by my friend the Hon'ble Mr. Crum. It is that question again which is one of the crucial questions which will have to be investigated by this Committee, the question, namely, not as to whether a few more than the really guilty had suffered or not—in every disturbance of this sort ideal justice cannot be dispensed and in administering speedy justice you must punish the innocent as well as the guilty—but the question is whether the methods that had been adopted were adopted with a view to mete out justice or perpetuate the old pernicious methods of upholding prestige even if terrorisim has to be employed. I therefore think that Indian confidence in British justice and integrity might be greatly restored—and that is the real point to be gained now—by the appointment of such a Committee as has been prayed for by my friend the Hon'ble Pandit Madan Mohan Malaviya.

" Then, as regards the question as to whether the Committee should be invested with power to annul sentences, there are of course legal and technical difficulties no doubt, but it may be permissible to authorise the Committee to make recommendations in this respect. With due respect I venture to say that we who have been trained in the administration of justice and who have been assisting the administration of justice have looked in vain in what appear in the newspapers as judgments in these cases, for materials to judge whether these sentences were right or wrong, whether the convictions were right or wrong, and in the few cases in which lengthy judgments have been written, I may venture to say that they have left the vast majority of lawyers as well as non-lawyers unconvinced and they have been forced to the conclusion that it would have been impossible to expect a British Court of justice to convict men on such flimsy materials as apparently formed the basis of such judgments. I hope the Punjab Government and the Government of India had ampler materials than were furnished to the public on which they could come to a decision as to whether the convictions were right or wrong. I hope one day the materials will be published and the public will be shown that they were absolutely in the wrong. But, so far as the materials in the hands of the public go, I can boldly state that, on the materials furnished and on the judgments, it would be impossible to justify any confidence in the conclusions, I would say, of the Hon'ble Judges who tried these cases. I am not going to impute motives. All of us are human; when we are perturbed by our feelings we are apt to have our judgments misled, and it may be therefore that in the disturbed Punjab of 1919 the atmosphere was too vitiated to permit correct conclusions to be come to. But the Government of India have materials, I hope, and, I think, it would not be wrong for us to recommend that this Committee should go into that question and make recommendations not simply as to whether the sentences should be reduced, but as to whether the convictions should be upheld. After all the Privy Council may be technical and justice may not be administered. I repeat again that the true foundation of the British connection lies in the confidence of the people in British justice and in British methods, and I hope that in accepting a portion of the Resolution the Government would not be doing wrong in attempting to restore that confidence."

The President :—" The Council will now adjourn until to-morrow at 11 o'clock when Legislative business will be taken. The discussion of this Resolution will be continued on Friday, the 12th. If, by any chance, we finish the Legislative business down for to-morrow, of course we shall continue the discussion of this Resolution."

The Council then adjourned to Thursday, the 11th September 1919, at 11 A.M.

H. M. SMITH,
Officiating Secretary to the Government of India,
Legislative Department.

SIMLA ;
The 17th September, 1919.

APPENDIX A.

[Referred to in answer to Question No. 31.]

Statement showing the areas in which famine has been declared and the population thereof, etc.

Province.	(a) Area and population of the tract where famine was declared.		(b)	(c) Number of persons on relief on 21st June 1919.		(d) Grants in the shape of loans and gratuities.	
	Area in sq. miles.	Population of the area in Col. 2.	Dates of declaration	Relief works.	Gratuitous relief.	Grant under Annual Loan Estimate.	Additional gran
1	2	3	4	5	6	7	8
						Rs.	Rs.
Bihar and Orissa (3 districts)	(Not known.)	(Not known.)	17-5-19 14-6-19 28-6-19	1,535 (incomplete figures).	(Not known.)	23,10,000	...
Bombay (4 districts)	17,164	3,121,432	18-1-19 1-2-19 8-2-19 12-4-19	27,967	45,423	60,00,000	75,00,000
Central Provinces (3 districts)	12,841	1,541,512	8-3-19 19-4-19	9,490	17,327	35,00,000	22,00,000
Bengal (1 district)	2,364	968,741	14-6-19	7,874	18,918	6,00,000	8,00,000
Madras (1 district)	873	501,000	15-3-19	47,932	80,879	8,50,000	4,00,000
TOTAL ...	33,242	6,132,685	...	94,798	162,547	1,32,60,000	1,09,00,000

(c) Includes males, females and children. Separate figures for each not available.
(d) No information is available with regard to the expenditure of this money up to date nor with regard to any gratuities.

APPENDIX B.

Referred to in answer to Question No. 32.]

Statement of allotments for expenditure on Famine Relief in 1919-20.

Name of Province.	Imperial.	Provincial.	Additional grant.	Total.	Remarks.
Madras	1,50,000	50,000	33,00,000*	35 00,000	* ¾ths Imperial. ¼th Provincial.
Bombay	45,00,000	15,00,000	...	60,00,000	
Bengal	1,50,000	50,000	1,50,000†	3,50,000	† ¾ths Imperial ¼th Provincial.
Bihar and Orissa	12,00,000	4,00,000	...	16,00,000	
United Provinces	67,42,000	22,48,000	...	89,90,000	
Punjab	3,00,000	1,00,000	...	4,00,000	
Central Provinces	29,47,000	9,83,000	...	39,30,000	
North-West Frontier Province	...	...	...	...	
Assam	...	...	...	...	
Burma	...	...	...	...	
Ajmer-Merwara	2,16,000	...	2,83,000‡	4,99,000	‡ Imperial.
Baluchistan	...	...	6,000§	6,000	§ Imperial.
Total ...	1,62,05,000	53,31,000	37,39,000	2,52,75,000	

APPENDIX C.

[Referred to in answer to Question No. 33.]

Exports of Rice, Wheat and other Foodgrains from India (including Burma) during the 10 years 1909-10 to 1919-20.

(Figures in Cwts.)

—	1909-10.	1910-11.	1911-12.	1912-13.	1913-14.	1914 15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20. April—July.
Rice	39,205,013	47,996,731	52,477,427	55,263,287	49,006,980	31,227,568	27,348,242	32,795,737	39,293,472	41,050,017	3,504,053
Wheat ...	21,011,484	25,323,017	27,223,324	32,203,742	24,044,105	14,127,655	13,057,573	14,978,272	29,087,492	9,522,060	54,023
Other sorts (including flour).	5,641,523	5,320,302	22,699,353	21,829,810	10,843,482	6,062,424	8,313,177	10,982,366	21,892,839	14,374,122	823,359
Total grain (pulse and flour).	65,858,030	78,640,050	102,400,104	110,296,839	83,894,567	51,417,647	48,718,992	58,756,375	90,273,803	64,946,199	4,381,435

Average exports 1909-10 to 1913-14		...	88,217,918.
" "	1914-15 to 1918-19	...	62,822,603.

GOVERNMENT OF INDIA.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 11th September, 1919.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 52 Members, of whom 44 were Additional Members.

THE INDIAN COINAGE (AMENDMENT) BILL.

The Hon'ble Mr. H. F. Howard:—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1906. 11 A.M. The object of this Bill is succinctly stated in the Statement of Objects and Reasons, and I need only add a very few words. The object of the measure is to use nickel to a larger extent for our subsidiary coinage and thereby to conserve the available supplies of silver for our rupee coinage, and also, for the future, consequently to reduce our demands on the silver market. We moved some distance in this direction during the course of the war, when we introduced the two-anna nickel coin; this, in spite of some rather gloomy anticipations of our friendly critics at the time, has proved very popular. We thought of going further in this direction by coining four and eight-anna nickel pieces even earlier than we have done, but we were unable to do so for two reasons, firstly, our mints were very much pre-occupied with our rupee coinage and, secondly, nickel, like silver, was unobtainable in any substantial quantities. We are now in a much better position in both these respects. Our critical rupee position has been very greatly ameliorated, and we have secured a very large amount of nickel. We have had numerous complaints, as every Member of this Council knows, during the last eighteen months as to the hardships and grave inconvenience caused by the scarcity of small coin. Well, our mints at the present time are doing their best to make up any lee-way which still remains; recent complaints have been very sporadic and local, and I hope we shall soon be able to remove all causes for complaint on that score.

"The coins which this Bill will enable us to issue are not quite ready for immediate production, but I may explain that the intention is that the four-anna coin should have a waved edge similar to the present one-anna coin, so that they will be easily distinguished from other subsidiary coins; it will be distinguished from the present one-anna coin by reason of its larger size. It is proposed that the eight-anna coin should be round; it will be clearly differentiated in size from the rupee, and as it will be of the same value as the present silver eight-anna piece, no difficulty will arise on account of its similarity with that coin. We propose that these coins should be legal tender up to one rupee; the present legal tender value of our silver half rupee and four annas will be unchanged."

11-5 A.M. **The Hon'ble Mr. W. E. Crum:**—"My Lord, I have great pleasure in supporting this Bill. When the Bengal Chamber of Commerce submitted their memorandum on currency to the Committee when I was in London, they regarded it as one of the most important features of the future currency of India to make the position, as far as possible, independent of silver, and that coinage of nickel and subsidiary metals should be increased as largely as possible. Speaking from memory I think that the absorption of small coins during the war has been something like an increase from 30 to 270 lakhs of rupees, showing that the Indian public are very anxious to have small coin; and, in view of the fact that there is a very large increase in the circulation of one-rupee notes, it is specially important that an increase should also be made in the small nickel coinage of the country."

The motion was put and agreed to.

11-6 A.M. **The Hon'ble Mr. H. F. Howard:**—"My Lord I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE CANTONMENTS (AMENDMENT) BILL.

11-7 A.M. **His Excellency the Commander-in-Chief:**—"My Lord, I beg to move for leave to introduce a Bill further to amend the Cantonments Act, 1910. The purpose of the Bill is clearly set forth in the Statement of Objects and Reasons.

"The Bill embodies two proposals. They are quite unconnected with each other and are only dealt with concurrently for convenience of legislation, because they relate to the same Act.

"The first part of the Bill arose out of a proposal by the United Provinces Government to impose license fees on job porters in the Chakrata cantonment. On an examination of the Cantonments Act, it became evident that insufficient powers existed for the imposition of fees for the grant of licenses to persons carrying on trades and occupations in cantonments. It is accordingly proposed to make specific provision in the Act, empowering the Governor General in Council to make rules which will provide for the grant of licenses to such persons, and for the levy of fees when licenses are so granted. The second portion of the Bill relates to the suppression of prostitution and procuring in cantonments. This, it is needless to say, is a very necessary measure in the interests of the health of the troops. The existing provisions to this end in the

Cantonments Act have been found in practice to be inadequate. Certain powers exist under the Defence of India Rules, 1915. These, however, are of a temporary nature and moreover, as explained in the Statement of Objects and Reasons, have not been found to be fully effective. In order to secure the object in view, it is accordingly considered necessary to amend the Cantonments Act as now proposed."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I now introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE CINEMATOGRAPH (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill to amend the Cinematograph Act, 1918. The principal Act was passed recently and will be within the memory of many Members of this Council. We deferred bringing the Act into operation in order to give facilities to the public to meet the new requirements of the law. 11-10 A.M.

"On examining the Act ourselves, however, we found that certain modifications were desirable in order to prevent general inconvenience. I think if I explain the clauses of the Bill very briefly to the Council, they will realise the position better than if I explained it in any other way.

"Clause 2 of the Bill provides for the introduction of the Act piece-meal. The present section allows of the introduction as a whole in any part of India. The effect of that is, that if the Act was brought into force, while films were being examined and until they were certified by an examining authority, there would have been a considerable period during which all exhibitions of cinematographs would have been stopped; great inconvenience to business and to the public would have resulted. We now propose to bring in a Bill piece-meal; first of all to take steps to get the films examined, and then to apply the provisions which apply to exhibiting films.

"Clause 4 is a decentralising provision. In the Act as it stood it was proposed that the Governor General in Council should have power to constitute certain authorities for the examination of films. On reference to Local Governments, it was found that it would be far more convenient if certain Local Governments were given this power, and the Bill has been amended accordingly. The opportunity has been taken to give statutory effect to the undertaking which I gave when the Bill was passed, that if the examining authority, is a Board of two or more persons, then not more than half of that Board shall be officials.

"The remaining sub-clauses of this Bill are, I think, really consequential; at any rate, it is not necessary for me to detain the Council at present further in respect of them. If any Hon'ble Member wishes to discuss any point in the Bill with me, I shall be very pleased to give him further information."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN COMPANIES RESTRICTION REPEALING BILL.

11-14 A.M. **The Hon'ble Mr. H. F. Howard** :—" My Lord, I beg to move for leave to introduce a Bill to remove the restrictions imposed on the withdrawal of capital from the money markets by Companies. It is very desirable to withdraw all the measures of control which were necessitated during the war as early as possible. My own feeling is that in each case the onus is on Government to establish that justification remains for retaining control. Unfortunately in many cases it is more difficult to demobilise control than it was in the first place to impose it. But, in the present instance, fortunately that difficulty does not exist, and though the existing Act would have died in the natural course in a few months' time, we have thought it desirable to take this opportunity to kill it at once. I think I may say that since the armistice we have been granting licenses freely, possibly too freely. The actual amount of the new capital for which licenses were issued by Government up to the end of December last was 29 crores ; since then licenses have been issued for the flotation of capital amounting to 76 crores. But though we have disposed of these as expeditiously as possible, we recognise that some delay and inconvenience must necessarily be entailed to Companies which have to prepare applications for us, and that they are put to a good deal of trouble in that connection.

" But while I think that this Act can suitably be repealed now, there is one word of warning I should like to utter. These huge figures I have mentioned show that a great deal of capital is at present forthcoming, but they do not show at all whether that capital is at present being devoted to suitable objects or the reverse. We have not exercised any scrutiny in recent months as to the inherent soundness of these Companies. Generally speaking, we have merely considered whether there were strong grounds for interfering with them or not, and we have not interfered with them except in the case of obviously 'kiteflying' Companies. For example, there was an Aviation Company with a capital of 2 lakhs.

" Sir Jamsetjee Jejeebhoy at the last half-yearly meeting of the Bank of Bombay made some remarks which seem very relevant in this connection. He said : 'It seems necessary to caution the investing public against rushing into every new venture that is put on the market without knowing something about it.' Company promoting, divested of its speculative nature, deserves to be encouraged, but there is a danger that the present movement will be overdone and that it will lead to trouble in the future.' The only criticism that I have to make with regard to Sir Jamsetjee Jejeebhoy's remarks is that they appear to me, if possible, to have understated the danger. It is very important that investors should not encourage flat-catching promoters by helping them to unload more or less worthless shares on the public. I am not so much concerned with the fate of the individual investors in such Companies, who may be left to 'hold the baby,' as with the effect that the collapse of Companies of the kind may have on the investing public as a whole and the possible danger that investments in sound enterprises will thereby be discouraged.

" I may say that I have heard that a good many Companies have been in the habit of placing in the forefront of their advertisements the fact that the Government of India have issued licenses to them under the Act. From what I have said it will be seen that that in itself is no testimony to their soundness, and an intending investor would do well to scrutinise the soundness of a new Company, in which he thinks of investing, on its merits."

The Hon'ble Mr. W. E. Crum :—" My Lord, this Act was started 11-19 A.M. at a time when it was absolutely necessary to get in as much money as possible for national purposes. It has outgrown its usefulness and, I think, it is unnecessary that it should any longer be continued. It naturally imposed certain restrictions on Companies which are in themselves in every way admirable, and considerable delay has occurred, not lately but earlier in getting leave to float Companies. Latterly, as Mr. Howard remarked, the use of this Act has assumed rather a serious aspect and in the case of several Companies, the fact that Government have allowed the flotation of the Company, as Mr. Howard says, has been used really as an advertisement. There is no question about it that there is a serious danger of the public being misled into believing that the Government have carefully scrutinised the Company and approved of its flotation before it has actually granted leave for the flotation. I thoroughly endorse what Mr. Howard said regarding the speculation that is going on at present over Companies floated in India. There has been a tremendous boom of industrial progress. I think Mr. Howard said that the majority of the Companies were unsound or words to that effect...............

The Hon'ble Mr. H. F. Howard :—" I did not wish to convey that impression."

The Hon'ble Mr. W. E. Crum :—" I think the majority of the Companies are thoroughly sound. But I doubt whether there is a single one of these Companies whose shares have gone to an enormous premium which is really worth the premium.

"We have a large number of Companies being floated with very large sums as capital, some of them excellent Companies no doubt in themselves, but in which the rise in the price of shares cannot be justified, and I would like to add my opinion to what the Hon'ble Mr. Howard has already said as regards warning the public against paying these excessive premia for shares of any kind whether they are sound or unsound."

The Hon'ble Sir Dinshaw Wacha :—" My Lord, I entirely agree 11-21 A.M. with what has fallen from the Hon'ble Mr. Crum, and coming as I do from Bombay, where there is going on the greatest promotion of Companies and speculation in their shares, too, is very rife, I think a little warning of a determinate kind from Government would be very good. A large number of industrial concerns have been floated in Bombay, and as Mr. Crum has rightly said—of course he has not referred to Bombay—premium on the shares of these new Companies goes up in no time, aye even before a single brick foundation-stone of the concern is laid. Or even before the first call of Rs. 5 or Rs. 10 is made, the premium goes up to Rs. 20, Rs. 30, Rs. 40 and Rs. 100. This is really a very unsound state of affairs, and I believe that it is more the fault of the investors themselves and of nobody else. The Company promoters as a body of course are benefited. They put as much money as they can into their pockets. They under-write the shares of the particular Companies, and of course employ brokers who go and rig the market, after allotting all the shares for themselves and their friends. The promoters thereafter begin to sell their shares to the public at a premium. Everybody tries to grab at a few hundred shares of this or that Company. Meanwhile what happens is this; that while speculation is being fed by these Company promoters, premium goes very high, and they seize the opportunity to unload their shares at a profit and fill their own pockets. Now it is not the first time that such a thing has happened in Bombay. I am a very old man, and I remember very well as a young boy of 20 the feverish speculation that took place in Bombay in 1864-65 during the last two years of the American Civil War, when something like 50 Financial Associations and about 20 Banks or so were established, thanks to the 50 crores of silver and gold thrown in the lap of the cotton merchants as their colossal profits. I wrote specially some ten years ago a book on the mania of share speculation which is considered a standard book, because it is the only historical work that has ever been published; I specially related there all about the history of the causes which brought the old Bank of Bombay to grief and ruin. Of course, at that time the movement was led by a bold man like Premchand Roychand, who was the Albert Grant of those days. To-day there are several people like Premchand who fan most wildly the speculative flame. But I do believe, my Lord, that it would be a very wise thing were the Government to consider whether the Companies Act should not still be amended in a further way so as to restrict this kind of speculation by Company promoters. Of course, it is more a matter for those packs of geese who are called investors. The promoters' vocation would be easily gone were the geese not so foolish and credulous. The whole situation is this. The investing people are ignorant, credulous and very greedy of pocketting money. Some of them think that they can take a hundred rupees in the morning in their pocket and bring Rs. 200 in the evening. Thousands of people were ruined after the collapse of the mania of 1864-65. Immense properties and estates went to rack and ruin. Their owners never recovered. That was the aftermath. I gave a warning the other day to an audience where I presided that they had better be careful because the crash was sure to come and then they would feel the pinch. But whatever may be done, I think some sort of check should be devised by the Government so that this kind of speculation may be greatly abated, particularly restricting those astute promoters of Companies who are of course the greatest gainers in speculation of this kind and therefore the worst sinners. I am very glad that the Hon'ble Mr. Howard has referred to this to-day in his opening remarks. As far as the speculation of withdrawal or remobilisation of capital is concerned it has my hearty approval. The industrial regeneration of the country on a sound industrial basis is infinitely better than this sort of mere promotion of Companies for purposes of speculation. Industrial concerns on sound lines are to be welcomed, but the speculative mushroom concerns must be wholly deprecated."

The motion was put and agreed to.

The Hon'ble Mr. H. F. Howard:—"My Lord, I now introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN MERCHANT SHIPPING LAW AMENDMENT BILL.

11-27 A.M. **The Hon'ble Sir George Barnes:**—"My Lord, I beg to move for leave to introduce a Bill to amend the Indian Merchant Shipping Acts, 1859 and 1883. It is difficult to add anything to the clear statement as to the effect of the Bill which is set out in the Statement of Objects and Reasons. The measure is a very simple one, and, I think, all Hon'ble Members will agree, entirely uncontroversial. Section 114 of the Indian Merchant Shipping Act, 1859, and section 5 of the Indian Merchant Shipping Act, 1883, both exclude from the operation of the Act ships belonging to, *or in the service of,* His Majesty or the Government of India, or belonging to any foreign Prince or State. It is not very clear how the words 'in the service of' came to be inserted, especially as they are absent from the corresponding provisions of the English law; but the effect is that the exemption covers vessels which have been temporarily hired for transport or other purposes, as well as ships owned by Government. In practice this exemption has been found to be very inconvenient, in so far as it precludes investigations being made into shipping casualties occurring in connection with hired transports, and also precludes suitable disciplinary measures being taken against officers and crews of such vessels who may have been in fault. The object of the Bill is to confine the exemption strictly to shipping belonging to His Majesty or to the Government of India.

"It may perhaps be well to give Hon'ble Members an example of the inconvenience which has arisen, and which the Bill is intended to remedy. Accidents have from time to time occurred in the docks at Bombay and elsewhere in India to merchant vessels temporarily hired as transports. One, for example, while proceeding to her berth in the Alexandra docks to embark troops, owing to the engines of the ship being put full speed ahead instead of full speed astern, collided with the dock wall and damaged her hull. It is obviously desirable that a casualty of this kind should be inquired into in the ordinary way under the Indian Merchant Shipping Acts, and the certificate of any of the ship's officers who might be found to be in fault ought obviously to be dealt with. But, as the law now stands, no inquiry can be held. The whole effect of the Bill is to leave out the words 'in the service of' which now stand part of the two sections referred to above. My Lord, I beg to move that leave may be given to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894. The effect of this Bill can be stated in a very few words. It is to impose an export duty of 15 per cent on hides and skins with a rebate of 10 per cent on hides and skins exported to other parts of the Empire, and there tanned. Its object is to ensure that our hides and skins shall be converted into fully tanned leather or articles of leather so far as possible in India, and failing this in other parts of the Empire, instead of being exported in a raw state for manufacture in foreign countries. 11-31 A.M.

"I need not take up the time of Hon'ble Members with any detailed account of the history of the hide and skin trade in India. It is common knowledge to all Hon'ble Members that before the war the hide trade was monopolised by the Germans, and at that time the tanning trade in India was comparatively very small. Great changes were brought about by the war. Immense quantities of leather were required for war purposes,—for soldiers' boots, for saddlery, and for equipment of various kinds, and sufficient tanneries for converting the hides into leather were not available outside Germany. The result was that tanneries for this purpose sprang into existence in India under the guidance and with the friendly assistance of the Indian Munitions

Board. In this way India rendered an immense service to Great Britain and her Allies in the war, and incidentally greatly benefited herself. While the tanning of hides in India was fostered and stimulated by war requirements, the tanning of skins was injured, for it was found necessary to divert the energies of the skin tanners to the tanning of hides for military requirements. In fact during part of the war it was unfortunately necessary to prohibit absolutely the tanning of skins.

"The present position is that we have in India at the present time some hundreds of tanneries for the tanning of hides, a large number of which have come into existence in order to satisfy military requirements during the war. We have in fact the foundations of a flourishing tanning industry, but there is reason to fear that it may tend to dwindle and disappear with the diminution of military requirements, if some other support is not given. We want to keep this industry alive, and we believe that in this case protection in the shape of a 15 per cent export duty is justifiable and ought to be effective. It is clearly just also that the same measure of protection should be extended to the tanners of skins whose business, as I have already stated, was injured by the necessities of the war.

"Though Indian tanneries have enormously increased in number during the past three years, they can only deal with a comparatively small proportion of the raw hides and skins which India produces, and it is to the advantage of India and the security of the Empire generally that this large surplus should, so far as possible, be tanned within the Empire, and with this end in view the Bill proposes a 10 per cent rebate in respect of hides and skins exported to any place within the Empire. I should add that it is proposed to limit by notification the benefit of this rebate to hides and skins actually tanned within the Empire; and Indian hides and skins re-exported from an Empire port for the purpose of being tanned abroad will not be entitled to any rebate.

"I need not tell you, my Lord, that the effect of the Bill on the producers of raw hides and skins has been most carefully examined by our expert advisers. We have no desire to benefit Indian tanners at the expense of Indian cattleowners or dealers in hides and skins. We are advised that the world demand for Indian hides and skins is so great that there is no risk of any injury being done. We have no cause to be afraid of the competition of the raw hides and skins from other countries in the world's leather market. India has almost a monopoly in respect of skins; and produces such a very large proportion of the lighter type of hides, which are by far the most suitable for certain purposes, that the world will never be able to do without Indian hides in one form or another.

"In conclusion, the Bill is an effort to keep the tanning industry on its feet. The next few years will be years of difficulty and danger owing to the changed conditions and reduced demands for the Army, but when these years are past, I believe that the future holds out the promise of great possibilities for the tanning industry in India. We have the hides, the skins and practically all the tanning materials ready to our hands and an almost unlimited world demand for leather. It is one of the most promising Indian industries, and we hope that the beginning which has been so well made has a bright and successful future before it. I beg to move for leave to introduce the Bill."

11-33 A.M. **The Hon'ble Mr. W. E. Crum**:—"My Lord, on behalf of the Bengal Chamber of Commerce I have much pleasure in supporting this Bill. As long ago as 1917, when a Conference of the Chambers was held in Delhi, this Conference recommended that any industries which can be regarded as 'key' industries should be supported. Again, in April of this year, the Madras Chamber of Commerce, I understand, wrote a letter to the Government of India proposing a duty on the export of raw hides and skins, and this was backed by a letter on the 9th of May from the Southern India Skin and Hides Merchants Association, an association entirely of Indian tanners, further supporting the proposal. I understand also that the Bombay and Upper India Chambers supported the proposal.

" Now, my Lord, I would like to quote two authorities on this question, because it is a matter of introducing into India what is really a new principle. A great supporter of free trade, Mills, writes to the following effect. It is his opinion that ' it is legitimate on principles of political economy to protect an infant industry in the hope of naturalising a foreign industry, provided that in itself it is suited to the circumstances of the country.' He says that ' It cannot be expected that individuals should, at their own risk, bear the burden of carrying out new manufactures until educated up to the level of those with whom the processes are traditional. The duty, however, should be imposed subject to the conditions that circumstances in the protecting country are really favourable to the industry, and therefore that it can be withdrawn when it has achieved its object.'

" Now, the Hon'ble Member has told Members of this Council that this country is as favourably situated as any other for the process of tanning. That is evident from the fact that it has been an indigenous industry in India for a great many years, and that there are in various parts of India, especially in Madras and Bombay, a very large number of small tanneries, small Indian tanneries, which in certain classes of leather have been able, so far, to compete with the rest of the world. The supply of hides and skins in India is practically unlimited, and as regards goat skins and sheep skins, goat skins especially, she may be said to control the markets of the world. The supply of tanning barks is also practically unlimited, and new tanning barks are being found every day.

" Further, India is just as rich as any other country in the necessary materials for chemical tanning, that is to say, in the chrome metals which can easily be converted into the salts required for the latest processes of tanning. Now, my Lord, I should like just in that respect to go into figures very shortly. In the quinquennial average for the years 1894-99 India exported 200,000 tanned skins and 92,000 raw skins . . . .

The Hon'ble Sir George Barnes:—" Those were bales, I think, not individual skins or hides."

The Hon'ble Mr. W. E. Crum :—" Hundredweights I should have said. In 1909-1914 the number of tanned skins had gone down from 200,000 to 137,000 hundredweights and the number of raw skins had increased from 92,000 to 548,000 hundredweights. I think the reason for this is fairly obvious. About this time America took up with great keenness the tanning of raw skins, and she imposed an import duty of 10 per cent on half-tanned leather and 20 per cent on fully tanned leather, and she continued that import duty until the year 1914 by which time her industry had become so strong that she was practically unassailable. I think, therefore, my Lord, that we have got a very good case for putting on a duty here from that point of view alone, and I certainly would not propose that the duty should be kept on any longer than is necessary to fairly launch the industry.

" Now, my Lord, my other authority is the Prime Minister. He described the other day a key industry in the following words : ' A product essential for war or for the maintenance of the country during a war. Industry so neglected before the war that there was an inadequate supply of product. Industry about which the Government found it necessary to take special steps during the war. Industry which, if special Government support were withdrawn, could not maintain itself at the level of production essential to national life.' My Lord, I think the tanning of hides and skins within the Empire, as Sir George Barnes has already told us, comes within the meaning of all those four descriptions.

"I have only just had time to glance through the Bill and, as far as that is concerned, it is a very simple Bill, and it seems to me that it should work quite satisfactorily. But there are two points which I would like to bring to the Hon'ble Member's notice. We cannot increase the tanning industry of India unless, somehow or other, we get tanners, and, at the present moment, it is almost impossible to get tanners from England. When I say tanners, I refer to the really expert tanner in the finished article. There are any number of tanners who can tan up to a certain point and tan very well, but they only tan what is known as crust leather which afterwards has to be curried and finished by certain processes in order to make it of actual use to the leather manufacturer, and, as far as I can see, the only possible way in which we can really make sure that the tanning industry in India will be a success, is by educating as large a number of Indians as possible in modern tanning.

"Now, my Lord, we have got a precedent for the suggestion which I am going to make in the Tea Cess. The Tea Cess is largely used for the advertising of Indian tea and generally for improvements in the production of Indian tea. For instance, you have got a chemical staff, a large staff of experts, who do nothing but consider improvements in the fertilising of tea and in the kind of tea which should be sown. I should like to suggest, my Lord, that a part of this duty, which it is proposed to impose, should be set aside for one or two schools of tannery in India, and they would have to be fairly large, that is to say, they would have to be big enough to produce practical tanners. It is no use sending out a man who has learnt the theoretical side of tanning only; he has got to do considerably more than that; he has got to learn the practical and commercial side as well, and these schools would have to be big enough for teaching that. If we had one or two of these schools of tannery located in different parts of India, and if we got out for those schools of tannery a really first-class staff, which staff would have to be imported from England, I am quite sure that within a very few years we should have in India, Indians trained, if they were not absolutely expert tanners, at any rate to the stage of being really good foremen in the tanneries.

"Then there is another point, my Lord, also which I should like to touch on, and that is as regards another use to which this duty might be put. I think it is only right to say that the exporters of raw hides and skins very strongly oppose this Bill, and they oppose it on the grounds chiefly as to the effect that it will have on the Indian producer, that is to say, on the seller of the actual raw hide. Their opinion is that it will mean a reduction in the prices which he receives, and they actually go so far as to say that the export of raw hides will be stopped because of the increase in the duty. Well, Sir George has told us that he does not believe that and that his expert tanner has given his opinion against that, and I do not think there is anything in that point. There may be something, probably there is something, in the point that at first the actual producer of the hide will receive less than he got before. Now there is room for very very great improvement in the class of hide which is exported from this country, and it is a matter of teaching the village people in the case of the slaughtered animals to properly flay their hides, and in the case of dead animals to properly preserve them. I am quite satisfied that if part of this import duty was used in propaganda work for the teaching of the producer of the raw article to improve this article that he would very soon get back more than any loss in prices that he might suffer from the export duty being imposed. The tanneries already established and to be established in future in India are interesting, in that they have been started largely by both Europeans and Indians. In Madras, the indigenous tanneries are all Indian. The same is the case in Bombay. In Cawnpore there are both. In Calcutta, one tannery has been started purely by

Europeans, *i.e.*, by Messrs. Bird and Co. Sir Nilratan Sircar started a tannery some years ago which is likely to be exceedingly successful. My own firm started a tannery in conjunction with a large Muhammadan firm in Bombay. We equally own the shares. And there is one other European tannery started; while a tanner from Madras, Mr. Chari, probably the best Indian tanner in India, has also started one large chrome tannery in Calcutta and proposes to start another. I think it is, therefore, evident that it is a trade in which Europeans and Indians can combine and work together, and in which the individual knowledge of each will be of great assistance, and for these reasons, my Lord, I have much pleasure in supporting the Bill."

The Hon'ble Mr. N. F. Paton :—" My Lord, on behalf of the Bombay Chamber of Commerce I desire to support this Bill. It is a most welcome departure and if accepted, as I have no doubt it will be, it will prove a landmark in the economic history of India. I look upon it as the first fruits of the labours of the Industries Commission; the first instalment of the support and encouragement which I hope and believe Government will extend in future to the indigenous industries of the country. I trust it is the forerunner of many measures having for their object the industrial regeneration of India." 11-52 A.M.

The Hon'ble Mir Asad Ali, Khan Bahadur :—" My Lord, I desire not only to support the Bill, but congratulate the Hon'ble Member for Commerce and Industry for introducing this measure at an opportune moment, a new and welcome departure in the administration of tariff." 11-53 A.M.

The Hon'ble Sir Dinshaw Wacha :—" My Lord, I am a convinced free-trader, and in that respect I think I differ from the majority of my own countrymen who are all rank protectionists. I have said it before and I will say it again now, that I am a convinced free-trader; but, at the same time, I have all along for these many years entertained the opinion that young industries require to be protected until they are able to stand on their own legs, and this is one of the industries to which Sir George Barnes has referred. I am very glad to hear that this leather industry is to be protected until such time as Indian tanners are able to stand on their own legs without any crutch of a protecting duty. So far it is all right, and I hope it will be the harbinger of other industries of the same sort, which of course will also be protected until they make India economically more prosperous than before. Mr. Crum referred to the practical part of it, and I admire him very much for the very practical suggestions he has made in the matter, namely, that part of the proceeds of this duty should be employed for a very useful purpose, namely, establishing schools and getting out expert tanners from England. In India there are at the present moment practically no able experts at all. As a matter of fact, I know that for some years in Bombay one or two small traders had established a tannery where they used to cure skins, and at the same time make roller skins which are necessarily used by every mill in India. These roller skins were used in several of our mills, but were found not equal to the best roller skins that they used to get from England; and when we asked the manufacturers themselves what the difference was due to, and whether they could not improve their methods and the quality of their material, we were told that they had not sufficient knowledge; but if encouragement was given by way of expert training they would supply skins equal to the imported quality. Here is thus an instance of Indian manufacturers who have commenced this enterprise, standing in need of Government assistance by way of experts to put it on a proper footing. I therefore support the very practical suggestion made by Mr. Crum, and I hope Sir George Barnes will induce Government, whatever the state of the finances may be, not to sit too tight on the finances, but to set apart part of the duty for this purpose." 11-54 A.M.

11-56 A.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, I congratulate the Government most heartily upon this departure from the economic policy which has been pursued so far by it. Every community in India would heartily welcome this Bill as a happy augury of the industrial policy which is to be pursued by the Government, and which has been foreshadowed in the Industrial Commission Report. I, coming from Madras, am singularly interested in this Bill, because it would affect my province, I think, much more than the other provinces. The export trade from our province is very large and the tanners there are more numerous than elsewhere. I have had conversations with hide merchants in Madras on this subject, and there seems to be practical unanimity that this will be a very welcome measure to the trade in Madras, as, I think, it will be elsewhere also. The only question is as to whether the proposed duty goes sufficiently far; that is a matter of detail which will have to be considered later. Even if a duty were to be imposed for purely revenue purposes, I believe it has been asserted in several quarters that we might go so far as 20 per cent without the duty being of a protectionist character. There is, therefore, a question as to whether a 15 per cent duty would be really protectionist in character, but that is a matter of detail. But, my Lord, this duty is proposed to be levied not for revenue purposes but for protectionist purposes and on principle; there is another principle also involved in this Bill which we heartily welcome, and that is that where it is to the interest of the Indian Empire that a particular industry should be fostered, when it is suited to the country, Government will be prepared to protect that industry, even against the interests of other parts of the Empire. That is the principle that is involved here, and we have therefore peculiar cause for gratification and satisfaction and thank the Government which has undertaken this measure. Coming to the question as to whether this would prejudicially affect the agriculturists who are largely interested in the prices that are to be paid for skins, I may submit, my Lord, that so far as my province is concerned, I do not think there would be any dissatisfaction felt. The cry there has been at almost every conference that the export trade has been artificially stimulated by poisoning and killing cattle, very valuable cattle, as meat on a very extensive scale, and if this Bill to a certain extent checks that artificial growth of the export trade, I think no one will welcome it more than the agriculturists themselves. Then, again, judging from the statement of the Hon'ble Member in charge, and the expert investigation which has been bestowed on the matter, there seems to be absolutely no fear that the agriculturists would suffer because we have a monopoly so far as the skin trade is concerned, and that is the view of the Madras merchants. I, therefore, welcome this Bill and thank the Government on behalf of Madras particularly.

"With regard to the suggestions made by the Hon'ble Mr. Crum, we are in hearty agreement therewith. Something has been attempted to be done by the Madras Government and a leather expert has been at work there for some time past. Now a great stimulus would be afforded to the Madras Government by reason of the passing of this Bill, and I daresay steps will be taken to remove any difficulties in the way of the trade, and to place it on a thoroughly sound footing. With regard to the other suggestion, steps have been taken by the Agricultural Department in Madras to try and teach the people, as far as possible, the methods of getting a fair price for skins, and I think funds could not be better utilised than for the propagandist purpose. We thank the representatives of the Chambers of Commerce of Bombay and Bengal for their hearty support and for the sympathetic manner in which they view the industries of India."

12 P.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I welcome this Bill so far as it proposes to impose an export duty of 15 per cent on hides and skins, but I say frankly that I do not see any justification for the

other proposal, namely, that a rebate shall be given in the case of hides and skins exported to any part of His Majesty's dominions, etc. My Lord, the Hon'ble Sir George Barnes and the Hon'ble Mr. Crum have reminded us that India is situated in a peculiar position in regard to this trade. We produce unfortunately—it is a sad thing that there should be so many hides produced by the brutal murder of cattle, but it is a fact we have to take into account—we produce a large quantity of hides and skins, but having all those hides and skins available to us, having all the tanning barks available to us, having most of the chemicals available or producable, if I may say so, in this country, having an unlimited supply of labour, having a large market at home and having the whole world to export our manufactures to, it seems a tragedy that the Government of India, with its mighty resources for starting a large tannery in this country, should allow the bulk of the hides of the country to go out, and should allow a rebate to certain countries which will import them. My Lord, I think that with the resources the Government possesses, it is high time that the Government of India made up its mind to establish large tanneries in this country, and to establish also large factories for manufacturing leather of the highest kind. The war has shown what the Government of India can do, the Munitions Board have a record of results which have gratified India. It is not beyond the power of the Government of India to lay aside a few crores of rupees and to import experts to do what is needful. The Government of India have got an example in the Tata Steel Works. They did not wait to train all the expert Indians who would be needed in producing the highest kind of steel that was required. They did better; they did what Germany and Japan had done before; they imported most of their experts for their steel trade, and they achieved a success which has earned the plaudits of all people. I can quite understand, as the Hon'ble Mr. Crum pointed out, that it will be impossible to get experts, at any rate for some time, of the best type from England. But let us not take too narrow a view of the matter. Let us not reject the services of outsiders altogether. If their service helps us to raise our own country economically and industrially, it should be accepted. If English tanners of the best type cannot be got, let us not carry our prejudice and hatred so far as to refuse the service of other tanners; I will not say hatred and prejudice, let us not take a narrow view and refuse to take in tanners from other countries.

"My Lord, the next point to consider is, within what time it will be possible to do what I suggest. Assuming that this counsel, which I claim is a counsel of common sense, and not of perfection, assuming that this proposal is acceptable to the Council, in theory at any rate, it will take some considerable time before this can be put into practice. I do not expect otherwise. Works like the Tata Iron and Steel Works could not be built up in a day. But the Government ought to make up its mind as to what it is going to do. If the Government should make up its mind, it will have to consider whether the policy adopted in the Bill is the right one to adopt. If you determine as a matter of duty to the people of India that you will use all the resources of the State in men, money and material to build up a great leather industry in this country within as short a time as possible, then I ask you to pause before you agree to the policy of a rebate. Once you establish vested interests, once you create certain advantages for other parts of the Empire, any later attempt to take away these advantages will be met as furiously as have been met the attempts to prevent the people of Fiji from continuing to exploit Indian labour. If once the other parts of the Empire will obtain the advantage of the rebate, it will be most difficult to get them to give them up. Therefore, I say you should not introduce into this legislation this question of a rebate.

"My Lord, I ask the Government to consider what is our economic and political position. Has any of the many countries indicated shown any desire to help India in any such way in which it is proposed that these countries should be helped by India? I should like to know if any other part of the Empire has offered to allow a rebate on its export duty on articles imported into India. I should like to know in what matters this has been put into practice. No doubt there are proposals that something like this should be done, but I should like to know whether it has anywhere been done. Further, I find that a new and very important element has been introduced into this Bill. I find that the rebate shall be allowed not only in respect of hides and skins exported to any part of His Majesty's dominions or any territories under the protection of His Majesty, but also to those in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's dominions. We shall therefore be in future not merely under the fiscal Government of the United Kingdom, but also of the Government of the League of Nations. The Resolution which we passed yesterday offering our congratulations and thanks also reminded us that we should expect to enter upon a new era of orderly progressive self-government on a truly democratic basis, under the guidance and protection of a League of Nations. We should wait to see what the League of Nations is going to command us to do in certain matters before we commit ourselves to this large policy. If we do not proceed cautiously, I do not know where we shall be landed. I do not see why India should make a present of 10 per cent. of its export duty on hides and skins to other parts of the Empire. India is a poor country. No country lost 60 lakhs of people from Influenza as India did. That means, my Lord, great and pervading poverty, widespread want of sufficient food and clothing. In this state of things with all the existing taxes that have been imposed upon the people, with all the needs that stare us in the face, in the matter of education and sanitation, and every other kind of advancement, it seems to me that every pie that can be raised by export duties should be reserved and conserved for the people of India. We are not unhappily as rich as some other countries are. If we were, then it might not be a matter of such deep concern. But being the poor people we are, knowing the many needs we have to minister to, our economic situation being what it is, I respectfully ask the Government to pause and to consider whether the part of the Bill which proposes to allow a rebate of two-thirds of the duty levied on hides and skins exported to certain parts of His Majesty's dominions should be retained. We should have some solid ground upon which we are to proceed by way of reciprocity. When the human relations which should subsist between one member and other members of the Empire have been established on a decent footing, it will be time to consider this question. I hope the Government will pause and reconsider this part of the Bill."

12-10 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan:**—"My Lord, I welcome the Bill and thank the Government for it. It will greatly benefit my province, especially the Muhammadans."

12-11 P.M. **The Hon'ble Sir George Lowndes:**—"My Lord, I do not desire to pose as an expert on this question, but I think some of the remarks of the Hon'ble Pandit can hardly go without a reply, more especially as the Hon'ble Pandit referred to the common sense of this Council. I think the common sense of this Council will agree with me that it is absolutely necessary to have a very definite outlet for the country's surplus hides. Then the Hon'ble Pandit says: 'Oh work your export trade without any rebate'. The only result would be that we should lose our export trade from India. The Hon'ble Pandit knows that India at present takes not more than quite a small proportion of the hides which this country produces, and if we merely maintain a high export duty, we should, if I may adopt the same expression that I have heard him use recently, have the bulk of the trade rotting in certain parts of

India, or possibly going to a country with which we have had very unpleasant relations of late. What we desire is to find an outlet for surplus hides, and we propose that that outlet should be within the Empire rather than in the hands of our recent enemies.

"The Hon'ble Pandit also expressed great horror in his speech at the production of hides at all. If I mistake not, he is hardly practising the doctrine he preaches inasmuch as he appears in this Council shod in the produce of the very barbarities which he so stoutly deprecates."

The Hon'ble Mr. W. E. Crum:—"May I ask the Hon'ble Member one more question, my Lord?" 12-13 P.M.

The President.—"Yes".

The Hon'ble Mr. W. E. Crum:—"It is with regard to the date when this Bill should come into operation. I understand that it comes into operation. . . .

The Hon'ble Sir George Barnes:—"To-day".

The Hon'ble Mr. W. E. Crum:—"But the point, my Lord, is that probably a considerable amount of business has already been done and contracts made for export of hides and skins, and exporters will be at a great disadvantage if the duty were imposed at once. Might I ask that no duty will be imposed as regards the contracts which have already been made if satisfactory proof is forthcoming that *bona fide* contracts have been made?"

The Hon'ble Sir George Barnes:—"I should like to say one or two words in reply."

The President:—"Is there any other member who wishes to address the Council?"

The Hon'ble Rai Sahib Seth Nathmal:—"My Lord, the measure as proposed by the Hon'ble Sir George Barnes will have the support of all classes in India, and as a business man who has some experience of the trade in myrabolams which can largely be used for the preparation of tanning materials, I can assure the Council of your Excellency that the introduction of the Bill further to amend the Indian Tariff Act, 1894, deserves hearty congratulations for your Excellency's Government, and I pray that leave to move the same should unhesitatingly be granted." 12-14 P.M.

The Hon'ble Sir George Barnes:—"My Lord, I should like to answer the question which the Hon'ble Mr. Crum asked me a minute or two ago. He asked me whether contracts which have already been entered into would be respected, and whether any duty would be imposed on such contracts. I think I can say that all contracts will be respected which are contracts with persons in countries to which export was not prohibited at the time of the imposition of the duty. With regard to the contracts with persons in countries to which the export of hides and skins was prohibited, as at present advised, I think those contracts cannot be respected; but I am willing to consider further any particular case which the Hon'ble Member may put before me. 12-15 P.M.

"My colleagues who sit near me point out that I was obscure throughout my opening speech, in that I never explained the difference between a hide and a skin. A hide, I may say, is the hide of a buffalo or of an ox or cow, and a skin is the skin of a goat or a sheep.

"Then, my Lord, I will deal with the suggestion that the Hon'ble Mr. Crum made that a portion of the proposed duty should be put aside for schools of tannery and for propaganda work having for its object the improvement of hides and skins by more skilful preparation and treatment. I can assure him that his suggestion will be carefully considered.

"My Honourable colleague, Sir George Lowndes, has practically answered all that the Hon'ble Pandit said. But there is one thing that I should like to add. The Hon'ble Pandit urged that Government ought to start large tanneries in this country and large factories for the manufacture of leather. I would like to ask him to consider a little further what that means. First, I must remind him that we have only got a limited amount of money that can be spent on enterprise in this country, and that we want a great deal of money for railways, telegraphs and telephones and for all other purposes of that kind. This being the case the Hon'ble Pandit asks us to put aside money for the purpose of setting up Government tanneries and Government leather factories. It is of course clear that any money spent in that way must come out of the money available for railways and telegraphs and such other purposes. If the Hon'ble Pandit's wish were carried out, the net result would be that Government would go into the business of tanning and of leather manufacture on a large scale, and the result of that again would be that the small tanners, the small Indian tanners in Bengal, the small Indian tanners in Madras, would be crushed out by Government. I do not think that is a good thing at all. I think we ought to rely upon individual effort and try to help individuals to succeed in their business and not to crush them out by Government action.

"Then the Hon'ble Pandit asked what has any other country done for us in the way of giving preference. A preference has in fact been given by Canada, and only last spring in the Imperial Budget a preference of 2*d.* in the £ on tea was given, and in that way the Imperial Government gave up a revenue—I am speaking from memory—of about 2½ million sterling. I should deprecate altogether the view of the Hon'ble Member that we should wait and see as to what other people will do. I think in this particular case it is quite reasonable that we should take the first step, but as a matter of fact, as I have already pointed out, the Imperial Government took the first step in the early part of this year when the Budget for the current year was introduced. My Lord, I now beg leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—" My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

12-20 P.M. **The Hon'ble Pandit Madan Mohan Malaviya :**—" I still think, my Lord, that the Bill in the form in which it stands requires further consideration, and in speaking of it once more, I will be very brief and lay stress on a few points only. The Hon'ble Sir George Lowndes said that exports will be checked if the high duty of 15 per cent is imposed on hides and skins. Well, do not impose such a high duty if it will check exports. If you act on the principle of doing what is good for India, that will determine the extent or measure of your action in this direction. If such high duty will check exports, then levy a lower duty. That is my answer to the first point taken by the Hon'ble the Law member.

" As regards the second, I am sorry and ashamed that I wear leather shoes. I have canvas shoes but I do not wear them in Council.

" My Lord, I grieve it, I am ashamed that I use leather. When the thought comes to me that some dear creature of God might have been killed, I feel sincerely sorry and ashamed, and my only consolation is that I use as little leather as I can, and that I do not fatten on the destruction of the life of other creatures.

"Then, my Lord, with regard to the argument urged by Sir George Barnes, that only a limited amount of money is available for investment, I did not mean that Government alone should start tanneries and factories. I was wrong, I should have qualified my expression. What I do mean is that Government should encourage the establishment of tanneries and leather factories, and if the Government will take up the matter seriously, India will find money enough to help the growth of this industry. My esteemed friend, Sir George Barnes, has said that there will be a great demand for money in various directions, particularly for railways. That is true; but the railways alone will not absorb all the money available for investment, and we should not think of devoting all the money we can raise to the construction of railways alone, and leave this great question of the development of the hide industry aside. I submit that if the Government will give a lead, if the Government will find out all the information that is available—and the correspondence of the Government of India and the Secretary of State with British tanners does supply a lot of information as the Hon'ble Sir George Barnes knows—I submit if that information is placed before the public and if encouragement and advice and expert assistance are made available to the public, if, that is to say, the Government of India takes up this business as the Government in England are taking up the questions relating to national industries, I believe there will be capital forthcoming to help the growth of tanneries and large leather factories. My Lord, as I said in my other speech, I do not expect this trade to grow at once, it will grow by and by. But I ask the Government to make a new departure, to make up its mind to make a large departure in this direction, so that this trade may grow. I am thankful to be reminded that preference has been given to Indian tea in England. Well, that is good; but Indian tea stands in a very different position to Indian hides and leather, and the question deserves still to be considered whether this high rebate of 10 per cent should be allowed.

"Lastly, before I resume my seat, I should like to join with the Hon'ble Mr. Crum and the Hon'ble Member from Bombay and support the suggestion that the Government should start at any rate some good schools of tanning. I should also add that the Government should set apart a sufficient sum for sending out capable Indians who are Bachelors of Science and Masters of Science to foreign countries to acquire the highest skill as experts in the tanning industry.

"My Lord, I regret that discussions in this Council are becoming acrimonious."

The Hon'ble Sir George Barnes:—"I have refrained, my Lord, from interrupting the Hon'ble Pandit in his speech, but I do not think that any part of it was relevant to the motion now before the Council."

The President:—"Sometimes the longest way round is the shortest way home."

The motion was put and agreed to.

THE INDIAN ARMS (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill further to amend the Indian Arms Act, 1878. If Hon'ble Members will look at the Statement of Objects and Reasons attached to the Bill, I think they will find there expressed more lucidly than I can explain them the reasons which have led the Government of India to undertake this legislation. Under section 16 of the present law a person, who has arms in his possession without a license or the possession of which is unlawful for any reason, has to deposit the arms at the nearest police-station, and unless he can get a license to possess them within a specified period, the arms are forfeited 12-25 P.M.

to Government. We now propose in lieu of this provision to provide that a person who is not entitled to possess arms by reason either of his exemption being withdrawn or his not having obtained a license, may deposit the arms either at a police-station or, subject to any conditions that the Local Government may prescribe, with any licensed dealer. He will then have an opportunity within a reasonable time of disposing of the arms in any way he thinks fit or of getting a license if he so wishes. It is only on his failure either to dispose of the article or get a license within the prescribed time that the arms will be sold. The last clause of the Bill is really a decentralising clause enabling the Local Government to make rules to carry the new provisions of the law into effect."

12-27 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan :**—"My Lord, while thanking the Government for removing the racial distinctions with regard to licenses in connection with the Arms Act, it will not be out of place to bring to its notice that the bargain has not been a profitable one. Most of the loyal Indians whose services have been recognised by the conferment of titles will be deprived of the special privileges which they have hitherto been enjoying. I think I am voicing their feelings when I say that they are very much dissatisfied on hearing this. My Lord, in the Punjab these approved loyal gentlemen are not more than a thousand in number, and if each paid Rs. 5 to get a new license, it will only bring in Rs. 5,000, which is a trifling sum when their feelings are weighed. Approximately the same number will be found in the other provinces. They are mostly retired and old veterans and are unable to derive any pleasure whatsoever from using their arms for the purposes of sport, but have to look to them for their personal safety. When on the 6th of April last and onwards till the declaration of martial law the excitement of the public was running higher daily, the poor title-holders were hooted and abused if they came out in public. Their only consolation was in these obsolete, rust-eaten arms. Some of those which I saw not only had never been used, but perhaps were not cleaned since they were obtained, and the only effect they could have had, if used, would have been perhaps to kill or injure the owner, but this would only happen if these arms were in a condition to be used and the owner knew how to use them . . . .

The President :—"I must draw the Hon'ble Member's attention to the fact that he is rather wandering from the particular Bill which is before this Council. I hope he will try and confine himself to the proposals contained in this Bill."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"My Lord, I was only asking about the new license; the old license, I hope, will be retained by these title-holders."

12-30 P.M. **The Hon'ble Mr. Sachchidananda Sinha :**—"My Lord, it is so seldom that I can see eye to eye on a public question with the Hon'ble the Major Sahib that I must express my opinion publicly that on this question I agree with him . . . . .

The President :—"I hope the Hon'ble Member will confine himself to the subject under discussion and not wander off as his Hon'ble colleague with whom he agrees did."

The Hon'ble Mr. Sachchidananda Sinha :—"I only say I support the views of the Major Sahib. The reason is this. The Hon'ble the Home Member says in the Statement of Objects and Reasons that this Bill which he is introducing to-day is for the purpose of bringing into effect certain changes in the administration of the Arms Act . . . . .

The Hon'ble Sir William Vincent :—" May I rise to explain, my Lord, that I did not say so ?"

The Hon'ble Mr. Sachchidananda Sinha :—" He did not say so, but there it is in the papers supplied to us, and I believe he is responsible for the papers he supplies us with. Now, in the Statement of Objects and Reasons it is put down that 'the changes in the administration of the Indian Arms Act, 1878, which were announced in the Government of India (Home Department) Resolution No. 2125-C., dated the 21st March 1919, are to come into force on the 1st January 1920. One of the changes is a curtailment of the list of exempted persons ; and there are probably a number of persons now in lawful possession of arms and ammunition, of which the possession by them will become unlawful by reason of that curtailment.' It is, therefore, the Bill has been brought into the Council to-day for the purpose of giving effect to those changes. If I am wrong I shall be glad if the Hon'ble the Home Member will explain now ; otherwise I shall be . . . ."

The President :—" The Bill speaks for itself, Mr. Sinha."

The Hon'ble Mr. Sachchidananda Sinha :—" I accept that, my Lord. I always thought that a Bill, even when speaking for itself, could be explained in the light of the Statement of Objects and Reasons. If I am wrong, I accept your Lordship's ruling."

The President :—" Read through the Statement of Objects and Reasons."

The Hon'ble Mr. Sachchidananda Sinha :—" I have done so, my Lord. In so far as this Bill purports to give effect to the Government of India's Resolution curtailing the exemption list—if I am right in my understanding of the scope and object of the Bill—I take exception to the principle involved in this matter, and I think it is wrong to that extent as the persons who enjoy certain rights before this measure will come into force should not be deprived of those rights."

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I oppose the motion for leave to introduce this Bill. The question relating to the Arms Act has been long discussed. It has long been a matter of complaint to the Indian public that there is an invidious distinction drawn between Indians and Europeans in the matter of the possession of arms. The Government have now decided to remove that invidiousness, and they have framed certain rules for that purpose. But that was only one point of complaint in relation to the administration of the Arms Act. The second point was that arms should be available more freely to Indians, as freely as to Europeans. Now, my Lord, that is the effect of the rules which the Government of India has made. This Bill is now brought forward before the Council in order to deprive a number of persons of the right . . . 12-32 P.M.

The Hon'ble Sir William Vincent :—" May I rise to a point of order ? The Bill does not deprive any person of any right to carry arms whatever. "

The Hon'ble Pandit Madan Mohan Malaviya :—" The limitations which have been imposed by the Resolution of the Government of India to which reference is made will show that many persons who were free to possess arms without a license will not be able to do so hereafter. The taking out of licenses will be necessary and that is essentially a curtailment. The Statement of Objects and Reasons says : 'The changes in the administration of the Indian Arms Act, 1878, which were announced in the Government of India (Home Department) Resolution No. 2125-C., dated the 21st March 1919, are to come into force on the 1st January 1920. One of the changes is a curtailment of the list of exempted persons; and there are probably a number of persons now in lawful possession of arms and ammunition, of which the possession by them will become unlawful by reason of that curtailment.' Now, my Lord, I submit that if a curtailment of the right to possess arms is to be brought about, there ought to be an opportunity given to this Council to discuss the matter. If a Bill is introduced which, without allowing a discussion as to the propriety of the curtailment, seeks to make provision for that curtailment being given effect to, I submit, my Lord, it is open to exception. The proper course is that the whole policy which is involved in the Resolution of the Government of India referred to above should be considered by the Council and the administration of the Arms Act be put upon a sound and satisfactory basis . . .

The President:—"The Hon'ble Member must not discuss the whole question of the principle of the Arms Act. He has read a portion of the Statement of Objects and Reasons but he did not proceed to read to the end. If he had read to the end he would have found that this was intended to be a liberalising measure rather than a curtailing measure. He must confine himself to the Bill which is before the Council at the present moment."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, my complaint is that, having read the Bill, the Statement of Objects and Reasons and the Resolution of the Government of India, I find that the Bill and the Resolution taken together are not liberalising measures. I, therefore, object to the introduction of the Bill, and I submit that the Government ought to adopt a measure of a really liberal character for the possession of arms by His Majesty's Indian subjects in this country."

12-35 P.M. **The Hon'ble Mr. Shafi**:—"My Lord, I was somewhat surprised when I heard my friend the Hon'ble Pandit Madan Mohan Malaviya say that he opposed the introduction of this Bill. Now, if he had carefully perused the main section in the Bill and compared it with the corresponding section in the Act of 1878, which this particular section is intended to amend, he would have found that the present Bill is a liberalising measure, and, in consequence, I am perfectly certain that he would not have adopted the position which he has done this morning. It seems to me that he has really not compared section 16 of the old Act, which it is intended to amend, with clause 2 of the present Bill. Now, Hon'ble Members will see, if they refer to section 16 of the old Act, that this is what is laid down therein:—'Any person possessing arms, ammunition or military stores the possession whereof by him has in consequence of the cancellation or expiry of a license or by the issue of a notification under section 15 become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.' This is the provision embodied in section 16 of the old Act, and it is this provision which is intended to be amended by clause 2 of the present Bill, and if my Hon'ble friend had carefully read sub-clause (*1*) of clause 2 of the present Bill, he would have seen that what the proposed enactment intends to bring about is this, that under the circumstances specified in clause 16 of the old Act the person who is in possession of arms and has no longer the right to keep those arms in his possession may, in addition to what he is required to do by clause 16 of the old Act, also, at his own option, instead of delivering the prohibited weapons at the police-station, go to a licensed vendor and deposit the weapon with him. That is to say, the proposed enactment saves him the trouble, the worry and occasionally the vexation which results when Indian subjects have to go to police stations in order to obey the directions of law. Instead of going to the police-station, he can go to a private licensed vendor and say to him under the new law: 'I have no longer the right to keep this weapon in my possession. Will you please sell it for me and let me have the sale proceeds.' Without comparing the provisions of the old Act with the provisions of clause 2 and then bringing in irrelevant matter which has nothing to do with the Bill before the Council but may have some reference to the general policy underlying the Arms Act which would be the subject-matter of discussion only if a new Arms Act were to be before the Council and if we were passing a new Arms Act, I submit, is really taking up a position which is entirely irrelevant to the subject-matter of the discussion before us."

12-40 P.M. **The Hon'ble Rai Sita Nath Ray Bahadur** :—" My Lord, I beg to point out that one of the effects of the passing of this Bill would be that the Resolution of the Government of India stating that the list of exempted persons should be curtailed would come into operation from the 1st of January, 1920. . . .

The President :—" That is not in the Bill, Mr. Sita Nath Ray. I must ask you to read the Bill and to confine yourself to the discussion of the Bill."

The Hon'ble Rai Sita Nath Ray Bahadur :—" But the fact is that the Resolution would come into operation from the 1st of January, 1920, and I do not think that the list of exempted persons should be curtailed. They are very loyal subjects and they were given this privilege of being exempted from the operation of the Arms Act by reason not only of their high position, but also on account of their loyalty and faithfulness to Government. Now they are going to be deprived of that privilege from the 1st of January, and that is what I deplore."

12-41 P.M. **The Hon'ble Sir William Vincent** :—" My Lord, I think that the discussion on this Bill, which is really a harmless measure intended to facilitate the disposal of arms by persons who happen to possess them without authority, has gone a little astray. The sole object of the Bill is to make things easier for such persons, and it has nothing to do with any general question of policy. It is of course open to Hon'ble Members on a Resolution properly framed to criticise the policy of the Home Department Resolution on the Arms Act, which was recently issued. Any Member can move a Resolution on that point any time, but this present Bill in no way affects the policy involved or the time at which the Resolution will come into effect. The new policy will come into effect on the 1st of January of next year. We postponed the introduction for one year in order to give time to those affected ; but all that this Bill does is to say that persons who would otherwise be prejudicially affected by the change of policy involved in that Resolution shall receive certain facilities and be saved inconvenience. The motion has however been used as an opportunity for attacking the Home Department Resolution by the Hon'ble Mr. Malaviya who said, *inter alia*, he thought that the Government of India should never have changed the policy in relation to the Arms Act without previous consultation with the Members of this Council. I do not wish to discuss the question of policy, but may I remind Hon'ble Members of this Council that last year we had a discussion of this subject and immediately afterwards there was a prolonged sitting of official and non-official Members of this Council . . .

The Hon'ble Pandit Madan Mohan Malaviya :—" How many non-officials ? "

The Hon'ble Sir William Vincent :—" I cannot remember the exact number, but there were a large number of non-officials. "

The Hon'ble Mir Asad Ali, Khan Bahadur :—" About six or seven. "

The Hon'ble Sir William Vincent:—"More than that."

The Hon'ble Pandit Madan Mohan Malaviya:—"Not so far as I know."

The Hon'ble Sir William Vincent:—"I will ascertain the figures if there is time. At any rate it was after that and after discussion in this Council and very careful examination of the question that was then in practice that the Government of India adopted the present policy. I am quite prepared to admit, however, that there may be some ground for complaint in regard to the point which the Hon'ble Major Malik Umar Hayat Khan has raised; the Government of India are quite open to re-examine any points of that kind, but what I submit to this Council is, that the discussion of this Bill is not the proper occasion for that subject. I am glad, however, that he has brought it to my notice and I will have it re-examined."

The motion was put and agreed to.

The Hon'ble Sir William Vincent—"My Lord, I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I regret I have to oppose this motion to introduce the Bill. . . .

The President:—"The Bill has been introduced. The motion is to publish it."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I invite your Lordship's attention to the words '*Also* to introduce the Bill.' He first asked for leave to introduce the Bill and he now introduces the Bill."

The Hon'ble Sir William Vincent:—"There is no motion for introduction before the Council, my Lord."

The President:—"No. The Hon'ble Member is quite incorrect. Leave has been given to Sir William Vincent to introduce. I do not know by what outward act he could introduce the Bill, but he has introduced the Bill; leave has been given to introduce the Bill. The only motion is that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, my Lord. Then, my Lord, I oppose this motion that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English; and, my Lord, in doing so I beg leave very respectfully to invite your Lordship's attention, the attention of your Excellency's Government to the position as explained by the Hon'ble the Home Member. Last year, my Lord, in this Council a Resolution was brought up relating to the Arms Act, and as the Hon'ble the Home Member has told the Council after that Resolution was discussed in the Council, he invited some non-official Members to a discussion. Now, my Lord, as the result of that discussion he has issued, the Home Department has issued, the Resolution. . . .

The President:—"Really, really, that has absolutely nothing to do with the motion before this Council. The motion before this Council is that this Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and the Hon'ble Member will strictly confine himself to that motion. He says he is going to oppose it; he can give his reasons for opposing it, but he must confine himself to the motion."

The Hon'ble Pandit Madan Mohan Malaviya:—"Exactly, my Lord. I confine myself to the reasons which I urge why this Bill, together with the Statement of Objects and Reasons relating thereto, should not be published in the Gazette of India. I am confining myself exactly to that, my Lord; and in doing so I thought I was justified in inviting attention to the circumstances in which this measure was introduced, and those are the reasons for asking the Council not to accept this motion, but to ask the Government of India in their executive department to reconsider the Bill and then to ask for leave to publish it in the gazette. The reasons I have tried to explain briefly are these, that the policy which underlies the Resolution which the Government of India issued and to which reference is made in the Statement of Objects and Reasons of the Bill, ought to have been discussed before this Council. By this Bill being introduced in the way in which it is being introduced, Members of this Council are being deprived of the opportunity of discussing the policy of that Resolution. As the grievance relating to the Arms Act is a long-standing one, my Lord, I very respectfully submit to the Government of India that it would be wise, it would be right, if the Government would give this Council the opportunity of discussing the policy of that Resolution before publishing this Bill in the gazette; as a result of that discussion Government might think it fit to amend the Bill before asking that it should be published in the Gazette of India."

The Hon'ble Sir William Vincent:—"My Lord, in reply, I wish to point out one fact only, and that is that the effect of negativing this motion would be that the Bill would have to be brought before this Council for consideration without having been published, without the public having any opportunity of expressing an opinion on it. That, I think, is a result which even the Hon'ble Member, however much he may seek to abuse his privilege as a Member of this Council, can scarcely desire." 12-49 P.M.

The motion was put and agreed to.

THE DACCA UNIVERSITY BILL.

The Hon'ble Mr. Shafi:—"My Lord, I have the honour to move for leave to introduce a Bill to establish and incorporate a unitary teaching and residential University at Dacca. 12-50 P.M.

"My Lord, the problem which the proposed enactment is intended to solve is by no means new. This important question came under consideration as far back as the year 1904, when the province of Eastern Bengal was constituted as a separate administrative unit. . . .

The President:—"Order, order. The Council is rather noisy. It is quite impossible for the Hon'ble Member to introduce his Bill unless there is less noise."

The Hon'ble Mr. Shafi:—"But in the published letter of the 6th April 1904, from the Government of Bengal to the Government of India, it was, on that occasion, stated that 'unless and until the new province has so developed as to possess a University of its own, there will be no interference with the influence of the Calcutta University.' In other words, the new province was then considered to be not sufficiently developed in education to be able to support a University of its own. From 1904 onwards, the march of educational progress in East Bengal was indeed phenomenal. To illustrate this remarkably rapid advancement, I venture to invite the attention of Hon'ble Members to figures relating to the years 1907 and 1912. Between these years, the rate of increase in the number of pupils in East Bengal was higher than in any of the major provinces in the country save the Central Provinces, and was considerably higher than in the western division of Bengal. The percentage of increase in public expenditure on education in the five years was no less than 59·6 per cent as against an average increase of 36·8 for the whole of India. The number of Arts College students increased by 150 per cent, the increase in West Bengal being 87, and 56·6 per cent in the country as a whole. The expenditure from public revenues on Arts Colleges went up by 164 per cent, being far higher than any other province during the corresponding period. At the commencement of the quinquennium, there was not a single aided college in the province ; at the end of it, there were five aided colleges. Turning to secondary education, the increase in the number of pupils in East Bengal amounted to 82·9 per cent as against 37 per cent in the western divisions, and 41 per cent in India as a whole. The expenditure from public funds on secondary English education rose by 62 per cent against 40 per cent in Western Bengal, and 33 per cent in the whole of India. In view of this remarkable educational progress in East Bengal, due in part to the concentration of official effort in the then newly constituted province, and the consequent awakening among its population, the demand for the establishment of a separate University in that part of the country naturally became more insistent. In April 1910, the Hon'ble Babu Ananga Mohan Naha eloquently pleaded in the local Legislative Council for an early establishment of a University in the city of Dacca.

"My Lord, the progress of educational evolution in East Bengal was thus going on apace, when suddenly the announcement, on 12th December 1911, of what are known as the Coronation Darbar Administrative Changes created a deep stir throughout the country. The profound effect of that announcement, particularly among the Muslim majority in East Bengal, need not now be referred to. Having been present in Calcutta as an elected member of this Council and being in close touch with my lamented friend, the Hon'ble Nawab Sir Salimullah Khan of Dacca, and my friend the Hon'ble Nawab Sayed Nawab Ali Chaudhri, I well remember the happenings which resulted in the presentation of an address to His Excellency Lord Hardinge by a Muslim Deputation at Dacca on 31st January 1912, in which they gave expression to the feeling, prevalent among the Mussalmans, lest the modification of the partition of Bengal might retard the educational progress of their community. In his reply to that address, Lord Hardinge assured the Deputation that the Government of India 'realized that education was the true salvation of the Muhammadans, and that the Government of India, as an earnest of their intentions, would recommend to the Secretary of State the constitution of a University at Dacca.' (Report, Vol. IV, Chapter 33, paragraph 2.) And, on 2nd February 1912, a Communiqué was issued by the Government of India embodying that declaration. After receiving the general assent of the Secretary of State, the Government of India announced their decision to establish a University at Dacca in a letter, dated 4th April 1912, addressed to the Government of Bengal and invited that Government to submit a complete scheme with the necessary financial estimate. It was stated in that letter that 'the Government considered the creation of new Universities as an important factor in educational progress, and that it was desirable that these Universities, where possible, should be of the teaching and residential type, binding together the colleges of a single town or a single circumscribed area.' (Report, *Ibid*, paragraph 4.) In pursuance of this decision by the Government of India, the Bengal Government published a Resolution in regard to the proposed University at Dacca and appointed a Committee of 13 members, with Mr. Nathan as President, to frame a suitable scheme. Into the details of the activities of the Nathan Committee, it is not now necessary to enter. They made a thorough investigation into the whole problem and, on 10th December 1912, submitted their report embodying a scheme for the constitution of the proposed Dacca University. The Government of Bengal published that report on 26th December and, after consideration of the criticism invited from all classes, framed detailed plans which formed the subject of communication between the local and Imperial Governments, as well as between the latter and the Secretary of State for India.

" My Lord, it was at this stage that the unrighteous ambition for world-dominion of the German military circles plunged the civilized world into a conflagration unparalleled in the past history of mankind. Great Britain having thrown the weight of her vast power and unlimited resources on the side of the sacred cause of Liberty and Freedom, and India having taken up spontaneously her share in the burden of the Empire in this righteous cause, it was inevitable that domestic schemes involving expenditure, including that of the proposed Dacca University, should, for the time being, remain in abeyance. But with the unexpected prolongation of the world war, urgent domestic problems could no longer be neglected. An inquiry into the condition and prospects of the Calcutta University and the formation of a 'constructive policy in relation to the questions which it presents' being considered matters of urgency, your Excellency's Government, by means of a Resolution, dated the 14th September 1917, appointed a Commission consisting of highly qualified educational experts, presided over by Dr. (now Sir) M. E. Sadler, Vice-Chancellor of the Leeds University, for the proper solution of what may be characterised as the whole problem of Higher and Secondary Education in Bengal. Previous to the issue of this Resolution, the Government had, in reply to a question asked by my friend the Hon'ble Nawab Sayed Nawab Ali Chaudhuri on 7th March 1917, announced that action regarding the Dacca scheme would be postponed until the Calcutta University Commission, then about to be appointed, had reported. Presumably because of this reply, the Nawab then moved a Resolution in this Council on the 20th March urging that the necessary steps be taken to draft a Bill for the establishment and incorporation of the proposed Dacca University. While replying to that Resolution, the Hon'ble Sir Sankaran Nair stated that the Government of India were definitely pledged to the establishment of a University at Dacca, and that there had been no wavering on the part of the Government in this respect. In the speech concluding that Session, your Excellency, referring to this important subject, confirmed in a most distinct and unequivocal manner, the promise made by Lord Hardinge of the foundation of a University at Dacca.

" My Lord, now that the terrible conflagration which India, in common with the rest of the civilized world, has had to face during the last five years has ended in the complete triumph of Righteousness and Liberty over Militarism, and the arduous task undertaken by the Calcutta University Commission has resulted in a well considered Report which will rank high among historical documents of the first importance, it was but natural for your Excellency's Government to take the earliest opportunity of fulfilling the solemn pledges repeatedly given to the people of Eastern Bengal by taking immediate steps towards the establishment of a University at Dacca. It is nearly seven years ago when the people of East Bengal were first promised their University. Their growing impatience during the past few years is well-known to those who have been in close touch with the public life of the country, and the inquiries made by me during my recent visit to Calcutta have convinced me that this is undoubtedly a case of 'Hope deferred maketh the heart sick'. In view of the urgent educational needs of Eastern Bengal, as well as on vital political grounds, your Excellency's Government have considered it incumbent upon them to introduce the Dacca

University Bill in this Session. It should, further, be remembered that of the three reforms adumbrated in the Calcutta University Commission's Report, that relating to the establishment of the Dacca University is comparatively more simple than the two complicated schemes relating to Secondary and Intermediate Education and the University of Calcutta. The views held generally, in official and non-official circles, as regards the former, are already fairly crystallised; while the complicated nature of the recommendations concerning the two latter requires a great deal of consideration and discussion. The simultaneous handling of the three great problems would have constituted a task of tremendous magnitude and difficulty, and would have inevitably resulted in a considerable postponement of the Dacca scheme which had already reached a mature stage, and for which the demand in East Bengal was universal, irrespective of class and creed. The step which we are now taking is, moreover, in entire consonance with the policy laid down by the Government of India and with the drift of public opinion in the country. Over and over again have representative Indian spokesmen invited the attention of Government to the need for the establishment of more Universities in principal educational centres in order to meet the growing needs of higher education in India. I well remember the eloquent appeal of the Hon'ble Pandit Madan Mohan Malaviya, delivered in this Council not very long ago when, after quoting statistics regarding the population and the number of Universities in Great Britain, France and America, and referring to the small number of our Universities, he urged upon your Excellency's Government the necessity of taking steps to establish more Universities in India. My Hon'ble and learned friend will, I feel sure, welcome the establishment of a model unitary teaching University at Dacca as the harbinger of a new era which he, in common with other advocates of educational progress in this country, has already desired for so long. The Calcutta University Commission too, in Chapter XXXIII of their Report, after reviewing the past history of the movement for the establishment of a University at Dacca, proceed to observe as follows:—' It will be apparent from other portions of this Report that even if the establishment of the University of Dacca had not been promised by the Government of India, the whole policy of University re-organization in Bengal which we advocate would have led us to recommend the establishment of a University in that town either immediately or at an early date. For, if this scheme of decentralization, of relieving the excessive burden of Calcutta and of gradually creating separate Universities in the mofussil is to be carried out, Dacca is clearly indicated as the first centre for the creation of such a University.' This is to be found in Volume IV at page 132. Again, at page 227 of the same volume, they observe: ' We think that, pending the establishment of the Secondary and Intermediate Board, the Dacca University should have the right to prescribe its own tests for admission,' thus contemplating the necessity of the establishment of the Dacca University even before the Secondary and Intermediate Board comes into existence. And, finally, at page 241 of the same volume, they use the following significant language: ' We strongly urge that the University of Dacca should be established without further delay. The end of the War will, we hope, have eased the financial situation. But if the money available is not sufficient to provide at once for the full scheme which we propose, we hope that the University will be started on the lines laid down, and in such a way as to allow for its early enlargement and development. ' Hon'ble Members will note that this recommendation of the Commission, couched in such emphatic language, was entirely unanimous, and I trust that my friend the Hon'ble Sir Asutosh Mukerjee will be gratified that your Excellency's Government are now taking the earliest possible opportunity to carry the recommendations of the Commission into effect. The nervousness visible in certain quarters in Calcutta lest the adoption of the Dacca University scheme might result in the postponement of the reform of Secondary and Intermediate Education and of the Calcutta University, as recommended by the Commission, is devoid of justification. I venture to avail myself of this opportunity to assure our Calcutta friends that the Government of India are earnest in their intention of taking steps, as early as circumstances permit, towards bringing about the solution of those two important problems. Educational experts in my Department have already been, for some time, at work in crystallizing the recommendations of the Calcutta University Commission in relation to these two great questions for the ultimate object of undertaking legislation, in so far as it may be necessary, and the Local Government, as well as other authorities interested in these vital problems, will have ample opportunity of studying our proposals and of expressing their opinions thereon. The Government of India hope that after the necessary preliminaries have been gone through, it may be possible for them to introduce the desired legislation in the Delhi Session. Meanwhile, the Dacca University Bill is being merely introduced in this Session and will, after introduction, be circulated in the usual way for opinion, its Committee stage being also taken in the Delhi Session. Those interested in the proposed legislation will thus have ample time for deliberation and submission of their opinions before the next stage in the consideration of the Bill is reached.

"My Lord, in view of the weight which must attach to the recommendations of a Commission consisting of educational experts of the position and experience of Sir M. E. Sadler and his colleagues, it was but natural that the Bill which I am now about to introduce should, in the main, closely follow the lines laid down in their Report. The Report has now been in the hands of Hon'ble Members for nearly a month, and a comparison of the principal recommendations contained therein with the provisions of the proposed enactment makes the correctness of this position self-evident. The Dacca University will be a non-affiliating body as proposed by the Commission, but it will be of a more perfect type, and its organization will be facilitated by the fact that it will be a unitary and not a multi-collegiate University. Further, as intended by the Commission, it will be an autonomous and not a Government institution. And a new feature of the institution will be the proposed system of control of the staff by the University itself. The Commission and the Government of India have found difficulty in squaring this last proposal with existing facts and with exigencies of recruitment. The provisions of the Bill offer what we consider a satisfactory solution of these difficulties. In the matter of finance and regulations also the proposed University will have large independent powers. The constitution of our older Universities does not sufficiently distinguish between the administrative and the academic sides. According to the proposals embodied in the Bill, there will be an Executive and an Academic Council, each charged with different functions and each, to an appropriate extent, subordinated to the general control of a representative Court whose functions, in the main, will be legislative and supervisory. The new University will have nothing to do with the teaching of the intermediate classes, a branch of teaching which has often been regarded as having no real affinity with University work. I need not, at this stage, enter into a detailed description either of the other provisions contained in the Bill or of the various smaller bodies which will figure in the University constitution.

"It is sufficient to say that the proposed constitution is more liberal than that devised by the Committee which was appointed in 1912 and was composed, to a large extent, of non-official representatives. I may, however, mention the fact that the Government of India do not stand committed finally to those minor deviations from the Report of the Commission or additions to the proposals embodied in the Report, which it has been thought necessary to introduce in the scheme embodied in the Bill. These, on receipt of opinions after publication, will be subject to reconsideration when the Bill is referred to a Select Committee in the Delhi Session.

"My Lord, long have the people in East Bengal waited for their University, and I have reason to believe that all classes and creeds in that part of the country will warmly welcome the near prospect of possessing a University of their own. The proposed University will stimulate the cause of education in a locality where, as I have shown, there has been enormous educational expansion in recent years. It will result in the lightening of the heavy burden which at present falls on the University of Calcutta. It will present to the country a bold and, I trust, a successful experiment in a type of University which, as yet, has had no type in India, but which conforms to the most up-to-date Universities as established in England and Australia. It will, I firmly believe, constitute a profound boon to the population, Hindu and Mahomedan, of a tract of which Dacca forms the centre. The Dacca District is perhaps the most forward in higher education in the whole of India, and the residents of that part of the country have, for long, been conspicuous for their intellectual activity, their energy in establishing educational institutions, and the keenness with which they avail themselves of educational facilities. There could hardly be a more promising soil in which to plant a new tree of knowledge or one more congenial for the success of this experiment. There may, I conceive, be some small apprehension in Calcutta at the severing of so promising a branch from the parent tree. But, in accordance with the inexorable laws of nature, time is inevitable when the dependent shoots of the Banyan Tree must themselves take root and grow into flourishing trees giving shade and rest to the weary traveller. Indeed, the heart of the University of Calcutta should not be filled with misgiving when she sees her off-shoots maturing into independent and life-giving growth. Surely, it is not for her to grudge a generous measure of healthy independence to so promising an offspring as the proposed University at Dacca, and I feel sure that, instead of opposition, she will offer an attitude of fostering care and friendly interest in its creation and development.

"My Lord, the population of East Bengal, irrespective of caste and creed, are ardently looking forward to the realization of their cherished dream of a University at Dacca, and, on their behalf, I claim the unanimous support of this Council and of the educational leaders of Bengal for the Bill which I now ask for leave to introduce."

1 15 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhri**:— "My Lord, it gives me intense pleasure to rise to-day to speak a few words generally in support of the Bill, which is being introduced by my friend the Hon'ble Mr. Shafi, to establish and incorporate a 'Unitary teaching and residential University at Dacca.' It is in human nature, my Lord, to be jubilant, if one wants a thing and gets it, or at least sees a reasonable chance of one's cherished dream being realised at no distant date. In the matter of the proposed Dacca University, I have not merely been entertaining a desire to see the scheme fructify. As a matter of fact, I have been working for its success at considerable loss of time and energy, and have given myself no rest until, at last, to-day I see my dream fairly on the way to realisation As a member of the Dacca University Committee of 1912, I promoted the idea as far as lay in my power and imparted an impetus to the movement. I may be pardoned for saying so, but, my Lord, I say this in no spirit of vain gloriousness. Standing before your Excellency to-day, I look back with reasonable pride to the memorable 31st day of January in the year 1912, when your Excellency's noble predecessor, Lord Hardinge, replying to a Muhammadan Deputation, which I had the unique privilege to lead at Dacca, pledged himself to the establishment of a University in that city. Two days later, a Communiqué

was published, stating the decision of the Government of India. But there were dangers ahead. Fortunately, His Lordship remained firm when opposition appeared from certain quarters and the Government of India, after receiving the assent of the Secretary of State, announced their decision on the 4th April, 1912, to establish a University at Dacca. The Calcutta University Commission, after recommending for Dacca a teaching and residential University, with special facilities for the study of that Arabic Philosophy and Science which, to quote from their report, '' gave fresh intellectual life to Europe during the middle ages,' have urged that ' the University of Dacca should be established without further delay.' The Bill under discussion has not, therefore, been placed on the Legislative anvil a day too soon. On the other hand, it was long over-due and the people of Eastern Bengal were getting impatient over it. This fact made it incumbent on me to move a Resolution in this Council on the 20th March, 1917. With reference to this Resolution of mine, your Excellency, on the 23rd March, 1917, was pleased to give us in Council a fresh pledge in unequivocal terms. It is surpassingly strange that, in spite of these facts, opposition is still presented in certain quarters. I refer of course to certain criticisms recently made in Calcutta on the action of Government. But I do not like to waste your Excellency's time by criticising this action. Now that the Bill is at last to be introduced, I hope that, belying the hopes of some and the fears of others, it will soon be passed into law; and the Dacca University will become a reality within the next twelve months. It is expected that, in the ordinary course of business, the Bill will become law during the ensuing cold weather at Delhi, but I do hope that all necessary preliminaries will be finished in the meantime. It is further to be hoped that no time will be wasted, after the passing of the Bill, in carrying out its objects. My Lord, it is impossible for me to give vent to the feelings of joy that are uppermost in my heart today. I shall not be far wrong if I say that in this Council Chamber nobody is happier than I am at this moment. As my heart is full, I do not propose to make any observations to-day on the details of the Bill which, however, I reserve for a future occasion. There are certain matters, *e.g.*,

(1) scope and jurisdiction of the University,

(2) Government control on the University,

(3) service system,

(4) representation and proportion of Muhammadans in the various bodies of the University and their provision in the Act itself, and

(5) condition of secondary and intermediate colleges of Eastern Bengal in general and Dacca town in particular,

which will require careful consideration of this Council after obtaining the views of the Local Government, and I shall express my opinion thereon after consulting my constituency. It only remains for me to welcome the Bill with all the emphasis that I can command and, before I resume my seat, I would like to express, on my own behalf as well as on behalf of those whom I have the honour to represent in this Council, our sense of thankfulness and gratitude to your Excellency's Government for having taken up the matter in right earnest. The very able and lucid speech, in which the Hon'ble Member in charge has introduced the Bill in Council, brings into clear prominence his genuine sympathy with the educational aspirations of the people of Eastern Bengal who, I am confident, will always remain grateful to him. Your Excellency will ever be remembered by the people of Eastern Bengal as conferring on them the priceless boon of education and your Excellency's name will go down to posterity as one of their greatest and noblest benefactors."

The Hon'ble Maharaja Sir Manindra Chandra Nandi :— 1-22 P.M.
" My Lord, I fully appreciate the motives which have prompted your Excellency's Government to introduce the Bill to-day. They are, I understand, the

extension of higher education and the redemption of a pledge. It is the duty of every Government to extend higher education as much as possible, and I can assure your Excellency that you will have our whole-hearted and unanimous support for any steps that might be taken in this direction. As for the second object, there is nothing which shakes the moral foundations of authority so much as the breaking of a pledge, and I should be the last person to advise Government to go back upon its plighted word.

" But there are some considerations which make me hesitate to welcome the Bill at the present moment and in its present shape. In the first place, the Dacca University Scheme—which was ready some years back in its original form—was kept in abeyance pending the findings of the Calcutta University Commission. The Report of this Commission has, it is true, recently seen the light of day, but the people interested in education have not had sufficient time and opportunity to consider this Report and, so far as I know, the public bodies have not yet been invited to express their views on it. The present Bill is based largely on the Calcutta University Report, which has raised issues of fundamental importance, and most of whose recommendations are inter-connected and inter-dependent. To my mind, it would be an advantage if, instead of seeking to give effect to these recommendations piecemeal, Government, after taking into consideration the Report as a whole, were to formulate a broad and general policy in regard to secondary and higher education in Bengal, and then to bring forward a legislative measure or a series of legislative measures to give effect to such a policy.

" The second reason which stands in the way of my lending support to this Bill is the fact that there are several questions of principle involved in it, which ought to be threshed out before being incorporated in this Bill. I may mention as instances the residential system and the question of communal representation. How far the residential system in its purer form is suited to the conditions of life which prevail in India, and whether the communal principle ought to have a place in a seat of learning, are questions which, for good or for evil, are likely to have an important bearing on the educational activities of our people and ought, as such, to receive the most careful and dispassionate consideration.

" Lastly, the new University will require for its success the support of public opinion. Such support can be secured in a larger measure if the Bill is considered in the reformed Legislature with its increased popular element than in the Council as it is constituted at present. I would urge this particularly in view of the fact that education is expected to be one of the subjects transferred to popular control. As the public will have a voice in the matter of giving financial support to the University, it seems to me to be only right and proper that popular opinion as expressed through the reformed Legislature, should be an important factor in determining its constitution. My Lord, I am not opposed to the establishment of a University at Dacca, but I submit that nothing will be gained by rushing the present measure. Should it be thought undesirable or inadvisable to withdraw this Bill, I would implore your Excellency to defer its consideration till the reformed Legislatures come into existence."

1-28 P.M. **The Hon'ble Rai Sahib Seth Nathmal** :—" My Lord, I am in full sympathy with the Hon'ble Mr. Shafi's request for leave to introduce a Bill to establish and incorporate a unitary teaching and residential University at Dacca, and I am only sorry for the fact that my Province has been very unjustly treated and is yet lagging behind in this respect, and I only trust and hope that I shall have full sympathy from the Hon'ble the Education Member to-morrow when I will have the honour of moving a Resolution on this subject. I will at least have this satisfaction that, as a result of this delay, my Province would have now those advantages of the Report of the Calcutta University Commission which otherwise would not have fallen to their lot, and I am sure this will outweigh the disadvantages which one has to experience by such an unfair treatment between a province and a province."

The Hon'ble Rai Sita Nath Ray Bahadur:—"My Lord, I beg to congratulate the Government on the introduction of the Bill to-day. As an inhabitant of Dacca I rejoice that the promise of establishing a University at Dacca is at last being redeemed. It has taken the Government so long to mature the plan that we were being reminded of the words of the proverb 'Hope deferred maketh the heart sick.' I am not a little surprised to hear, and I was not a little astonished to find, that a keen supporter of education like the Hon'ble the Maharaja of Kasimbazar should get up and oppose this Bill on the ground that the establishment of a University at Dacca should be postponed till action is taken on the recommendations of the Calcutta University's Commission as a whole. But they forget that the promise to establish this University was made—as far back as 1912—long before a Commission for the Calcutta University was contemplated. Lord Carmichael expressed his regret that war conditions had delayed the fulfilment of that promise. And I am glad the Government have now decided to take necessary action in the matter. 1-29 P.M.

"While according my humble support to the scheme generally, I cannot help taking objection to a few details:

"A number of appointments have been provided for, which seem to be unnecessary and out of all proportion to the requirements of a small University, whose jurisdiction is to be confined to a radius of five miles from the Dacca Convocation Hall. I fail to understand, for instance, why a treasurer should be necessary for a University consisting of only a few colleges, when the affairs of all the colleges in Bengal could be looked after by one Registrar of the Calcutta University. Moreover, the Calcutta University has jurisdiction over all affiliated High Schools and second grade colleges, which the proposed University will not have. So many posts are going to be created and so many sub-divisions are going to be made that, I am afraid, instead of simplifying matters they will only complicate them. I urge that something be done to simplify matters.

"It is proposed to create a Mahomedan Advisory Board. Though I am averse to any scheme of education that differentiates between communities, I do not grudge my Mahomedan friends the privilege of a separate Board. But I fail to understand why, if the interests of Mahomedan students, who I hope will take full advantage of a University in Eastern Bengal—require the watchful care of a special Board—the interests of the Hindu students would not require it. I would, therefore, recommend the addition of a Hindu Advisory Board.

"Lastly, my Lord, I take strong exception to the territorial limitation proposed. My Lord, I remember how the Hon'ble Justice Sir Ashutosh Mukherjee deplored the proposal to establish a University at Dacca on the ground that it would curtail the jurisdiction and income of my *alma-mater* the Calcutta University. But I am sorry to have to differ from him. And I hold that for purposes of more careful supervision there should be a separate University for Eastern Bengal. Unfortunately the proposal now is to have a University with two or three colleges located at Dacca. This, my Lord, reminds me of a proverb current in the province from which my Hon'ble Friend the Education Member comes—'Owns two acres and talks of his head gardener.' When it is a question of more careful supervision I see no reason why the colleges at Barisal, Mymensingh, and Chittagong should not be affiliated to the Dacca University and the professors and students there should be compelled to cross the mighty Padma and go to Calcutta to satisfy their educational needs. This anomaly should be removed, and the jurisdiction of the Dacca University should be extended over the whole of Eastern Bengal and the University made really useful to the people."

1-34 P.M. **The Hon'ble Chaudhri Muhammad Ismail Khan**:—"My Lord, permit me to congratulate your Excellency's Government on having at last made up their mind in regard to the Dacca University. There were so many impediments in the way of the scheme materialising since Lord Hardinge promised this boon, that the people of Eastern Bengal had almost begun to despair. And now that we are within a measurable distance of the establishment of a University at Dacca, our amiable friends in Calcutta have raised specious pleas for its postponement. The Senate of the Calcutta University seem to think that the recommendations of the Sadler Committee must be given effect to in one comprehensive measure, if at all. They conveniently forget that the report itself recommends that the Dacca University should be established immediately. The Committee have, moreover, suggested various alternative transitional schemes, in case it should be decided to give effect to their recommendations piecemeal. I can well understand reasonable criticism aimed at improving the Bill in regard to its principal features; but, my Lord, the critics of this measure desire to improve it altogether out of existence. I hope, however, that under your Excellency's fostering care, the Dacca University will fulfil the high expectations entertained by Lord Hardinge about it, and will be a real boon to the people, particularly to the great Mahomedan population of Eastern Bengal."

1-35 P.M. **The Hon'ble Pandit Madan Mohan Malaviya**:—"My Lord, I offer my cordial congratulations to the Hon'ble the Education Member on the very able speech with which he has introduced the Bill. My Lord, I welcome the Bill whole-heartedly, and I think that my countrymen of Eastern Bengal have every reason to be gratified. I do not share the opinion that the introduction of the Bill should have been delayed for any other reason than that before such introduction a larger consideration of the recommendations of the University Commission as a whole would have been very helpful. If any of my Calcutta friends, friends from Western Bengal, have any feeling of opposition to the University on any other ground, I have no sympathy with them. I think all the intellectual men in Western Bengal will rejoice, as the Maharajah of Kasimbazar rejoices, in the establishment of a new University in Eastern Bengal. It is a matter on which not only the people of Western Bengal and Eastern Bengal, but of the country as a whole, may well rejoice and feel thankful to the Government.

"My Lord, I do not mean to say that the addition of one new University will be sufficient for the needs of the country; but I welcome this addition as an important one, for I feel that the people of Eastern Bengal, keen intellectuals as they are, and largely as they have distinguished themselves in the Calcutta University by adding to the store of knowledge in the field of science, I am sure that the people of Eastern Bengal would have distinguished themselves much more and given a much better account of themselves if a University had been established in Dacca sixty years ago, *i.e.*, when one was established at Calcutta. But, my Lord, while I heartily welcome the Bill for the reasons I have stated, I do think that the Bill is disappointing in several respects. In the first place, it is a matter of regret and surprise to me that after the very able report of the Calcutta University Commission, the authors of the Bill should have contented themselves, on the academic side, with proposing the inauguration of the Faculties of Arts, Science and Law only. My Lord, I understand that over two thousand students attend the law classes in Calcutta, and in view of this fact one should have thought that the branch of law might well be relegated for a little while, and that practical science, applied science, might be given a place instead. I do not mean to say that the University should not have the Faculty of Law. Every University ought to provide instruction in all important departments of knowledge; but if funds are not sufficient to enable the University to start all the more important branches of instruction, I would certainly prefer that provision should be made for the teaching of applied science instead of law. My Lord, arts, science and law have been the faculties which have mainly occupied the attention and largely absorbed the funds of existing federal Universities, and therefore I would request the Hon'ble Member for Education and the Government to re-consider section 23 of the Bill which says : 'the University shall include the Faculties of Arts, Science and Law and such other Faculties (whether formed by the sub-division or combination of an existing faculty or faculties or by the creation of a new faculty or otherwise) as may be prescribed by the Statutes.' The Statutes do not give any hope that any faculty of applied science will be created at an early date. I, therefore, most earnestly request the Government to consider the advisability of making provision for instruction in applied science at the very commencement of the University. This is with regard to one branch.

" My Lord, I should like another branch to be brought in, namely, a Faculty of Commerce. It is evident that the framers of the Bill have taken the same model as we of the Benares University did, namely, the modern Universities of England. These have devoted special attention to the teaching of applied science and of commerce, and it is highly desirable that the new University, which is to be started under the fostering care of Government, should start with providing instruction of a high degree in applied science and in commerce. I should also like to see provision made for the teaching of agriculture of University standard in this new University. Dacca is peculiarly happily situated for all these purposes, and it is very desirable that at the very commencement the funds that may be available should be applied at least in a fair measure to the creation of some of these faculties which do not exist in the existing Universities, and not absorbed in creating fresh Faculties of Arts, Science and Law. As I have said before I do not mean to suggest that the Faculties of Arts, Science and Law should be entirely cut out. I am only urging that if funds are not sufficient to start a full-fledged University with seven or eight faculties, even then you should be able in the first instance to introduce at least one of the faculties of applied science, commerce or agriculture. The Council will be pleased to hear that the Benares Hindu University, with its limited resources, has already established a college of engineering, and that provision has been there made for instruction of a high class character in mechanical and electrical engineering, and I have every hope that it will very soon develop a technological side also. We are also very anxious to create a faculty of agriculture, but we are hampered for want of funds. The Dacca University, however, my Lord, has, I understand, a fund of a crore and 20 lakhs ear-marked for its purposes—I wish we at Benares had half that fund available to us for starting new faculties—and so my countrymen of Eastern Bengal should have the advantage of these new important Faculties being started from the commencement of their University.

" We have long heard the complaint that Indian students do not take up practical science, that they do not take to commerce and industry, that they do not take up scientific agriculture. My Lord, Indian students are not to blame for this. They need facilities for training, guidance and fostering care. Let such facilities be provided at least at the proposed unitary and residential teaching University, and you will find that Indian students will take full advantage of it. I hope the Government will seriously consider the advisability of making an advance in this important direction.

"My Lord, I wish to say a few words about the administrative side of the University also. I regret I cannot congratulate the Government on the frame of the Bill on this side either. The Dacca University is coming into existence when great changes in administration are in sight; but even if these changes were not in sight, if constitutional reforms were not under consideration, I would say that once you have constituted the administrative body of the University, consisting of scholars, of the guardians of the students, and heads of departments, who are to find employment for the students who will be produced by the University, you should leave the administrative control entirely to them.

"While I should like the University to have the honour of having the Viceroy and Governor General as its Lord Rector, as the Benares Hindu University has, I think that the rest of the provisions prescribing the power which the Governor General will exercise over the University as Visitor, should be reconsidered. In the case of the Dacca University the Governor of Bengal will be the Chancellor. I think, my Lord, the Court and the executive and the academic Councils, should be trusted to manage the University without any interference by the Visitor. I hope that this matter will be re-considered. Then there are provisions which give certain special powers to the Chancellor which also require reconsideration. The Chancellor is empowered, where there is a Committee of Selection to be constituted, to appoint one or more members of the Committee. I should like the Chancellor to take part in the University as a member of the University, as one belonging to the University, but not as one standing apart from or outside it. I want him to guide the work of the University as an inside member.

"In regard to the appointment of the Vice-Chancellor, I think the liberal provisions which the Government agreed to pass in the case of the Benares Hindu University, should be adopted. The Government have recognised the wisdom and usefulness of allowing the Court, in the case of the Benares University, to elect its own Vice-Chancellor, and I wish the Court of the Dacca University to enjoy the same privilege. Then, my Lord, with regard to the duties imposed and the powers given to the executive and academic Councils of the University, I submit that the provisions of the Bill should be more liberal than is the case at present. Official control and interference should be eliminated to a large extent; it should be left to the bodies constituted under the Act to deal with the Executive and academic administration. That is all I would say for the present. So far as the introduction of the Bill promises an early establishment of the Dacca University, this is a matter which I hope will be welcomed by every Indian; but so far as the details are concerned, I have no doubt that the Bill will receive, as it needs, the closest criticism from the public, and that before it is referred to a Select Committee we shall know the opinion of those vitally concerned in high education in Eastern and Western Bengal and even outside those areas. I hope that, as in the case of the Patna Bill, there will be a complete transformation of the Dacca University Bill before it assumes its final shape. My Lord, I accord my hearty support to the proposal that the Dacca University Bill be introduced."

1-47 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I rise to support the motion before the Council, and in doing so my first words will be those of congratulation to the Hon'ble Mr. Shafi for the very able and lucid speech in which he has introduced the measure. In regard to the delay that has taken place, I confess I do not quite see the justification for the postponement of the measure for so long. Mr. Shafi says that the war was the cause of this four years' delay, but during the same interval, while the war was going on, the Government placed the Patna University Bill on the Statute-book and there appears to be no reason why the Dacca University Bill was not passed.

However, I am glad that it has now been brought forward and I congratulate my countrymen of Eastern Bengal on the promise of the fruition of their hopes and especially my friend the Hon'ble Nawab Ali Chaudhri who has worked so hard to bring the University into existence.

"I have read the Bill rather cursorily, but there are one or two points that strike me as involving questions of principle and, my Lord, with your permission, I should like to say a few words on them. The first is as regards what the Hon'ble Mr. Shafi said that this University is going to be an autonomous and not a Government institution. On reading the Bill, however, I find there is a very large number of officials in its constitution; in fact, their number really is preponderating. I find here the Commissioner, the Collector, the Sessions Judge, the Director of Agriculture, the Civil Surgeon, the Engineer, the Chairman of the Municipality, the Inspector of Schools, and many other officials of similar position. Now it is not strictly in consonance with the claim put forward that this is an autonomous and not a Government institution—on which so many officials will have a permanent place. In an official institution I have no doubt they serve a useful purpose, but I do not see why in a University, which ought to be as far as possible self-governing and self-controlling, there should be so many officials introduced into the court of the University. I should like to have an explanation as to how this provision is in consonance with the claim put forward as to the autonomous character of the proposed University. The second point of principle is this. This is the first time that in a measure of this character,—for it is not like the Benares University, frankly, Hindu,—I find a provision as to communal representation. Now in the Patna University Act there is a small reservation made for the representation of Orissa; all people who have permanently been domiciled there have got the right to return a certain number of representatives. The province of Orissa has thus representation on a territorial basis and to that no exception can be taken. But here for the first time we have representation provided for certain communities. I must tell your Lordship frankly that I have no objection to reasonable Muhammadan representation. The Bill, however, says :—' Provided that should a committee so constituted not include both a Hindu and a Muhammadan member, the Chancellor shall nominate an additional Hindu or Muhammadan member or both, as the case may be.' That is how it finds a place in the Bill. I am simply addressing your Lordship on the question of principle, as to how far it is consistent with a Government measure for education, to provide for the representation of the Hindu or the Muhammadan, as such. That is a point that requires careful consideration.

"The Hon'ble Mr. Shafi told us that this Bill has been drawn up in consonance with the recommendations of the recent University Commission. I have not read carefully the whole of their Report, which is a prodigious one, but I shall be glad if he can refer me to any such recommendation of the Commission where they lay down—I only want information and nothing else—that in the Dacca University provision should be made for communal representation as such. But any way, these are matters, besides the others referred to by the Hon'ble Pandit Malaviya, which require very careful consideration. The Hon'ble Mr. Shafi has frankly said that he is not tied down to the measure as introduced. He hopes in course of time when opinions will be elicited from the public and considered, and when the matter goes to the Select Committee, all these points will be carefully taken into consideration. I am, therefore, only inviting the attention of the Council to these two points. In the Bill I find two things, the over-representation of officials and communal representation, and these *prima facie* go against sound principles, whatever the recommendations of the Commission. With these few words, my Lord, I give my cordial support to the motion before the Council."

1-43 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, in the first place I wish to associate myself with my Hon'ble friend Pandit Malaviya and the Hon'ble Mr. Sinha in offering our sincerest congratulations to our friend the Hon'ble Mr. Shafi on the very lucid exposition of this Bill. My Lord, this Bill for establishing a University at Dacca is a very much belated measure. The promise to give a University to Dacca was given, as the Hon'ble Mr. Shafi has said, as late as 1912, and I much regret that there should have been so much delay, and this delay has almost been interpreted in certain quarters as a breach of faith on the part of Government; and in so far as this Bill seeks to redeem that old promise, it is most welcome, and I wish to give my humble and cordial support to it.

"My Lord, my province and my district are not directly interested in this matter. We are under the Calcutta University, and, I believe, we shall remain so. But I find, my Lord, that our province will have some share in the administration of the new University, as the Chief Commissioner of my province will have the right of nominating certain members of the Court. That apart, my Lord, we are much interested in this matter as the inauguration of another University in the country. My Lord, the Calcutta University, as has already been referred to by some previous speakers, is rather opposed to this legislation. My Lord, the ground on which it is opposed is not very objectionable. I think it possesses some weight. It objects to this legislation before the report of the Calcutta University Commission shall have been considered as a whole. If it was not for the fact which I have alluded to, that this matter is very much belated, I would be prepared to support the objection of the Calcutta University of which your Excellency was pleased to nominate me a member lately. But, my Lord, as it is, I am bound to support the introduction of this measure. As I said, it is very much belated, and in so far as it removes this want from Eastern Bengal, it has my cordial and hearty support.

"But, my Lord, there are certain features of the measure to which exception must be taken. Here my Hon'ble friend Pandit Malaviya has anticipated me. Only this morning I spoke to my Hon'ble friend Mr. Sharp about the inadequacy of Faculties. My Lord, in a new University which is going to come into being after the publication of the report of the Industries Commission, and may I add, in view of the constitutional reforms and responsible government which will be granted to this country, and in view of the undoubted fact that the economic condition is very acute, I would expect, my Lord, that in a new University, in addition to the existing Faculties, provision would be made for new Faculties which may, to some extent at least, help to improve the economic condition, the Faculty of Commerce, for instance, the Faculty of Technology and so forth. But, my Lord, it is a matter for disappointment that far from providing for any new Faculty, we find that even the existing Faculties, which are very important, the Faculty of Medicine and the Faculty of Engineering, which are existing in the Calcutta University, are not provided for. No doubt, there is a provision in section 23 of the Statutes for constituting new Faculties. But, my Lord, it would be far more desirable and will evoke more enthusiasm if new Faculties and the older Faculties of Medicine and Engineering are provided for in the Bill itself. Then in the second place, my Lord, there are certain other features concerning the constitution of the University which are open to objection. Some of these have been referred to by my Hon'ble friend Mr. Sinha, and I associate myself with his remarks. My Lord, I would remark that a University, which is a seat of learning whose motto must be advancement of learning should be the last place where the new fetish of communal representation should find a place. These features I beg your Excellency's Government to seriously consider, and at this stage there is nothing more for me than to give my hearty support to the introduction of this measure."

The Hon'ble Mr. W. E. Crum:—"My Lord, I fully approve of this Bill, and that for several reasons. First of all, it shows that however slow its growth the University Commission Report is going to bear fruit rapidly, and secondly, from the figures which the Hon'ble Mr. Sharp has given us it is very evident that education is spreading so fast in East Bengal that a University there is a necessity, and the third point is, that Calcutta is so crowded at present that the more we can discourage visitors coming to Calcutta, the better. Of course I do not refer to visitors like your Excellency and the Members of your Excellency's Government whom we shall always welcome in Calcutta." 1-59 P.M.

The Hon'ble Mr. Shafi:—"My Lord, I am naturally highly gratified at the reception which the motion before the Council has received at the hands of Honourable Members. Representatives of various provinces have welcomed the motion for the introduction of this measure, and on the whole, barring one voice, one discordant voice, the spokesmen have all been unanimous in welcoming the measure. 2 P.M.

"And even as regards the one discordant note which has been struck—I allude to the speech delivered by the Hon'ble the Maharaja of Kasimbazar,—I noticed that he himself was willing to admit that the Government was bound to carry out its pledge. Secondly, he said that he was not opposed to the creation of a University at Dacca. Now, in the face of these two admissions, it seemed to me somewhat difficult to understand the position of the Hon'ble Maharaja when he raised certain objections with reference to the introduction of the Bill. In brief the objections amounted to this. 'Although I admit that Dacca ought to have its University, although I also admit that the Government is bound to fulfil its pledge, yet I would rather the fulfilment of that pledge and the consequent establishment of the University at Dacca were postponed.' That was really the net result of the speech delivered by the Hon'ble Maharaja. Well, my friend, the Hon'ble Pandit Malaviya has dealt with that portion of the Maharaja's speech. He has pointed out that there is really no valid reason whatever disclosed in the points raised by the Maharaja for the postponement which he has advocated.

"Certain other Hon'ble Members pointed out that the number of Faculties which we propose to create is too small, and that there ought to be a Faculty of Commerce, a Faculty of Engineering and a Faculty of Technology. In reply to that criticism I wish only to point out that there are at this moment at Dacca materials in existence for the immediate creation of the three Faculties which are expressly mentioned in clause 23 of the Bill, and in consequence, those three Faculties have been named in the clause; but at the same time a provision is made in that clause for the creation of other Faculties hereafter. The reason for that is obvious. No statutory enactment could in express terms at the outset provide for the creation of Faculties in the manner in which clause 23 has provided, unless there was either the material in existence already or a likelihood of the material coming into existence immediately after the passing of the enactment. That is the sole reason why none of the other Faculties are mentioned, but provision is made in clause 23 for the creation of other Faculties, and I have no doubt that when the University does really come into existence and the various bodies, the creation of which is contemplated by the Bill, actually are created, if they find that there are prospects of successfully running those Faculties which my Hon'ble friends have mentioned, then I have no doubt that the authorities of the University will create those Faculties. But in any case the addition of one or two more Faculties is a matter which can be considered in the Select Committee stage. As I said in my opening speech, the Government is not tied down finally to every provision of the Bill as it has now been framed.

"Some of my friends objected to the introduction of communal representation in the University bodies. My Hon'ble friend Mr. Sinha asked me to point out in the Report of the Commisson any reference to the application of the principle of communal representation. Well, I need only refer him to just two or three places in the Report of the Commission to show that we have in this respect merely carried out the recommendations of the Commission. If he will refer to page 217 where the constitution of the Court is described in the Report of the Commission, he will find for instance, in regard to the representation of graduates—' 30 graduates of the University elected by the registered graduates from their own body, of whom 15 should be Muslim graduates elected by the graduates registered as Muslim graduates.'

"Then he will find '40 members appointed by the Chancellor, of whom not less than 20 shall be Mussalmans.'

" Then in another part of the Report, at page 219, in the constitution of the Executive Council, he will find ' 4 persons appointed by the Chancellor, of whom 2 shall be Mussalmans.' Then ' four persons elected by the Court, two of these being elected by the Muslim members of the Court,' and so on. I think it is hardly necessary for me at this stage to cite for the benefit of my Hon'ble friend the various passages dealing with the question of Muhammadan representation in the Report. He must have seen from the few references I have made that the Commission have provided for Muhammadan representation, and we have simply embodied in the Bill the recommendations of the Commission.

" Certain other matters to which Hon'ble Members have invited attention are really matters of detail which do not require any discussion at this stage. It will be open to Hon'ble Members to invite the attention of the Select Committee to them, and as I said in my opening address, opinions received from Local Governments, from the Universities and from public bodies between the date of the introduction of the Bill and its reference to the Select Committee, will be duly considered by the Select Committee.

"I am grateful to my Hon'ble friends for their kindly references to myself and I am very glad indeed that the Bill has received such a warm welcome at the hands of representatives of all provinces."

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—" My Lord, I now beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

The Council then adjourned till 11 A.M. on Friday, the 12th September, 1919.

SIMLA ; } H. M. SMITH,
The 18th September, 1919. } *Offg. Secretary to the Government of India.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Friday, the 12th September, 1919.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 53 Members, of whom 15 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Sir Dinshaw Wacha asked :— 11 A.M.

1. "Do Government contemplate any change in the law of naturalization with a view to keep out Germans ?" **Change in the law of naturalization.**

The Hon'ble Sir William Vincent replied :—

"The only change in the law of naturalization which the Government of India have in view is that contained in the Bill to amend the Indian Naturalization Act, 1852, which was introduced in this Council on the 3rd September, 1919.

The Hon'ble Member's attention is drawn to sub-section (2) of section 3 of the British Nationality and Status of Aliens Act, 1918, which permits in exceptional cases only, during a period of ten years after the war, the grant of certificates of naturalization in the United Kingdom to subjects of countries which were at war with His Majesty at the time of the passing of that Act. That provision of the law does not apparently apply to India, but the Government of India have adopted the same policy. The result is that any application in India by a German for a certificate of naturalization will, during a period of ten years after the war, be refused, unless the applicant—

(*a*) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty; or

(*b*) is a member of a race or community known to be opposed to the enemy governments; or

(*c*) was at birth a British subject."

The Hon'ble Sir Dinshaw Wacha asked :—

Report of the Weights and Measures Committee.

2. "When do Government contemplate taking action on the Report of the Weights and Measures Committee?"

The Hon'ble Sir George Barnes replied :—

"The matter is under consideration. I am unable to say yet whether any action will be taken on the Report."

The Hon'ble Sir Dinshaw Wacha asked :—

Duty on silver.

3. "Has the present duty on silver the effect of raising its price in this country? If so, have Government considered the question of removing the duty?"

The Hon'ble Mr. H. F. Howard replied :—

"As the import of silver into India on private account is at present prohibited, the effect of the import duty on the internal price is probably *nil*, though in ordinary times no doubt the effect of the duty is as stated in the question. It would be premature for Government to state what their policy will be as regards the duty when the present restriction on import is removed, as this matter is one which will no doubt come under consideration by the Currency Committee."

The Hon'ble Sir Dinshaw Wacha asked :—

Gold at the Ottawa Mint.

4. "(*a*) What is the amount of gold held by the Ottawa Mint on account of the Secretary of State for India, who has authorised it to sell on his behalf telegraphic transfers on India, without any limit as to the amount for gold to be tendered at that mint?

(*b*) In taking this step, were Government aware of the strong feeling in this country against the location of the Gold Standard Reserve in London?

(*c*) Will not this power given to the Ottawa Mint operate against a flow of gold from the United States to this country?"

The Hon'ble Mr. H. F. Howard replied :—

(*a*) "The Government have so far received no information of any gold having been tendered at the Ottawa mint under the arrangement referred to by the Hon'ble Member.

(*b*) Does not arise, as any gold so tendered would in all probability not form part of the Gold Standard Reserve, and in any case would be shipped to India.

(*c*) The answer is in the negative. The effect of such transactions, should any take place, will for the reason just given be the opposite of that suggested by the Hon'ble Member."

The Hon'ble Sir Dinshaw Wacha asked :—

5. "Does the exemption granted to the Tea Industry from payment of income-tax continue? What was the loss to revenue from that exemption in 1918?" Exemption of Tea Industry from income-tax.

The Hon'ble Mr. H. F. Howard replied :—

"The answer to the first part of the question is in the negative, but assessment of the tax has been postponed pending the decision of the Calcutta High Court on a test case.

To answer the second part of the question is not possible without a detailed examination of the books of all the companies concerned, and, in view of the labour which this would entail, the Government do not feel justified in asking the companies to supply the information."

The Hon'ble Sir Dinshaw Wacha asked :—

6. "Is it true that the coinage of gold coins at the Bombay Mint has been stopped in obedience to an order of the English Treasury? Will Government be pleased to make a statement on the matter and indicate when gold coinage in India is to be resumed?" Coinage of gold at the Bombay Mint.

The Hon'ble Mr. H. F. Howard replied :—

"It is the case that the minting of gold coins at the Bombay branch of the Royal Mint has been suspended. This was done on a suggestion from His Majesty's Treasury, as their Deputy Master, who was in charge of the Bombay Mint, had to be invalided in April last. In point of fact it was a substantial convenience for the Government of India to be able to utilise the plant of the gold mint, in order to supplement that of their own silver mint, the resources of which were severely taxed in order to cope with the great demand for rupee coinage; while at the same time experience had shown that, owing to the large internal premium on gold, the minting of gold coins for use as currency was in present circumstances of little assistance, as such coins did not remain in circulation. The resumption of gold coinage in India will depend on the future currency policy of the Government as arrived at after the Indian Exchange and Currency Committee, now sitting in London, has concluded its deliberations."

The Hon'ble Sir Dinshaw Wacha asked :—

7. "Will Government be pleased to state what progress has been made with the Conkan Railway on the Western Coast? To whom has the concession for construction been given? Is it an Indian Company? Will the State build and manage the Railway themselves?" The Conkan Railway on the Western Coast.

The Hon'ble Sir Arthur Anderson replied :—

"A detailed survey by the agency of the Madras and Southern Mahratta Railway has recently been sanctioned for a metre gauge railway from Karad *via* Chiplun to Ulva.

Consideration is also being given to an alternate proposal for serving the same interests by a broad gauge branch taking off from the Great Indian Peninsula Railway.

No decision can be come to as to the agency which will build and work the railway until both proposals have been fully examined."

The Hon'ble Sir Dinshaw Wacha asked :—

The Currency Committee.

8. " What is the number of Indian and European witnesses invited from this country to give evidence before the Currency Committee ? "

The Hon'ble Mr. H. F. Howard replied :—

" The number of witnesses who have gone from India with the special object of giving evidence before the Currency Committee, are :—

Indians	4
Europeans	None.

The Government of India understand, however, that apart from these, the Committee are taking the opportunity to examine several persons from India who happen to be in England for other reasons."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Commission allowed by firms manufacturing Railway materials.

9. " (*a*) Is it a fact that firms manufacturing Railway material give large commissions on the prices quoted to the agencies through which orders are placed ?

(*b*) Is the Railway material purchased for the Indian Government either by the Railway companies or their agents or by Government purchased direct from the manufacturing firms or through commission agencies ?

(*c*) Who appropriates the difference, if any, between the actual net rate received by the manufacturer and the nominal quotation rate ?

(*d*) What is the percentage of difference, if any, on the average ? "

The Hon'ble Sir Arthur Anderson replied :—

" In reply to the first two parts of the Hon'ble Member's question, Government have no knowledge of commissions being paid by firms manufacturing railway materials to those through whom orders are placed, and would not countenance the existence of any such practice. Government do not employ commission agencies for the purchase of railway materials.

The other parts of the Hon'ble Member's question do not arise."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

10. " Will Government be pleased to state—

Proceedings taken against persons under the Defence of India Act, etc., since 30th March, 1919.

(1) the number of persons against whom proceedings have been taken since the 30th March, 1919, (*a*) under the Defence of India Act, and (*b*) under the Bengal and Madras State Prisoners Regulations, in each of the provinces in India, and

(2) the number of persons interned or deported since that date ? "

The Hon'ble Sir William Vincent replied :—

" (1) (*a*) So far as information is available the total number of persons against whom proceedings of any kind, including judicial prosecutions, were taken under the Defence of India Rules during the period named was 111. This includes action taken temporarily against Afghans during the Afghan war ; and also temporary orders of precensorship or exclusion passed against particular newspapers and orders for the censorship of correspondence. It does not include some prosecutions which were ordered by District Magistrates in the Punjab under powers delegated to them. The number of these is not known to the Government of India.

(*b*) The number of persons against whom action was taken under the Bengal and Madras Regulations was 18, of whom 13 were deported from Peshawar when martial law was declared there after the outbreak of the war with Afghanistan.

If the Hon'ble Member wishes to have the information I shall be glad to furnish him with a statement showing the number of persons confined under these Regulations who were released during this period.

(2) The total number of persons interned or deported under the Rules or Regulations, again including action taken in consequence of the Afghan war, was 49. Orders of restriction were also passed in 26 cases."

The Hon'ble Rao Bahadur B. N. Sarma :—"May I ask a supplementary question? How many were released?"

The Hon'ble Sir William Vincent :—"I shall be very glad to give the Hon'ble Member the information privately or lay it on the table as he may desire."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

11. "(*a*) What is the estimated additional cost per annum by reason of the increases sanctioned since January, 1919, in salaries, pensions and other emoluments under each of the following heads (*i*) the Army, (*ii*) the Indian Police Service, (*iii*) the Indian Forest Service, (*iv*) the Indian Medical Service and (*v*) the Educational Service?

(*b*) Will Government be pleased to state whether any additional taxation is contemplated and, if so, in what directions, to meet such increased cost?"

The Hon'ble Mr. H. F. Howard replied :—

"(*a*) The estimated additional cost per annum on account of increased salaries sanctioned since January 1919 is as follows :—

	Recurring cost per annum. Rs.
(*i*) The Army :—	
A. Increase of pay of matrons employed in Station Family Hospitals	24,000
B. Revised rates of furlough pay to Indian Army and Indian Medical Service Officers	3,30,000
Total	3,54,000
(*ii*) The Indian Police Service	13,00,000
(*iii*) The Indian Forest Service	4,50,000
(*iv*) The Indian Medical Service, Civil and Military Sections	25 00,000
(*v*) Educational Service *ad interim* relief	2,50,000

The Government of India have addressed the Secretary of State regarding the recommendations of the Public Services Commission in respect of pensions and other allowances of the civil services, including the Police, Forest and Educational Services. Orders have very recently been received on certain points only, the financial effect of which in regard to the above services cannot yet be stated on the data now available.

(*b*) The Government do not know how far additional taxation may ultimately prove necessary to meet the expenditure involved by these increases of pay, coupled with the revisions of the pay of subordinate establishments which have been recently carried out or are under contemplation in the various provinces."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

The Asiatics Trading Act. **12.** "Has the attention of Government been drawn to the recent enactment by the South African Union legislature of the Asiatics Trading Act and to allegations that serious disabilities are thereby imposed upon the Indian community in the Transvaal? If so, what steps have Government taken to safeguard Indian interests in the colony?"

The Hon'ble Sir George Barnes replied:—

"This matter was fully dealt with in His Excellency's speech on the opening day of this Session, to which I refer the Hon'ble Member."

RESOLUTION *re* APPOINTMENT OF COMMISSION TO INQUIRE INTO RECENT DISTURBANCES IN THE PUNJAB—(*Contd.*)

The President:—"The debate will be resumed on the Resolution moved by the Hon'ble Pandit Malaviya."

11-15 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, rising to speak on this Resolution at this stage I confess to a feeling of some embarrassment. There is so much to say that I really do not know where to begin, where to end, what to say or how much to say. Now, in spite of what has fallen from the lips of my Hon'ble and gallant friend sitting to my right (Hon'ble Sir Umar Hayat Khan) whose authority on military affairs in the Punjab no one for a moment will dispute, I feel constrained to say that one feels that recent happenings in the Punjab have been such as to make it impossible to believe that anything even making a near approach to them could happen under the British administration I take it, my Lord, that my Hon'ble and gallant friend and gentlemen of his way of thinking believe that there was nothing to complain of about the treatment meted out to the people of the Punjab recently But, my Lord, on the other hand, I do not refer to the communications, the harrowing accounts which some of us have been receiving first-hand from people living in the Punjab. Leave that alone. There is the resignation of Sir Sankaran Nair which the other day the Secretary of State told the House of Commons, as wired by Reuter, was due to his views with regard to martial law in . . . .

The President:—"Order, order, I stopped the Hon'ble Pandit when he referred to Sir Sankaran Nair's resignation. There is no official statement to which the Hon'ble Member can refer. The Hon'ble Member must leave the subject."

The Hon'ble Mr. Kamini Kumar Chanda:—"I bow to your Lordship's decision. I referred only to what was stated by the Secretary of State in Parliament. However, that is interpreted by the people differently and simply on that account, apart from other evidence the people feel distressed about the Punjab. Then, my Lord, when a saintly character like Mr. C. F. Andrews was denied entry into the Punjab to see with his own eyes the state of things there, you cannot expect that that would have a reassuring effect upon the public mind that everything there would bear open scrutiny. Then there are the proclamations, notifications, ordinances, orders, I do not know by what name they are called, issuing from the martial law administration, some of which have seen the light of day and which fill the mind with amazement mingled with indignation. I am not surprised my Lord, that my Hon'ble and gallant friend, the Hon'ble Major Malik Sir Umar Hayat Khan, Tiwana, not only sees nothing to object about the treatment of the Punjabis under martial law régime, but would resent any one from outside calling attention to what has been described by Sir Rabindranath Tagore, the poet and recluse who never mingles in politics, but felt constrained in his protest against the administration of martial law in the Punjab to request to be relieved of his knighthood, 'as a degradation not fit for human beings' under 'methods of administration without a parallel in the history of civilized nations.' I say, my Lord, I am not surprised at that attitude. The mentality is easily understandable. Then, my Lord, if even a tenth part of the allegations and suggestions which the industry and devotion of the Hon'ble Pandit has formulated in a string of questions of the most searching character and which has found its way into the press, bears anything like semblance of truth in them, one would say that he would like to run away from this land and go into the jungles. I sincerely trust, my Lord, for the good name of the Government under which I am proud to live that my Hon'ble friend is mistaken. I sincerely trust that these charges are untrue, but, if true, my Lord, would they not constitute a very grave indictment against the administration of Sir Michael O'Dwyer, hardly less grave than the charges that were made against Warren Hastings? My Lord, I humbly submit that these things must be refuted, must be disproved by the findings of a tribunal, of an independent tribunal, whose verdict will carry universal assent. My Lord, it is hardly necessary to point out in the words of the Court of Directors of the East India Company that it is not enough that justice is done but the people should be made to realise, to feel that justice is being done. The Government of India is responsible for ratifying the policy adopted by Sir Michael O'Dwyer, and it is a matter for grave regret that the Government do not see its way to have a Royal Commission to investigate these charges, a Commission whose verdict, whose decision would carry infinitely greater weight than that of any Commission or Committee that may be appointed in this country. My Lord, in view of the fact that the policy that will have to come under the scrutiny of the Committee is ultimately the policy of the Government of India, it can hardly be doubted that the finding of the Committee in so far as it may find in favour of that policy will not carry conviction if it has to report to the Government of India. On the other hand, my Lord, I fully realise that in view of the fact that your Excellency was pleased to announce the appointment of a Committee of Inquiry and the terms of reference to it, it is hardly likely that the Government will feel disposed to accept the suggestion of my Hon'ble friend to have another Commission.

"My Lord, I submit that under these circumstances it is very desirable to find a *via media*, and a practical solution would be to ask the Committee to report not to the Government of India but to the Secretary of State. The composition of the Committee should also be revised. It cannot be denied that the composition of the Committee has not evoked much enthusiasm in the country among the Indians. Of course I do not speak about the Anglo-Indian press which in this matter does not count. My Hon'ble friend read extracts from the leading organs of what is known as the moderate party, and even they do not appear to be satisfied with the composition of the Committee. In the first place, the Indian element is hardly adequate. In a matter like this I submit that the number of Indians should be equal to that of the Europeans. In the next place, as regards the personnel of this Committee, we see here as we saw in the case of the recent Reforms Committee that a Moslem member is drawn from one of the Indian States. I do not know if that means the introduction of a new policy. Without making any the slightest reflection in the remotest degree against the gentleman concerned, I submit that it is hardly right and fair to the great Moslem community to go out of British India to the Indian States, to make a selection of a Moslem member. I submit that this is a matter for your Excellency's consideration. I submit that in these circumstances the best thing would be to add another Indian member selected in such a manner as would give satisfaction to the Indian community. I do not know that any better selection could be made than one from the panel which my Hon'ble friend suggested in the revised Resolution which he wished to move but was not allowed to move. Say what you will, it is impossible to deny that the judgments or decisions, call them by the term judgments if you like, of the courts of martial law, which was described by Lord Haldane when dealing with applications to grant leave to appeal to the Privy Council from the martial law decisions, 'as a negation of law' have caused deep distress to the public that Indians of the Punjab who are held in high esteem for their character and position are branded as rebels. There may be technical difficulties in the way of a Committee going into these matters, but surely something can be devised if you really wish to bring peace to the land. The Hon'ble Pandit Malaviya suggested that there had been convictions without any record of any summary or any memorandum of evidence, convictions without reasons of decisions, cases without even disclosing the offences, cases taken up at midnight without giving due notice to the accused persons, their relations, friends or lawyers of the change of date, because martial law was going to expire after midnight. In such cases the mind is distressed and unless you find some means by which these cases can be scrutinised, the grievance will remain. I really feel that there can be no real difficulty in finding a means, if you wish it. If you can have an Indemnifying Bill you may as well have some measure which will enable these cases being revised. A simple process would be to vest the Committee with power to investigate the cases with power to investigate this matter, look into the judgments and then report to His Majesty in Council with recommendations for annulment of convictions. We are grateful to your Excellency and to His Honour Sir Edward Maclagan for acts of clemency in the wholesale reductions of sentences ordered. I do not know if the Government have seen an account given by a press correspondent of his interview with Kali Nath Rai after his release from jail. It appears therefrom that these acts of clemency failed to evoke any response in the hearts of the accused persons. It appears almost as a mockery to tell an innocent man that his sentence has been reduced or that he has been pardoned. In these cases what is prayed for is no clemency but justice, no favour but fair treatment. With these humble words I support the Resolution of my learned friend."

11-28 A.M. **The Hon'ble Sardar Sunder Singh Majithia:**—"My Lord, I sincerely deplore the most unfortunate events that have happened in my province, and in view of the Committee of Inquiry that was announced by your Excellency in your Excellency's opening speech this Session on the 3rd September, and which I have no hesitation in saying will be welcomed by my fellow-subjects in the Punjab, I think the Resolution of my Hon'ble friend is unnecessary, as the necessity of an inquiry which my Hon'ble friend wanted has already been conceded. I would, however, very strongly urge the addition of a third Indian member, from amongst the public men in India, on this Committee. I hope that if your Excellency's Government were to accede to this request, it will satisfy everybody.

"Your Excellency, as representing His Majesty the King Emperor, is, I think, the right person to whom this report of the Committee should be submitted.

"One point more I would, however, suggest if the enquiry has to serve a useful purpose ; and that is that an assurance should be given to the people who are to give evidence before this Committee that they will be fully protected from every sort of harassment from the underlings of the Police or otherwise.

"The need of an inquiry having been admitted and a Committee having been appointed, I would advise my Hon'ble friend, the mover, if it would not be wise to withdraw his motion."

The Hon'ble Raja Sir Rampal Singh :—"My Lord, I think I would be failing in my duty towards my country and its Government if I do not make a few observations in support of the Resolution that was moved by the Hon'ble Pandit Madan Mohan Malaviya. After the announcement made by your Excellency as to the appointment of the Committee and its personnel and the terms of reference, I thought it might not be of much avail to press the Resolution on the attention of the Government. But the exigencies of the situation require that the views of the non-official Members of this Council and of those whom they represent, may with advantage be put before the Government, with the object of impressing upon them the desirability of some modification in the constitution of the Committee and their terms of reference in order to restore confidence in the public mind which has got shattered in the sense of justice of the Government. 11-30 A.M.

"With all the precautions that were taken to exclude the public from getting a glimpse of the terrible happenings in the Punjab, the country is full of all sorts of rumours which have created a wide-spread dissatisfaction, discontent and resentment. I have no direct knowledge of the disturbances and the manner in which the Punjab authorities quelled them, but the little that I could gather from the papers and other sources is enough to convince me that the stern measures adopted under the plea of restoring law and order were uncalled for, hasty, and out of all proportion to the gravity of the situation. Was the Government justified in declaring a state of open rebellion in the Punjab, I believe not. At a time when the Government was entangled in the grip of bloody war, the Punjab showed by her enormous contributions in men and money, her sincere earnestness and loyal devotion to the cause of the Empire. How was it that a few months after the war which had terminated in the much desired victory of the *Sarkar* she got her head turned as to rebel against that very *Sarkar* ?

"It requires too great a stretch of one's imagination and too great a strain on one's credulousness to believe that a state of open rebellion did exist in the Punjab. However, if for argument's sake, it may be admitted that such a state of things did prevail there was it justifiable for the authorities concerned not to have used proper and wise discretion in the exercise of the unrestricted powers that seem to have been bestowed upon them ? The seriousness of the recent Punjab affairs cannot be too highly exaggerated and a patient and impartial inquiry and the redress of the wrongs that might have been done can only clear the atmosphere and restore confidence in British justice. The times are changed. The moral sensibility of India has become very sensitive in sympathy with the modern standard, and so any miscarriage of justice or any high-handedness creates a feeling of alarm and resentment not only in the locality concerned, but throughout the length and breadth of the country.

"(Political demonstrations, strikes and passive resistance are matters of common occurrence in modern political warfare in democratic countries. What wonder there is if India, walking on the footsteps of such countries and taking her lessons from the people who rule over her, indulges in similar movements. Never in those countries is a state of open rebellion declared, then why should India receive a different treatment at the hands of her Government?) I admit the populace of this country is not as disciplined and orderly as of some of the European countries, and sometimes control over the mob is lost and most reprehensible excesses are committed which cannot be too highly deplored and condemned. No sane man can have the least sympathy with the culprits of such excesses. By all means they deserve the severest punishment which the Criminal Law provides. But, my Lord, to conclude from such excesses that the country is in a state of rebellion is nothing short of libel to the good name, reputation and honour of India. I, therefore, pray that the Government will be pleased to see their way to modify the constitution of the Committee and the terms of reference in such manner as to secure the confidence of the country.

"My Lord, we are very keen on an inquiry to be made by an independent and impartial Committee having a sufficient number of Indians on it and commanding the confidence of the public. If the Punjab will be adjudged by such a tribunal to be guilty of rebellion against the Sovereign, I am sure she would willingly do the penances for her misdeeds and the people outside her limits will only pity her folly. But if the case is otherwise and there were potent provocative causes for the disturbances, the sin of defaming the name of India will fall on those who misled the Government of India into commiting this serious blunder."

11-35 A.M. **The Hon'ble Mr. K. V. Rangaswamy Ayyangar:**—"When I rise to say a few words on this occasion, I am not unmindful of your Excellency's advice not to accentuate the differences between the races by our speeches. Had the Government of the Punjab and the Imperial Government only cared for this principle not to stir up race hatred by unnecessary and unjust acts, there would have been no occasion for such an advice as came from your Excellency at the opening day to the Members here. As if those acts have not already created a feeling of estrangement our speeches expressing the sentiments of the people are not going to create any new differences. Your Excellency also said on the opening day that the Government cannot deviate from the policy and all our talks and efforts to make the Government deviate from the policy were futile.............

The President:—"I never said anything of the sort, Mr. Ayyangar. Please quote me correctly if you quote me at all."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"Then I much regret. It is our duty to voice forth the sentiments of the people, and this makes me bold to say what I feel, and what the country feels over the Punjab incidents.

"It was on the occasion of the Anniversary of the Durbar Day in 1912, the gravest act of treason was committed by some individual in throwing a bomb at no less a person than that most humane and just ruler Lord Hardinge. The then head of the Government did not commit any hasty action and pronounce martial law at Delhi and sack Delhi. There was even a talk that some military authority approached the Government for a similar proclaiming, but that it was not permitted. Thus the then rulers averted a great calamity that would have befallen India as it happened during recent times.

" Your Excellency had asked us to go and see the spot personally even now. No one denies there were certain rash acts committed by some stray individuals in tearing asunder the railway lines and telegraph wires and burning properties. The loss of innocent European lives is highly regrettable. By all means trace out the culprits and award them due sentences. But how could the British sense of justice suffer to see other than the real culprit pay the penalty ? The organisers of the meeting for the repeal of the Rowlatt Act should not have been held responsible for the rash acts of these stray individuals. Could the organisers of the Durbar Day in 1912 be court-martialled for the rash acts of the bomb-thrower on Lord Hardinge ? Against such an act there have been demonstrations in the whole of India. But in the other parts of the country the authorities acted with calmness and prudence, while in the Punjab they immortalised themselves by interpreting constitutional agitation as ' open rebellion.' I have it on the authority of the moderate journal ' The Leader ', that the Provincial Satrap of the Punjab is said to have declared his intention of taking a note of the Anti-Rowlatt agitation and Passive Resistance demonstration before there was any disturbance of peace. A meeting was held at Amritsar and the two leaders that took part in it were deported under the Regulation, III of 1818. At Lahore on the 10th April, a small crowd passing through the street in an unoffensive manner was fired upon. Bombs were thrown from aeroplanes; the authorities in the Punjab did not apprehend any rebellion; and the martial law was not declared to quell any rebellion, but to teach a lesson to the political agitators what it is to mix up with politics. As a matter of fact, I was told by a respectable gentleman, that an Englishman who wanted to enter the Punjab and make inquiries for himself was told by a very high authority, that the people should be taught a lesson, as to how they would fare if they would molest any European. If it is asserted that martial law was only introduced only after a serious rioting, it may be pertinently asked, whether Martial Law Orders were not issued to the province of Delhi and parts of Bombay also. But for the tactful handling of the situation Delhi, Bombay and Calcutta also should have fared the fate of the Punjab. What I want to point out is, that the Martial Law Orders were passed before there was rioting or rebellion ; and without the martial law there would be restored quiet in the Punjab as in Delhi, Bombay and Calcutta. The measures adopted there are according to the judgments of persons who were in touch with the Punjab, and gentlemen, who cannot come to false conclusions, grossly illegal, excessive, and wrong, and the reports conveyed in the papers about such atrocities as committed at Jallianwalla Bagh and other places, fill one's heart with horror and dismay. Other ways of teaching the people to look at a European with awe and respect should be resorted to, and martial law is not at all the weapon for that purpose. The principles laid down for the promulgation of martial law does not at all seem to have been observed. ' The only principle on which the Law of England tolerates what is called martial law, is Necessity.' Every bad act in this world is only the result of hasty action ; and hasty actions should be questioned by an impartial Tribunal and retribution effected.

" The Right Hon'ble Lord Sinha says, in the House of Lords, that it was not in the power of the tribunal to sentence these men, save for anything else than transportation for life and forfeiture of property. The Judges and the Tribunals, and the Right Hon'ble gentlemen were convinced that the judgment is quite unjustified in the case of Hari Krishnan Lal, and a lot of others, but yet they have to plead that it was not in their power to award just and deserving judgments. Why should we drag in a martial law and place these men for trial under Martial Law Tribunals when the ordinary courts were going, and then plead that it is not in our power to award just judgments? The judgment in the case of Hari Krishnan Lal read together with the Amritsar one forms one of the saddest commentaries on British justice . . . .

The Hon'ble Sir William Vincent :—" May I rise to a point of order ? Is the Hon'ble Member in order in discussing a judgment which is now pending before the Privy Council ? "

The President :—" The Hon'ble Member is not in order. If the Hon'ble Member will look at Rule 3(*c*) and at Rule 15 he will see that he is not in order in referring to any matter which is under adjudication by a court of law. Therefore he must not mention the matter at all."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—" We want the Committee to inquire whether martial law was necessary and justified, and whether the findings of the Martial Law Courts, the severity and the cruelty of their sentences were right. And if they were not right what are the proceedings to be taken against the administrators and promulgators of martial law, and what is the compensation that is to be given to the innocent and injured? Many adult earning members of large families were incapacitated and many died. The Committee should find out whether the shooting of the people was justified before there was any disorder and whether there were any disorders before fire was opened. It is to question the action of the Government of India, the Government of the Punjab, and the administrators of martial law, that we want the Commission of Inquiry. The Commission that we want should be unconnected with the Government of India, and it should be elected by the Non-Official Members of this Council or nominated by His Majesty's Government. The Committee that has been appointed may carry out the orders, and act up to the terms of reference, of the Government of India. But what we the people of India want is, that an independent Committee should be constituted to find out how the wrongs done to the people may be rectified and compensated, and to devise means how such outrages will not be made possible to be repeated again by an easily excitable authority with an inflammable Press.

" It is unfortunate that of all the Provinces, the Punjab which has supplied so many recruits to the army, and on whose wheat the major portion of the life in the British Empire is sustained, should suffer this monstrous treatment. It was only the other day, in this very Council, that Sir Michael O'Dwyer wasted nearly an hour in praise of his province, the Punjab. The latest Administration Report also is very eulogistic of the Punjab services and loyalty. Then as the ' Modern Review ' puts it, either those protestations were reprehensible untruth, or the province was suddenly converted to a mire of discontent on account of bad rule. Will the Committee be empowered to suggest how the authorities who were the cause of all this discontent, and those of them who were responsible for unnecessary harshness and cruelty, and those also who by corrupt practices became rich at the expense of the people, should be punished?

" I am bringing to notice that such a thing has happened and I hope that the people will be treated with justice by the Committee of Inquiry."

11-45 A.M. **The Hon'ble Raja of Kanika** :—" My Lord, I entirely agree with my friend the Hon'ble Sardar Sundar Singh that a Committee having already been appointed to inquire into the recent events in the Punjab, it is not necessary for my Hon'ble friend Pandit Malaviya to press this Resolution. I think if another Indian is appointed to the Committee it will give satisfaction to all."

The Hon'ble Sir William Vincent:—"My Lord, I am afraid that the Hon'ble Member has been a little unlucky in his attempt to modify the terms of his Resolution, but if that is so, I think that many in this Council will agree that it is largely owing to his own fault. Since the Secretary of State's speech in the House of Commons most people have been aware of the character of the inquiry which the Government of India proposed into these disorders, and certainly on the 3rd of this month it was quite obvious what the intentions of the Government of India and the Secretary of State were. The Hon'ble Member at that time, although there was sufficient interval between that date and the 10th, did not give us any notice of any amended form of Resolution until the very last moment, and it is reasonable to assume or conclude,—and the conclusion is fortified by what I have heard here during this debate,—that one of the reasons which led him to this modification of his Resolution was that he could find no support for it in its original form, or no adequate support. The Hon'ble Member has evaded the difficulty by some very clever manœuvring; and he really made a speech which covered all the points in the amended Resolution, although nominally moving the original one. But even then, I think, the Council will realise that he has got himself into a pretty fair muddle at the end. I have not heard one speech from any Hon'ble Member who has been able to support the Resolution in its entirety in its present form. I have heard various suggestions of different kinds from Hon'ble Members. The Hon'ble and gallant Member, Sir Umar Hayat Khan, suggested the addition, I think, of a Punjabi if any one was added to the Committee. The Hon'ble Mr. Crum said 'You should add another European to the Committee'. Mr. Sarma, who is generally a whole-hearted supporter of the Hon'ble mover, said, 'I really cannot support the last part of this Resolution' but other measures to revise sentence should be taken. My Lord, I think it will be obvious to this Council that it is quite impossible for me to announce the decision of Government on any of these new suggestions at a moment's notice. The constitution and terms of reference of this Committee have been settled after very careful consideration and prolonged consultation with the Secretary of State, and Hon'ble Members will themselves realise that it is quite impossible for me to answer these questions offhand. What we all want is an impartial inquiry into this matter which will result in the ascertainment of the facts. The Government deplores as much as the Hon'ble Member does the loss of life that has occurred during these recent disorders. We cannot agree with him, however, that it is a matter of the number so much as of the manner which and the reasons for which these men and women unfortunately met their death. . . . . 11-46 A.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"No 'women'."

The Hon'ble Sir William Vincent:—"But, my Lord, I do think there is some cause for complaint......

The Hon'ble Pandit Madan Mohan Malaviya:—"May I interrupt my Hon'ble friend? The Hon'ble Member said 'women'; has any woman met her death in these events?"

The Hon'ble Sir William Vincent:—"I did not say death, my Lord, or if I did I made a mistake. One woman was however treated with the greatest indignity and left for dead; I do not know if that will satisfy the

Hon'ble Member. But what I was trying to say was that, while the Hon'ble Member and others have deplored these dreadful happenings, there has been, in some quarters, a tendency unfairly to minimise them. If I may cite a very prominent example I could not do better than quote the Hon'ble Mr. Ayyangar. It is my misfortune, my Lord, that the Hon'ble Member cannot hear what I say, charm I never so wisely, so that if I address myself to this point it is not in the hope of convincing him. But what I take exception to is his minimising of these events and calling them 'rash acts.' He referred to injuries and the deaths, murders or some words of that kind, of Indians but not one word of what happened to the outrages on those unfortunate Europeans. Now, I have no desire whatever to excite prejudice in this matter, and if other Hon'ble Members had followed the example of the Hon'ble mover it would have been possible for me to avoid reference to details to a great extent. But I do deprecate any such minimising of terrible incidents. We have, for instance, the case of this lady, Miss Sherwood, to whom I referred just now. Now what are the facts in regard to this unfortunate woman? She had worked for years in this country as a doctor, a perfectly inoffensive woman, respected, as I understand, by all. She was attacked by a mob of people which knocked her down six times, beat her with shoes, struck her with *lathis* and left her for dead. This is described at a meeting of the All-India Home Rule League, of which I believe the Hon'ble mover is a member..................

11-50 A.M. **The Hon'ble Pandit Madan Mohan Malaviya**:—"I am President of the All-India Congress Committee."

The Hon'ble Sir William Vincent:—"Am I to understand the Hon'ble Member is not a member of the Home Rule League? However, that outrage was described at a meeting of this body as a petty assault. Now I put it to the Council that that is not a fair description..................

The Hon'ble Pandit Madan Mohan Malaviya:—"May I know which body described it as a petty assault?"

The Hon'ble Sir William Vincent:—"My Lord, may I be allowed to continue my speech without these constant interruptions?"

The President:—"The Hon'ble Member will have an opportunity of replying later, and I think he should allow the Hon'ble the Home Member to continue without interrupting him."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, may I submit that in Parliament questions are asked as the discussion is going on. These questions cannot be asked at the end of a speech."

11-51 A.M. **The Hon'ble Sir William Vincent**:—"My Lord, may I ask that the time for which the Hon'ble Member interrupts me may be deducted from the period which I am allowed.

"Then, my Lord, there is another class of men who deplore the occurrence —gentlemen who protest their horror and indignation really as a prelude or as an introduction to deprecating any effective measures being taken to suppress disorders. No attempt, my Lord, was made by gentlemen of this category in any way to stop the false reports about the Rowlatt Act or to quell the disturbances.

"But, my Lord, while I mention these men, it would be ungrateful and unfair of me if I were not also to refer to the services of other Indians, some of whom are in this Council now. I include my Hon'ble and gallant friend Sir Umar Hayat Khan Tiwana, Sardar Sunder Singh and many other members of the Punjab whom it would be invidious to mention, who not only sought to assist

Government in this time of trouble, but did everything they could to allay the disorders and further, my Lord, did what was necessary—that which, thank God, has not been necessary since 1857—to save European lives from murder and outrage at the hands of the mob. To them the thanks of Government, as we said in a Resolution at the time, the greatest thanks of Government are deservedly due. I am anxious, my Lord, not to enter into these matters because I do not seek in any way to prejudice this inquiry. I want, as I have said before, to deal with the proposal which is actually before this Council. There have been modifications of the Resolution suggested on which I can, as I have explained, express no opinion. They are matters on which the collective counsels of the Government of India must necessarily be taken, and on which consultation with the Secretary of State will in some cases at least also be necessary. I trust therefore that Hon'ble Members will not press me on points which are not directly before them as part of this Resolution. The proposal before Council is in the first place for the appointment of a Royal Commission. May I point out that the only authority which can constitute a Royal Commission is His Majesty's Government. Now, His Majesty's Government is represented by the Secretary of State so far as India is concerned. The constitution and scope of the present Committee have been settled after prolonged consultation with him and it is, I submit, idle now to ask us, the Government of India having decided the constitution of that Committee, to re-open the matter with him. The Secretary of State, who is His Majesty's representative, has accepted our view that the present form of inquiry is adequate. If any motion for a Royal Commission is now to be made, I submit that it should be made in the House of Commons. But, when he was making the motion, although that is part of the Resolution, the Hon'ble Member did not suggest that the inquiry should be by Royal Commission or that the Committee should be so appointed, but he suggested that certain members should be added to it and that the Committee should report direct to the Secretary of State. There are various arguments which will, I think, commend themselves to reasonable Members of this Council why the Government of India should only appoint a Committee to report to itself. The Government of India cannot say to a Committee 'you are to report to His Majesty or to the Secretary of State or any authority but itself.' Of course, in the normal course of things the report of this Committee will be forwarded by the Government of India to the Secretary of State and will be laid undoubtedly in the ultimate resort before His Majesty's Government. But the authority who appoints a Committee of this kind must, according to ordinary procedure, require that Committee to report to itself. There is, however, really a very much larger question of principle involved. The Government of India has certain statutory responsibilities for the peace and good government of this country, and it cannot divest itself of those responsibilities save for very cogent reasons. To do so would be tantamount to an admission that the Government is not competent to fulfil its proper functions, that it is unworthy of the confidence of His Majesty's Government, and that it is unable to discharge its duties towards its own officers. That is a position which, I think, although some Members of this Council may wish it, the majority will, I hope, not approve. The idea underlying the proposals is that the Government of India is on its trial. My Lord, that is a position that the Government of India do not and cannot accept. Because certain persons have chosen to promote serious disorders in this country, because certain measures have been taken to quell those disorders, is the Government of India for that reason to divest itself of its responsibilities in a matter of this gravity? There can be only one answer to a question of that kind. It is not reasonable that the Government should be required to take such a course, and if such a proposal is to be made, then the proper place in which to move it is another place.

"There remains this question, the third question, I think, of remission of sentences. My Lord, the sentences have been reviewed with the greatest care by the Local Government, and in many cases by the Government of India, and as admitted by many Members of this Council clemency, great clemency, has been shown. It has indeed been alleged in some quarters that the clemency shown by the Government in this matter is an indication of weakness. That is a proposition which the Government of India do not for a moment support. They recognise that many of the unfortunate men who were concerned in these disorders were the dupes of others ; the disorders are now over and the desire of the Government is that normal conditions should return. My Lord, I confess that one is not much encouraged in the exercise of clemency by language such as that used by the Hon'ble Mr. Chanda, but such language will of course not deter the Government of India from continuing in that course which it conceives to be right and just.

" The Hon'ble Mover suggested that it was necessary that the report, so far as sentences are concerned, should be made to His Majesty in Council because otherwise the guilt of these men could not be wiped off, that they could not be purged of the stain that lay on them by reason of the convictions. At least that is what I understood. I think there is some misapprehension on that matter, because your Excellency has in this matter delegated to you exactly the same powers of pardon as those which are exerciseable by His Majesty. This therefore is a reason which will not really hold water.

" The Hon'ble Mover in his opening speech admitted, in the most candid manner, his full confidence that your Excellency and your Excellency's Government would deal with this matter with justice and integrity. He could say nothing himself against the personnel of the Committee and admitted that it really would deal with the inquiry justly, impartially and fairly. I tried to take the words down and I believe I am substantially correct. Now, my Lord, if that is so, is there any reason for changing the whole of the personnel of this Committee ? Is there any reason why, if this Government is, as the Hon'ble Mover says, anxious to act with the utmost fairness, why we should divest ourselves of our responsibility in this matter or that the Committee should report direct to His Majesty's Government ? The inquiry will, as is already known, be as far as possible public, and it is our intention, unless there is some unforeseen reason to the contrary, to publish the final report. The personnel of the Committee is such that it must, in spite of what has been said, command very considerable confidence. There are certain additions proposed to which I have already adverted, but to which I can at the present moment make no definite answer. But I want to assure the Council of this, that the desire of the Government is one and one only, that there may be an impartial inquiry into these disorders, that the truth may be ascertained, and that what is possible may be done to restore normal conditions, to allay racial feeling and restore the country to peace and quiet."

12-6 P.M. **The Hon'ble Sir Dinshaw Wacha** :—" Your Lordship in a controversy on a subject of the character which is now under discussion by the Council, it is very natural that sentiments, feelings, suspicions, imagination and one thing or another of a kindred character should always be mixed up. It is quite natural; and it is only human that in such a controversy there should be extreme views. It is also natural that there should be moderate views as well. Human nature being what it is, I am not at all surprised that one set of controversialists have gone to one extreme and another set of controversialists to another extreme. The pendulum swings from one end to the other. There is no golden mean, as it were, where the whole controversy might be balanced, as we could balance a pair of scales, and come to a right judgment on the subject. That being the situation, my Lord, I am very sorry that the controversy has assumed a kind of character here which is undesirable. But I do believe that what the Hon'ble the Home Member, who has taken the wind out of my sails in some respects, has already said on the subject I may observe that after what the Hon'ble Sir William Vincent has said on the questions raised by the motion of my friend, Hon'ble Pandit Malaviya, it is very necessary that we should calmly consider the matter and have a balance of mind so adjusted as to arrive at a very correct decision on this Resolution. In this matter, I believe that it is always the case that where passions and prejudices and feelings are excited there is not, what you might call, ' clear thinking '. Clear thinking requires clear grasp of facts ; and as far as facts are concerned I find, of course, that facts have been adduced by more than one speaker, which may or may not be right. The merits of the question will be decided by a Committee of Inquiry which has already been appointed. That Committee will really be the tribunal which will go into the correctness of facts, which will inform us exactly what are and what are not facts. Personally, speaking for myself, I am not aware of what the actual facts are and what are not. In Bomby, I read a variety of papers and heard a variety of ' facts ' from persons who said they had had facts on first-hand information received from people in the Punjab who knew what the course of events was. Still, after all, we, Indians, are the persons who have asked for the inquiry. The Government has rightly responded to the request of the public, and, of course, asked the Secretary of State to appoint a Committee of Inquiry. That Committee has already been appointed. Therefore, the only thing now left to us, is to suspend our judgment and see what the inquiry does, what the facts elicited are, what the situation was like, and await their final conclusions. As far as their judgment is concerned I have certainly no fear on the subject. I have, as my friend Pandit Malaviya has said, firm faith in the integrity and impartiality of the tribunal itself ; and I have also large and firm faith in the sense of British justice. British justice may be erratic sometimes, as every human thing is ; even the planets and constellations sometimes go out of their orbits. But still, if there is any prestige for the British Government in India, and if there is any love of British Institutions, among Indians, it is certainly on account of the stern sense of British justice ; and, I repeat, in that justice I have the firmest faith. That being the case, I will only say this : I appeal to my Hon'ble friend, Mr. Malaviya to withdraw his Resolution ; or if he cannot withdraw it, at any rate let him delete that part of it which goes before and refer only to the request that there may be a third Indian member who commands the confidence of the public. Your Lordship, I may say this that I myself have felt, and so too my numerous friends in Bombay as well as my association which has sent a telegram on the subject to the Home Member, that India would be quite satisfied, (so far as I have read the public papers of all sorts and shades of opinion) if a third Indian member enjoying public confidence is appointed. I appeal to your Lordship to intervene in the matter and request the Secretary of State in response to the prayer of the Indian public to appoint a third Indian member, and I think all controversy, all animated controversy, will be at an end. Everybody will be satisfied that a Committee of Inquiry, so constituted as to inspire full confidence, will do full justice to the responsible task entrusted to them. I cannot forget at the same time what my Hon'ble friend Mr. Crum said on this subject from his point of view. Europeans have also a large concern in this inquiry. If there is to be a third Indian member, why not also have a non-official European member who will represent the non-official European point of view ? After all, the Committee, if constituted as now suggested, should inspire confidence, and it is to be hoped that they will come to a right decision. I respectfully resquest that your Lordship with your great authority will represent to the Secretary of State the feelings of the people on the subject. With these few words I resume my seat."

The Hon'ble Mr. Sachchidananda Sinha :—" My Lord, I desire to assure your Excellency that I have risen to speak on this Resolution 12-11 P.M.

with a sense of very great responsibility. I have had the privilege of addressing Viceroys in this Council on many previous occasions, but never have I addressed the Council on an occasion like this. I realise that feelings have been naturally roused on both sides, which have to some extent found expression in the Council. Far be it from me to say one word that would add to the tension of these feelings on either side, but I hope the few temperate observations I propose to make may be of some use in persuading your Lordship's Government to accept the very reasonable proposal that we have made jointly before the Council. Much has been said by previous speakers to represent the Indian point of view in regard to the situation in the Punjab, and the Hon'ble Mr. Crum has represented to your Lordship the view which our European fellow-subjects have taken in this matter. I would like to give the Hon'ble the Home Member and the Hon'ble Mr. Crum the assurance that I am not one of those who either minimise the gravity of the situation in the Punjab, or say a few words of sympathy by way of a prelude to making further demands. On the contrary, I frankly confess that I am ashamed of the doings of such of my countrymen in the Punjab as had any hand in killing Europeans, or in injuring them or destroying their property, for they had not only harmed Europeans, but injured us also in the matter of our demands for the rights and privileges that we legitimately claim as British subjects in this country. We are all against mob rule. I, therefore, claim that I am not at all minimising the gravity of the situation. In fact, I go further. I heard with surprise the Hon'ble Mr. Crum say that because a few Europeans had suffered or lost their lives, therefore he felt that he and the Europeans were the aggrieved party.

"I venture to say that it seems to me to be putting the case at rather a low level. Whether the people who lost their lives, through the action of the mob, be Europeans or Indians, so long as they are our fellow subjects, of whatever nationality, all British subjects are the aggrieved party. I claim that I feel it as much as the Hon'ble Mr. Crum that my European fellow-subjects should have lost their lives through the action of the mob. At the same time, while candidly admitting that, I would like to lay before your Lordship the Indian point of view. To put it in a short sentence the Indian point of view is this; that although the Government were fully justified in resorting to all effective measures for the purpose of re-establishing law and order, their action went far beyond the requirements of the case. In fact, in the name of law and order things were perpetrated which cannot be justified in the light of that high standard of British justice with which we have been long associated in this country. That, in short, is our point of view. If your Lordship will permit me, I will read out a sentence from a well-known Anglo-Indian paper, the 'Madras Mail'. Coming from an adversary its admission is very valuable. It says in its leading article in a recent issue :—

> 'We are quite convinced that Indian sentiment has been genuinely and deeply stirred by the events in the Punjab, and that, however much capital may be made out of that affair by factious individuals ever on the lookout to vilify the British Raj, there is a substantial body of loyal and moderate opinion which has been shocked by what it regards as an outrage upon Indian fellow-countrymen.'

"My Lord, I submit that in this one short sentence the leading Anglo-Indian paper of Madras summarises and sums up correctly the Indian point of view. My Lord, it is very desirable, therefore, that the Committee which has been constituted should be one which will be able to inspire confidence in the public mind. I do not wish to take up the time of the Council in discussing whether it would have been of greater advantage if this Committee had been a Royal Commission, reporting to His Majesty's Government through the Secretary of State, but I desire to say that in asking for the Royal Commission there is no such feeling as the Hon'ble the Home Member spoke of, namely, that we desire to place the Government of India on their trial. The Hon'ble the Home Member shakes his hand to imply that he refuses to accept my statement, I can assure him . . . . .

The Hon'ble Sir William Vincent :—"That was not intended."

The Hon'ble Mr. Sachchidananda Sinha :—" I can assure him, speaking with the full weight of responsibility, that it is far from our desire to place the Government of India on their trial. I remember my late lamented leader, Mr. Gokhale, declare on a memorable occasion in this Council that he could not defeat the Government if he would but that he would not defeat the Government if he could, as the prestige of the Government of India was as such a valuable asset to our progress. For similar reasons we do not desire to place the Government of India on their trial. But the real point is this. The Government of India are believed to have been associated too closely with the policy pursued in the Punjab by Sir Michael O'Dwyer. I hope I shall quote your Lordship correctly and shall not make the mistake as the Hon'ble Mr. Ayyangar did. Your Excellency said in your opening address on the 3rd of this month :—' I promised support to the head of each Local Government for such measures as he thought it might be necessary to take, and that support was given unwaveringly throughout.' Now, I am far from suggesting that your Lordship was not justified in taking the line of action you did. I am fully aware of the fact that your Lordship appreciates and realises your responsibilities in this grave matter. I merely submit that the people naturally believe that when that was the view of the Government of India, and they took such action as they did in pursuance of it, the people are not wrong in assuming that the Government of India were too closely associated and identified with the policy pursued in the Punjab. And the reason why we press for a Royal Commission is, that we believe that all human beings, howsoever exalted their position, are liable to be influenced in their action and judgment by an inherent unconscious bias. When the Government of India have admittedly made themselves responsible for the policy of the Punjab Government, we believe that your Lordship's Government will not be in so good a position, for appreciating the evidence and of passing judgment in the matter as another independent body would be. However, the Hon'ble the Home Member says that it is too late now to bring up the proposal and it could only be done in the House of Commons. I do not think I personally can bring it up in the House of Commons, and there is not time enough for us to get it done as the Committee will be coming out soon. That is why we are concentrating our efforts and pressing for an additional Indian member on the Committee. In spite of what the Hon'ble the Home Member said, it is a fact that the Committee, as at present constituted, does not find favour with the bulk of the people. I am sorry to say . . . .

The Hon'ble Sir William Vincent :—" The Hon'ble Member is wrong."

The Hon'ble Mr. Sachchidananda Sinha :—" I can assure your Lordship that so far as Indian public opinion has found expression in the press, the constitution of the Committee has been found to be wholly unsatisfactory, and I find that the 'Times of India,' which says that the constitution of the Committee should satisfy all reasonable persons, goes on in the next breath to say that it would like one more member on it. That is a sample of the reasonableness of persons who say in one breath that they accept the constitution of the Committee and in the next that they would like to have one more. That shows that all parties in this country are more or less dissatisfied with the constitution of the Committee. Now I am not going to make any personal observations about the personnel of the Committee, but I would point out that out of the six members of the Committee no less, my Lord, than five are officials, Indian or European, and I believe that there is only one non-official, Sir Chimanlal Setalvad. It is not a matter of race or nationality, but I maintain that when there are no less than five officials and but one non-official on the Committee, it is bound to find very little favour with the public. I, therefore, submit that on this particular matter, the Members of this Council who have spoken so far—the Hon'ble Sir Dinshaw Wacha, the Hon'ble the Raja Saheb of Kanika, the Hon'ble Sardar Sundar Singh Majithia and others—all agree that your Lordship should move in the matter and give us at least one more non-official Indian Member to satisfy the public demand. Speaking for myself, if your Lordship's Goverement thinks that there should be added to the Committee a non-official European member also as the Hon'ble Mr. Crum suggested, I have no objection to it. I venture to hope, my Lord, that in the few observations I have made, I have said nothing to rouse feelings on either side, and that they will, therefore, carry weight with your Lordship's Government. I hope that they will be pleased to consider sympathetically the proposal in regard, at any rate, to adding one more non-official Indian member to this Committee. If that is done, I think the Committee's Report may satisfy the public in a larger measure and carry more weight than it otherwise would."

12-24 P.M. **The Hon'ble Mr. N. F. Paton** :—"My Lord, as the Hon'ble the Home Member has said, the object of this Commission is to arrive at the truth in regard to the very deplorable occurrences that took place in the Punjab, and I think that if the widest satisfaction is to be got from the findings of this Commission, it is necessary that the greatest possible confidence should be reposed in it from the start.

"On behalf of the non-official European community, I beg your Excellency's Government to consider the suggestion made by my Hon'ble friend Sir Dinshaw Wacha and by the Hon'ble Mr. Sinha, that there should be nominated on this Committee not only another Indian representative but a representative of the non-official European community as well."

12-25 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—"My Lord, I am indebted to your Lordship for many things and have to thank you for many kind acts. But throughout the period during which I have had the privilege of being known to you, I have never had occasion to be more thankful to you than when you did not allow me to substitute the Resolution which I wanted to substitute for the one that stands on the paper. My Lord, Simla is one of the worst places that could be selected by the Government of India for its headquarters. Matters of the gravest importance are being dealt with by the Government of India, and we are so far removed from the places where the millions dwell that it is practically impossible for any man like me to know what the currents of public opinion in the country are, until perhaps it becomes too late. I gave notice of my intention to substitute a Resolution which your Lordship very kindly disallowed, because in the solitude of Simla and with such support as I could find here, I thought it was best in the circumstances of the situation to substitute the Resolution which I intended to substitute for the one which is on the paper. But from the communications which I have now received from my friends in the country and from the comments which have been published in the press, I find that had I done so I should have exposed myself to their condemnation, because, my Lord, there is one strong chorus of disapproval of the constitution of the proposed Committee, and there is one strong desire that not a Committee, but a Commission, should be appointed to inquire into the occurrences in the Punjab. When a gentleman of the position, the weight and experience of Sir Narayan Chandavarkar, once a Chief Justice of Bombay and of Indore, a gentleman known for his moderate views, also says that a Royal Commission should be appointed, when he too expresses dissatisfaction with the constitution of the Committee which has been announced, I submit, my Lord, that a strong case is made out for a re-consideration of the matter. The press, the Indian press, is almost unanimous in expressing its disapproval of the constitution of the Committee. I do not wish to take up the time of the Council by reading many opinions, because I have to say much. I would invite your Lordship's attention, and the attention of the Government, to what the 'Tribune,' the 'Bengalee,' the 'Bombay Chronicle,' 'the Hindu,' the 'Independent,' the 'Leader' and several other papers have said. That being so, my Lord, I find that I was mistaken in trying to substitute the Resolution which I wanted to substitute for the one before the Council. I am thankful also to find that I was mistaken, because the Hon'ble the Home Member said in one of his answers yesterday that the Government of India is going to appoint a Committee, and I take it therefore that the Committee has not yet been appointed, and that this is just the time when my Resolution should come up before your Excellency's Government for reconsideration.

"Now, my Lord, before proceeding further, I wish to say that the subject-matter of my Resolution requires calm consideration, and I wish every one will approach it in a solemn spirit of responsibility. The matter is too sacred, far too serious, to permit of any party or racial considerations to be brought in. And here I may say once more that there is no man living who can feel more deeply sorry than I do for the loss of Mr. Stewart of the National Bank at Amritsar and of other Europeans who were killed there. In talking about the unhappy incidents of Amritsar to friends in Bombay, Poona and Calcutta, I have everywhere expressed deep sorrow that a gentleman so popular as Mr. Stewart was in Amritsar should have been laid low by the hand of some person in a fit of wickedness. My Lord, six other Europeans lost their lives in these disturbances, and I grieve for every one of them I should be ashamed, I should not be worthy of my religion, if I made any distinction between a European and an Indian where human life was concerned. When the Hon'ble the Home Member referred to the case of Miss Sherwood, he forgot that there were many of us Indians who felt the same grief at the ill-treatment offered to her as we would have felt if similar ill-treatment had been offered to our own dear sister or mother. But that should not lead any one of us to overlook or minimise the wrongs done to Indians. I ask every Anglo-Indian friend, I ask every Anglo-Indian brother and sister, to approach the question in a solemn spirit, and I am sure that when the facts are known, there will not be a single Anglo-Indian man or woman in India, may I go further and say, there will not be a man or woman in the British Empire, who will not feel sorry for the things which have happened and who would not be in sympathy with the object of my Resolution and the proposals which I lay before Government. My Lord, I had no wish to enter here into the details of the harrowing tale of what has happened. I little expected that the Hon'ble the Home Member, himself a previous Judge of the High Court, would import into the discussion of my Resolution irrelevant matters of detail which I had clearly stated ought to be kept out of it.

"I had said that I would not go into details because the Government of India recognised the need and importance of an inquiry. But the speech which the Home Member has made compels me, in order that nobody should be under a misapprehension, to tell your Lordship and this Council, and through this Council the country and the Empire, that at least 300 and odd human lives were destroyed in the Jallianwala Bagh under circumstances which will not bear examination when the facts are known. I hold in my hand letters telling me of the deaths of numerous boys who had gone to the Jallianwala Bagh. One of these boys was Abdul Karim, aged 16 years, who passed the last matriculation examination in the first division, the result of which was published after the boy died. He was shot in three places, on his thigh, his chest and his head and expired instantaneously there. I hold in my hand a photograph of another boy named Madan Mohan, aged 13, son of Dr. Mani Ram, Dentist, who was shot in the head and died instantaneously. My Lord, let me read this letter from the bereaved father which he addressed to the Health Officer, Amritsar. He says :—

> ' As desired in the official notification, I give below a brief account of the tragic death of my son Madan Mohan which occurred in Jallianwala Bagh on 13th April last. The delay in submitting this information is due to my absence from Amritsar to Mussoorie hills.
>
> ' Jallianwala Bagh is at a distance of about 3 minute's walk and is the only open place near my house which is opposite to Clock Tower. My son Madan Mohan, aged about 13 years (born on 27th Baisakh 1962), along with his playmates used to visit this open square for play almost daily. On 13th April last he went there as usual and met his tragic end, having been shot on the head which fractured his skull, he bled and died instantaneously. I with eight or nine others had to search for about half an hour till I could pick up his corpse as it was mixed up with hundreds of dead bodies lying in heaps there, who met their respective ends under circumstances well known. This is how my innocent child of innocent age was murdered by those who allege they acted in the name of Justice, Law and Order, but behaved in a grossly un-British manner.'

" My Lord, I could mention many other equally distressing cases. I have been twice to the Jallianwala Bagh. The walls around it still speak of the murders that were committed there, of the volleys of service bullets that were fired at the people who were assembled at a meeting, who had no arms, who were not making any protest against anything, but were sitting down to hear a lecture. According to the official statement made yesterday, 300 of such men were massacred there. Perhaps when the inquiry proceeds further, it will be found that the popular estimate that over 1,000 were killed is nearer the truth.

" Now, my Lord, I want the Government to realise the intensity of the feelings of Indians, and I should say they should be the feelings of every human man and woman, in regard to the circumstances. I impute no blame here to any individual. I have avoided trying to apportion blame. I deplore the event. Whether it was a British officer who was guilty of this massacre of innocents or an Indian, it is to me a matter of equal sadness and sorrow. It can give me no pleasure to think that any British fellow subject of mine should have been led by those who were in power, or by his own ignorance or error, to commit any such foul deeds as the people say have been committed. But I do think, my Lord, that the facts which have been stated are grave enough to call for a most impartial and most searching inquiry on the part of His Majesty's Government. I do not know of any event, since the advent of British rule in India, more melancholy, more calculated to distress man than these events of Amritsar, and I therefore say that it is the duty of Government to institute an independent inquiry which will bring out all the real facts. When the facts have been found, I have no doubt that my British fellow subjects, like any other decent people, will call for justice, not with any desire for vengeance, but with the desire that the calls of humanity should be met, the calls of justice should be satisfied. I regret to say that in his attempt to minimise the value of the proposal I have put forward that the inquiry should be by a Royal Commission, the Home Member understated the facts. He showed that he does not yet realise the enormity of the evil that has been wrought ; that he does not yet feel that, holding the office of the Home Member, he ought to stand forward to plead for justice in the case of every single subject of His Majesty who met with death in these tragic times in the Punjab.

" My Lord, if we ask for a Royal Commission, it is not out of any disrespect to your Excellency or to any member of your Excellency's Government. I shall be sorry if any word which I utter should indicate the smallest disrespect to any member of the Government. But, my Lord, what are the facts ? I ask the Government to look at them in a calm dispassionate manner. Mr. Sinha has referred to some of them. You have to deal with public opinion, and the public feel, by reason of the acts committed during the last few months, that the Government of India having been closely identified with the policy pursued in the Punjab, it ought not, in fairness, in propriety, to deal with the report which will be submitted by the Committee of Inquiry into Punjab affairs. My Lord, if the Government of India will appoint this Committee, that fact will no doubt lead naturally to the conclusion that the report should come to the Government of India. I quite agree with the Home Member there. But it is exactly because it is desired that the report should not be dealt with by the Government of India, that it is urged that the Government of India should not appoint the Committee. I quite agree with the Hon'ble the Home Member that if the Government of India does appoint the Committee, the report should come to it. That is why, holding the view I hold, I have urged in my Resolution that the Governor General in Council should request His Majesty's Government to appoint a Commission. I did not use the word 'Royal' before 'Commission,' because I thought it would be understood by everybody familiar with the work of the Government here and in England that, when I said that His Majesty's Government should appoint a Commission, it meant a Royal Commission. Now, my Lord, Commissions and Committees are appointed with a certain purpose. When there was a great outcry about nationalisation in England in March 1919 and a Commission was to be appointed, the 'New Statesman' speaking of its Report, said :—

> 'And, human nature being as it is, the character of that Report depends, almost entirely, on the way in which the Commission is constituted, on which Mr. Lloyd George's final decision will not be known until this article is in the press. The Prime Minister has, therefore, in this matter, during these very days, the gravest of responsibilities. He can appoint members, whom the public will accept as quite a good choice, from whom he can confidently expect one report; or he may choose other members, equally acceptable to the public, from whom he will expect another report. What is vital is to get a report that will prevent the strike. Which Report is Mr. Lloyd George selecting the members for ? "

" It is vital here to get a report which will state the truth in regard to the occurrences in the Punjab.

" Now, my Lord, if the Government of India are going to appoint the Committee, naturally the public ask what has the Committee to inquire into ? Obviously it has to begin with inquiring into the truth or otherwise of the declaration of open rebellion in Lahore. That was not an act of the Local Government, that was an act of your Excellency's Government and all that followed thereafter—the establishment of martial law and its maintenance in spite of the protests of the press and the public,—is all what the Government of India are responsible for, with which they have been closely, sadly too closely, identified. My Lord, your Lordship has desired that a reference should not be made to the reason for the resignation of Sir Sankaran Nair; but when I referred to it the other day, I mentioned that the reason for it had got into the papers ; and to-day I have got in my hand the Debates of the House of Commons which show that a question was put about it by Colonel Wedgewood, in answer to which Mr. Montagu said—'I have no official information, but understand that Sir Sankaran Nair resigned because he differed from his colleagues n the question of continuing martial law in the Punjab.' Now, my Lord, it is no good running away from facts.

'Our acts our angels are, or good or ill,
Our fatal shadows that work by us still.'

"If the Government of India or the Governor General in Council declared that there was open rebellion in Lahore and Amritsar, if the Governor General in Council gave his authority for the establishment of martial law in Lahore, Amritsar and other places, if the Governor General in Council maintained martial law when there were protests from all quarters that it should be ended, if the Governor General in Council, on the protest of a colleague that martial law should cease in the Punjab, accepted his resignation and allowed martial law to continue in the Punjab, then, my Lord, you ought to pardon those who think and say that the Government of India is too closely identified with the policy pursued in the Punjab to take an impartial view of the matters with which the Committee will have to deal, though their bias may be, will be unconscious.

"Lastly, my Lord, there is your Excellency's speech of the 3rd of September. I speak with great respect, but I beg your Lordship and the Government to practise a little introspection on a solemn occasion like this and to reflect whether those who are urging, respectfully urging, that the Committee should not report to your Excellency's Government, are wrong when they find that even in that speech your Lordship showed a very firm attitude in support of what has been done. These are the reasons, my Lord, which have led the public to ask that the Government of India should not appoint the Committee of Inquiry; these are the reasons which justify my Resolution in asking your Excellency's Government to ask His Majesty's Government to appoint a Commission. The Hon'ble the Home Member tries to meet me by saying that the Secretary of State has been consulted. 'It is in consultation *with* him,' said he, that 'the Committee is going to be appointed'. My Lord, I do not want the Committee to be appointed in consultation *with* the Secretary of State. I want the Committee to be appointed *by* him, in order that the report should go *to* him and therefore be laid at His Majesty's feet.

"My Lord, I will now come to the question of the constitution of the Committee. I beg your Excellency to consider whether public opinion is not justified in expressing disapproval of its constitution. I fear, my Lord, I am exceeding my time. If your Lordship will, in view of the peculiar circumstances permit me to go on, I will. . . . .

The President:—"I have no wish to stop the Hon'ble Member, but I think that five minutes ought to see the end of his speech. He has already exceeded his time."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, my Lord. The constitution of the Committee is open to exception. As I said on the first occasion, I do not make the smallest insinuation against the impartiality of any member of the Committee, but not knowing some of the gentlemen who have been nominated, the public are sceptical about them. And I am bound to place the public view before this Council and the Government. My Lord, I hope the Hon'ble Mr. Rice will absolutely excuse me if I refer to him by name. The objection is that an additional Secretary to the Government of India in the Home Department should be appointed by the Government of India to a Committee of Inquiry which is to enquire into matters with which the Government of India is identified. I refer to it to show that the Government themselves are to blame for the criticism which is being hurled at the constitution of the Committee

"Now, my Lord, I will, make ~~our~~ suggestion, the Commission which I would suggest should be one consisting of, say, Lord Haldane, Viscount Esher and Sir Lawrence Jenkins, or I should like to have a Commission consisting of Mr. Austen Chamberlain, an *ex*-Secretary of State for India, and Lord Hardinge and Lord Curzon, *ex*-Governors General of India. My Lord, I suggest such a Commission as it will command confidence all round.

Speaking of Lord Hardinge I am reminded as one speaker has already said that he passed through more strenuous times in India than any predecessor of his had known, and let us hope any successor will know. He very narrowly escaped death at the hands of a villain, and yet, my Lord, the first thing he uttered to Sir Guy Fleetwood Wilson—when he saw him after the bomb had struck him—and I heard it from Sir Guy's own lips, was 'No change of policy, Wilson;' and Sir Guy Fleetwood Wilson replied 'No change of policy, your Excellency.' Martial law was not then declared and people were not subjected to any of the troubles they have had to suffer in the Punjab. Lord Hardinge knew the people, he loved them, and I could not suggest a better name for the Commission. Then, I suggest Mr. Austen Chamberlain. We have not had the honour of welcoming him in India, but we have faith in him as an English gentleman that he will do the right thing if he presided over the Commission. And I name Lord Curzon, because I have confidence that, if Lord Curzon came out and inquired into all that happened, he would not spare the wrong doers and the public would be satisfied with his verdict. I place before the Government the option of one of these two Committees. I do not ask for the inclusion of a single Indian name, and I am sure that, if it were necessary, a hundred platforms would support my view and make it clear that the public will be quite satisfied if we had a Commission of the kind I have suggested.

"But, my Lord, if you will not have a Commission of that kind, then you must recognise the justice of putting on the proposed Committee at least one more Indian, not a safe man whose views will not come into conflict with the views of the Government, but a gentleman who enjoys the confidence of the public, and who may be supposed to represent the opposition. 'Ditcher,' writing in 'Capital' has done me the honour of suggesting that I should be placed on the Committee. My Lord, I suggest a better name. I know many facts about the occurrences in the Punjab. I venture to think that I know more facts about these distressing events than probably any member of the Government, either the Government of India or the Government of the Punjab, does; but there is one gentleman who knows more about them, and that is my esteemed friend the Hon'ble Pandit Moti Lal Nehru, Advocate of the Allahabad High Court. He has, my Lord, at the sacrifice of a fee of a thousand rupees a day, laboured for many days in the Punjab sifting out facts, and gathering evidence. He is in possession of a volume of facts which will be of great help to the Committee. I suggest that as Mr. Montagu appointed Lord Sydenham to the Joint Committee, so your Excellency's Government may appoint Pandit Moti Lal Nehru, a clear-headed advocate and a sound lawyer, as a member of the Committee. If he is not acceptable, then I would suggest that Justice Sir Abdur Rahim may be so appointed. My Lord, these are suggestions which, I hope, the Government will consider.

"I will now deal with the remarks..............

The President:—"The Hon'ble Member has been speaking already five minutes over the allotted time, and I think that he ought to observe the rules."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I have a few minutes more?"

The President:—"I gave the Hon'ble Member five minutes, and those five minutes are already up."

The Hon'ble Pandit Madan Mohan Malaviya:—"Would your Lordship kindly allow me a few minutes more."

The President:—" How many minutes more ? "

The Hon'ble Pandit Madan Mohan Malaviya :—" Five, if you please, my Lord."

The President:—" I will give you five minutes."

The Hon'ble Pandit Madan Mohan Malaviya.—" Thank you, my Lord. I just want to advert to a few other remarks which have fallen from some Hon'ble Members in the course of the debate. I will first refer to what Sir Umar Hayat Khan said. He expressed almost a resentment that some of us from outside the Punjab should have gone to that province. I think he will not find anybody in the Punjab to support that view. If he went there, my Lord, I think, he would find that the work of the *Seva Samiti*, and the work of Pandit Moti Lal Nehru and myself has met with the hearty appreciation of a vast body of our fellowmen; he would find that three hundred and odd families of those who had either been killed or had otherwise suffered; or been deprived of liberty were being relieved by the agency of the *Seva Samiti*, of which I have the honour to be the President and Pandit Moti Lal Nehru, the Vice-President. He would also find that we have helped many persons to have their appeals filed before the Privy Council. I should not have referred to these matters were it not for the fact that, while he himself was not able to render any assistance to the people of the Punjab in their distress, he should yet make it a grievance that some people from outside the province went there to render such assistance. We do not regard ourselves as outsiders. We consider every countryman of ours, wherever he may be, as a countryman.

" Then, my Lord, with regard to the remarks of the Hon'ble Mr. Crum, I would say this that we have absolutely no racial feeling in this matter. I desire and expect that Anglo-Indians and Indians should co-operate in this matter to find out the truth, and I support the suggestion he made that it should be an instruction to the Committee that they should recommend what reparation should be made to those or their relations who suffered during these tragic disturbances. As regards his suggestion that there should be an Anglo-Indian member added to the Committee, I have not the least objection to it either. But, my Lord, I do take exception to what he said regarding an assurance being given to the scattered European community that it shall be safeguarded in future. My Lord, the community as a whole, Indian and European, has to be safeguarded in future. The reason why these five Europeans met with their untimely end, will probably be known when the Committee of Inquiry will report. It will probably be found that the Indians were not to blame, but that provocation had been given to them which led to the unfortunate, deplorable, detestable crimes which some of them committed. Before these crimes were committed, some Indian lives had been destroyed by the firing that took place at the railway bridge at Amritsar. The Deputy Commissioner of Amritsar deposed in one of the cases which was tried by one of the Martial Law Commissions, that he had found no evidence to show that any excesses had been committed by the mob before the firing took place.

" Lastly, my Lord, I wish to say a few words about some of the remarks of His Honour Sir Edward Maclagan. I need hardly again protest my deep respect for His Honour. But, while I feel grateful that he has shown consideration in many respects to those who are at present locked up in His Majesty's jails, I regret to think that he fails to realise that no reduction of sentences, that no such amelioration of the hard conditions of jail life as he has been good enough to bring about, can relieve those who are unjustly suffering imprisonment of the poignant grief which they feel every moment of their existence in the jail.

I would ask His Honour seriously to think whether any mitigation of sentence or relief given in the manner indicated above, can obliterate the sorrow, the indescribable grief of those who are at present unjustly locked up and are undergoing imprisonment in the jails of the Punjab. My Lord, I think His Honour said that he would not disturb the findings of the Commissions. Probably he felt that he could not. But, my Lord, most of the 1,500 men who are locked up in the jails ought to be as free as we sitting here to-day are. I request, therefore, that whether the Committee of Inquiry comes four weeks hence or earlier, your Excellency's Government and His Honour the Lieutenant-Governor of the Punjab should seriously consider whether, on such security or securities, personal or pecuniary or both as may seem to him adequate, those men who have not been concerned in arson, or murder or pillage should not be released, both in order that pending the result of the inquiry, they may not suffer further unnecessary imprisonment, and in order that they should be able to give evidence before the Committee and have their case properly put before it, I earnestly hope the Government will be pleased to consider this suggestion."

The Hon'ble Sir William Vincent:—"My Lord, the Hon'ble Mover has complained that by reason of his solitude in Simla and of his inability to consult his colleagues he was not able to modify his Resolution earlier. If that is so, my Lord, the Hon'ble Member has been much maligned. The general impression is that he has been having daily consultation with non-official Members, that he has interviewed them one after another. Hon'ble Members will know if this is correct or not, and also whether he has not taken every opportunity of ascertaining what their views are. I have been told in fact that there is no legitimate measure for winning support for his Resolution which he has not taken and his complaint that the Resolution was not amended because of his being unable to consult his colleagues is not one therefore......... 12 52 P.M.

(The Hon'ble Pandit Madan Mohan Malaviya here got up to intervene.)

The President:—"Order, order, the Hon'ble Member has already taken up the time of the Council."

The Hon'ble Pandit Madan Mohan Malaviya:—"I only want to correct a statement of fact. I did consult some Members and it was only after consulting them that I sent in notice of the amendment."

The Hon'ble Sir William Vincent:—"My Lord, I find it a little difficult to proceed if I am subjected to these constant interruptions. I have allowed a great many statements of the Hon'ble Member, even some which I considered to be misstatements, to go unchallenged, and I ask for some consideration from the Hon'ble Member.

"There is another point in the Hon'ble Mover's reply to which I wish to draw attention, and that is, the question of minimizing the character of the disorders and outrage. I again ask the Hon'ble Member how the attacks on these unfortunate non-officials can possibly be justified. There may be questions as to the propriety of the action taken by the troops and police on particular occasions, but I have never yet heard any suggestion that these attacks on these private individuals were not absolutely unprovoked attacks on perfectly harmless people not connected with the Government at all; attacks on the conduct of officials are another matter, but these bank managers who were murdered were not officials of any kind, and I think that it is unfair even to insinuate in this Council that there was any justification for the murders of these unfortunate men—murders which the Hon'ble Member regrets so greatly and at the same time attempts in a manner to justify—perhaps 'justify' is too hard a word, I ought not to use it, but murders at any rate in regard to which he pleads extenuating circumstances when he says that after the inquiry is made it will be found that the victims were also a good deal in fault. I suggest that this is prejudicing the inquiry in an eminently unfair manner.

"Similarly, I refer to his observations about the Jallianwala Bagh. That is a matter which will come up before the Committee. If it is found that there was no justification for the firing, then will be the time to decide what action should be taken; but I ask this Council now not to prejudge any individual or any officer of Government in this matter. The Hon'ble Mr. Chanda, if I may say so, took up very nearly the same line as the Hon'ble Mover, and in my humble judgment, there were other Members of this Council including Mr. Ayyangar who spoke, not as if they wanted an inquiry, but as if they really wanted this Council to prejudge the case to create an atmosphere against the Government, to induce a feeling of prejudice and bias in the minds of Hon'ble Members, and in fact to condemn in advance those into whose conduct they were professing to ask for an inquiry. That is an attitude which, I think, is unfair to those whose conduct is impugned.

"There is only one other remark that I have to make. It was said that there were great protests at the time against the imposition of martial law. My Lord, the position is really this: there is now a tendency to minimise the disturbances, to make out that they were much less serious than they actually were. The gravity of the situation in April last is now forgotten. At this time there was a general feeling of great apprehension throughout the whole of India; there was no word of protest at all; it was some time afterwards that we first heard of these protests. When the disorder was at its height we were asked to suppress it firmly. When this was done, men, in some case those very men who asked us to deal with it at the time, turned round on the authorities. A few years ago when there were disturbances in Bihar and the Government failed to take sufficiently drastic action to meet with the approval of certain papers, and they were blamed for not doing more, for not having taken sufficiently severe measures. In the present case there was a crisis of the first magnitude, our officers were called upon to arrive at important decisions at a moment's notice, very momentous decisions on which the peace of the country depended; at the time they were acclaimed and applauded by many for having saved the country. Now, my Lord, that the danger is past, there is an attempt to turn on them and to protest that their conduct was cruel and unreasonably severe.

"My Lord, there is only one final point that I wish to mention with regard to a remark of the Hon'ble Mr. Sinha. He said that the Hon'ble the Home Member had maintained a non-possumus attitude, I think that this was the expression that was used, in regard to certain modifications which have been proposed. My Lord, if that was the impression which I created, I can only regret it. What I wished to convey was that a number of new suggestions had been pressed on Government, in regard to which it was impossible for any individual member of this Government to express an opinion, and that therefore I could make no statement on these suggestions. If that, my Lord, is taking up a non-possumus attitude, then I must plead guilty. But I think a fairer and broader interpretation might well be placed upon my words."

The Hon'ble Sir Dinshaw Wacha:—"May I make a suggestion, my Lord, that the Resolution be divided into two and put separately?"

The President:—"I think we have discussed the Resolution as a whole, and I shall put it as a whole."

The Resolution was put and negatived.

[12TH SEPTEMBER, 1919.] [*Mr. Kamini Kumar Chanda.*]

RESOLUTION *re* APPOINTMENT OF MIXED COMMITTEE TO INVESTIGATE CAUSES OF RECENT DISORDERS IN DELHI.

The Hon'ble Mr. Kamini Kumar Chanda :—" My Lord, the Resolution which stands in my name, runs as follows :—

> 'This Council recommends to the Governor General in Council the appointment of a mixed committee of officials and non-officials to investigate the causes and nature of the recent outbreaks of disorder in Delhi and the circumstances of the firing upon the crowds there.'

" My Lord, the matter which I am asking leave of the Council to place before it now is a small matter compared with the discussion we have just been listening to. It will not be anything as exciting, compared with the tragic events in the Punjab it almost dwindles into insignificance, but, my Lord, as it relates to the killing of a number of His Majesty's subjects the matter requires some consideration. My Lord, I must ask the indulgence of the Council not to judge me as one who makes reckless assertions in using the term 'killing' of people. I shall show that to the Council by quoting the evidence of the Police Officers concerned. I shall place the matter very briefly before the Council and read out the very statements of the officials concerned. My Lord, the Rowlatt Act was passed on the 18th March in the teeth of the unanimous protest of the whole body of Indian Members in this Council and backed practically by the whole country. As a result Mr. Gandhi proclaimed Satyagraha or passive resistance. I do not propose to go into the ethics of that question ; it is well known that even among many Indian public men opinion is divided as to the wisdom of that measure. A number of Members of this Council simultaneously with the announcement by Mr. Gandhi published a joint condemnation of it. If it is relevant—if there is no impropriety or presumption—in mentioning it, I would tell the Council that I did not take the vow and as the Delhi correspondent of the 'Bengalee', who is no other than the editor, wired to the paper I was opposed to Satyagraha. However to proceed, the 30th March was appointed for observing Satyagraha at Delhi, as a day of humiliation and prayer and to do no business. I now place before the Council the statement of Mr. Marshall, the Senior Superintendent of Police, who was the chief actor, if I may say so without disrespect to him. This is what he says in his report, dated the 31st March:—'We received authentic information that Sunday, March 30th, would be observed as a day of mourning in the city and that all shops would be shut.' Further, my Lord, in his statement he makes this significant assertion :—' The passing of what are known as the Rowlatt Bills in the middle of March had resulted in agitation of a particularly violent nature in the local press of Delhi. I was so impressed by it that I informed my superior officers that I could not conceive that it could result in anything but trouble and assaults on Europeans and officials.' I find in the marginal note of my copy that Col. Beadon says that that was not quite correct, but it shows the feeling with which he was obsessed. We have a telegram from the Associated Press dated the 31st March which gave an account of the occurrences at Delhi. It says: 'At about midday some strikers made their way to the railway station and insisted on the vendors in the 3rd class waiting hall closing their shops. The latter objected as they were under a contract with the railway authorities. An altercation ensued and the railway police interfered. The strikers attempted to force their way to the station-platform, and it is reported that they tried to force open the iron gates. At this two strikers were arrested. This gave the signal for a general outburst. Excitement ran high and a crowd about 5,000 collected and demanded the release of the two men, brick-bats being thrown in all directions. The military with a machine gun arrived on the scene, as also Mr. Currie, the District Magistrate. The 1 P.M.

police, it is said, assured the mob that the arrested men had been released, but the former demanded their presence. They were told that the men could not be produced as they had already been released and had got mixed up with the crowd. Nothing however seemed to satisfy the mob, which grew dangerous. The Magistrate ordered them to disperse but they showed no signs of obeying, thereon the military were ordered to fire. After a few volleys of buckshot in which some of the rioters were killed the crowd dispersed into the Queen's Gardens and the adjacent streets, after that to the Clock Tower and made a rush, towards the Town Hall which was defended by the military. A volley was again fired and the rioters dispersed. They then assembled at the People's Park and held a meeting condemning the Rowlatt Bill.' Portions of this account were at once contradicted by the Satyagrahis whose President Swami Sradhananda sent a message to the Secretary of State and other portions are at variance with the official account. The outstanding fact is that about which all accounts are at one that some six men were shot dead and a much larger number seriously wounded some of whom died later. Well, what is the origin of these occurrences? There is a conflicting version, the official account says that the sweetmeat seller was forced to close his stall. Assuming that the account of the authorities was correct, let us see what followed. The official account is that the mob was told that the men had been let off, the people wanted them produced. Mr. Marshall says in his statement . . . . . .

The Hon'ble Sir William Vincent:—"Perhaps it would save the time of the Council if I explained that there will be an inquiry by the Committee into these disorders."

The Hon'ble Mr. Kamini Kumar Chanda:—"Of course if there is to be an inquiry I do not think I am justified in taking up the time of the Council."

The President:—"The Committee which I announced is going to inquire into the occurrences at Delhi. That is quite clear. I think it is hardly worthwhile for the Hon'ble Member to take up the time of the Council."

1-10 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"I beg to withdraw the Resolution."

The Hon'ble Sir William Vincent:—"The Hon'ble Member first makes his speech and then withdraws his Resolution. He has thus deprived me of any opportunity of answering various points he has raised."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *re* APPOINTMENT OF MIXED COMMITTEE TO INVESTIGATE CIRCUMSTANCES OF FIRING UPON CROWDS IN CALCUTTA.

1-11 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"My Lord, I beg to move the following Resolution:—

> 'This Council recommends to the Governor General in Council the appointment of a mixed committee of officials and non-officials to investigate the circumstances of the firing upon the crowds in Calcutta in April last.'

"My Lord, the Council will have seen that the point I raise in this Resolution is a short one and I will not detain the Council by a long speech. It is a question of shooting, and I shall deal with the matter in a very few words. We know Mr. Gandhi proclaimed Satyagraha as a protest against the passing of the Rowlatt Act, and the 6th of April was appointed as the Satyagraha day throughout the country when the people were to fast and pray and suspend all business. Calcutta also observed a Satyagraha demonstration on that day when the Indian portion of the town was practically on strike, all business being stopped. In the evening a huge gathering met on the maidan which on all accounts was the biggest meeting ever held in Calcutta, when over a lakh of people are believed to have attended that afternoon. I shall place before the Council the testimony of an Anglo-Indian paper, the *Capital* of Calcutta, which wrote as follows :—

> 'Quite the most creditable work of Lord Ronaldshay in the season now over illumined the fag end. He refused to interfere with the public demonstration on the Maidan on Sunday last in protest against the passing of the Rowlatt Bill. He was supremely justified of his confidence in the people. The meeting round the Ochterlony Monument was the greatest I have seen in Calcutta, and there was less disorder than at an ordinary foot-ball match. It seemed to be a point of honour with every one in that vast crowd to refrain from extravagance that would discredit the solemnity of the ceremony.'

This was on the 6th. On the 10th of April by an 'act of blazing indiscretion' to quote from the charge on which Mr. Kali Nath Roy was convicted, Sir Michael O'Dwyer prohibited the entry into the Punjab of Mr. Gandhi who was then on his way to Delhi on a peaceful mission. The result was that Mr. Gandhi was obstructed at a small station on the night of the 10th by the police and escorted by them back to Bombay. This was telegraphed throughout the country as the arrest of Mr. Gandhi. In Calcutta this news was received on the 11th, and as elsewhere it created the most profound sensation, and the Indian portion of the city immediately went on spontaneous strike, all business being brought to a standstill. All vehicular traffic was stopped and all shops closed. There were big demonstrations in several parts of the town, but it is not alleged that anywhere were there any disturbances. On the following morning the strike continued and no carriages or tramcars could ply. It is stated that here and there street mobs went out of hand and used force where people did not agree to come down from any tramcar or carriage they may have been using. There is no doubt that there was some interference with street traffic much to the annoyance of the public. It is idle to deny that people were forced here and there to walk in the summer heat. Nobody can complain that the authorities felt called upon to put a stop to this state of things. Nobody can complain that European sergeants and Indian policemen patrolled the streets dispersing the crowds who were stopping the tramcars. Nobody complains that a few young urchins who obstructed traffic were arrested and brought before the Presidency Magistrate for doing so, who however discharged them with a warning that they should be careful in future, observing at the same time that boys will always be boys. Nobody would object to more police prosecutions for interference with street traffic. There is no discrepancy between the official accounts and the accounts given by the public up to this point, that is up to the noon. In the afternoon machine guns were used, and a number of persons were shot down. It is then the discrepancy creeps in. What happened then ; how did the shooting take place ; who gave the order to fire, and what directions were given? Now about these matters there are two versions. I will first give the Council an account that was published over the signature of Mr. Chakravarti, a leading Calcutta Barrister and a well-known public man in Bengal, and also an account of another Barrister, Mr. S. P. Roy, and then supplement these with the account that is published in the papers. The following is the account of Mr. Chakravarti :—

'Saturday, the 12th April. In the morning and up to about 11 A.M. I had several reports to say that everything was going on well. Then about 11 A.M. a gentleman called on me with a letter from Mr. Clarke, the Commissioner of Police, in which I was requested to see His Excellency the Governor at Government House. As I was getting ready to start for the Government House, I received two telephonic communications from the northern part of the town informing me that European Sergeants armed with fire arms with posse of constables had arrived in several parts of Harrison Road, and friction between the police and the people was very likely. I at once 'phoned to some friends in the northern part of the town to be on the spot immediately and do everything in their power to prevent any collision. I also 'phoned to my friend Mr. H. D. Bose at the Bar Library to the same effect, and he with one or two friends arrived at Harrison Road as he informed me by 1 o'clock. Mr. S. N. Haldar and Mr. B. K. Lahiri accompanied me to Harrison Road in my motor car and we arrived there shortly after 1 P.M. At the junction of Chitpore and Harrison Road I saw one or two Europeans armed with revolvers in the middle of the crossing and a number of policemen in khaki bearing rifles. We got down from the car near the crossing and we met our friends who had already arrived there as also Mr. J. C. Galstaun. I addressed the people to be orderly and peaceful. They complained of the treatment received by them since the arrival of the armed police, and they stated that a crowd was fired upon at the junction of the Strand and Harrison Roads and that one constable had been seriously wounded by a shot from a Sergeant. They also complained that several people had been arrested by the police and taken away for no fault of their own. Then we walked up to the junction of Strand Road and Harrison Road when we saw the wounded constable mentioned above being carried to the hospital by the Marwari volunteers. We noticed the crowd was somewhat excited there on account of the injury caused to the constable. It was stated that the constable was shot by one of the sergeants, thereupon the crowd got excited and beyond control for the time being, attacked one of the sergeants and set fire to one of the taxi-cabs.'

"I may be somewhat long, but I would like to place the whole story before the Council :—

'Throughout our walk on Harrison Road from Chitpore Road corner to Strand Road corner we never saw any pelting or showering of missiles. It is not a fact that bricks, stones or bottles were being showered from any house at the corner of Strand Road and Harrison Road so long as we were there. Then we turned back and motored again to Chitpore corner asking the crowd to restrain itself and get away from the neighbourhood of the disturbance.

'I then motored to the Government House and interviewed His Excellency about 2 P.M. His Excellency told me that he had kept back the police, but on the complaints made by some Indian gentlemen about the inconvenience caused to the members of the public travelling in tramcars and gharries, His Excellency was obliged to resort to force.'

'His Excellency also informed me that two policemen had been injured earlier in the day and consequently His Excellency had directed that measures should be taken and force used where necessary. Thereupon I narrated to His Excellency my experience of that day and the day previous. I pointed out the peaceful celebration on the previous Sunday and the absence of all friction the day before and drew His Excellency's attention to the fact that the satisfactory result was principally due to the policy of police non-interference directed by His Excellency. I further submitted that if the European armed police were removed, the maintenance of order would not be difficult especially when the 'Hartal' was being brought to an end at a meeting to be held that afternoon in Beadon Square consequent upon the release of Mr. Gandhi. I offered to undertake the maintenance of order if the European armed police were either withdrawn or kept at a place not within the view of the public but available at a moment's notice. His Excellency thereupon pointed out the humours of the crowd and did not see his way to accede to my request. I further begged His Excellency either to accompany me or to go by himself in order to get a correct appreciation of the situation ; but His Excellency did not approve of it. The interview ended with a request from His Excellency that I should do the best I could to keep peace and order and I promised I would do so.

'In the meantime as I learnt later the military had been called out and the crowd had been fired upon resulting in several regrettable casualties. I received intimation of this shortly after 4 P.M. and at once started for Harrison Road with a view to prevent further bloodshed and loss of life, if possible. I was accompanied by Messrs. H. D. Bose, Hirendra Nath Datta, S. P. Rai, S. M. Haldar, B. K. Lahiri, Nalini Nath Sett. After we had proceeded for some distance along Chitpore Road, we found that the road was lined across by a number of English soldiers rifle in hand so as to prevent through passage and a number of other soldiers were standing in groups near the line all rifle in hand. The car had to be stopped and it was immediately surrounded by a group of people—some of whom were rather in an excited mood—and they pointed to the dead body of a Bengalee lying on the east footpath and shot through. Some one in the crowd handed up to Mr. B. K. Lahiri, who was in the car, a letter which was found in the pocket of the particular gentleman showing that the gentleman shot down was a mere passer-by. While this was going on, some people brought up on a bamboo stretcher improvised for the occasion the body of a Marwari gentleman with his head hanging down and the body besmeared with blood. The man appeared to have received several wounds and was on the point of death. He was being carried to the hospital. Some of the people who had assembled round us complained to me that although no provocation had been given by the crowd, yet about eight people had been shot down and the military, instead of shooting them in the leg, had lodged their bullets on the upper part of the body : they also complained that whereas most of themselves did not carry even walking sticks, the soldiers fully armed should have shot them down.'

The President :—" Order, order. If it is worth the Hon'ble Member's while to read this, it is worth his while to make Members hear. I cannot hear a word the Hon'ble Member says and I do not think any other Member can."

The Honb'le Mr. Kamini Kumar Chanda :—" I beg your pardon ; there is a little more.

' We then got down from the car and approached the cordon of soldiers. We found that about 200 yards in front of that cordon a crowd had assembled consisting of about 2,000 people who were not in any way disorderly but they were shouting out from time to time ' Mahatama Gandhi ki jai,' ' Hindu Musalman ki jai'. I and my friends then approached the officer-in-charge of the soldiers who told me that we should not attempt to go through the crowd as we might be assaulted. I said that the crowd consisted of my own countrymen and it was not likely that they would misbehave and that in any event we would take the risk. Being asked why the soldiers had fired, the reply was that some brickbats had been thrown at the soldiers by the crowd and thereupon they had fired. I said that no one among the soldiers appeared to have been hurt in any way and there seemed to have been no justification for firing. We then went ahead through the cordon. While we had advanced about 30 yards we were told to get back or be shot as there would be firing in two minutes or so. We protested against this and pointed out that the crowd was well behaved and we should be able to take them with us to the Beadon Square if we were given the opportunity to explain the position to the crowd which the soldiers were not able to do on account of their ignorance of the vernacular and their inability to make themselves understood by the people. We were thereupon allowed by the officer-in-charge to approach the people in front of them. The crowd was not at all troublesome and not even in an angry mood. They only said that if soldiers were to fire at them what was their remedy.'

This was the account published over the signature of Mr. B. Chakravarti. What was the Government account ? The Government published a Communiqué regarding this likewise. It was as follows :—

' With reference to the rumours regarding the shooting of a constable by a sergeant during the disturbances on Saturday, it has been ascertained on medical examination that the constable was stabbed and not shot. The man is still in hospital and as soon as he recovers an inquiry will be held into the matter.'

Not only this, my Lord, but an Hon'ble Member of the Bengal Council, Babu Akhil Chandra Datta, put a question about this matter on the 3rd of July, and he asked whether any inquiry was initiated by the Government to ascertain that the military transgressed the law and exceeded the limits of their power during the recent disturbances in Calcutta. The answer was :—

' Government have received full reports on the disturbances and are satisfied that the police and the troops behaved with forbearance, and that there is no ground for the suggestion that they used greater force than was warranted by the situation or by the law. Government do not propose to lay any papers on the table or to institute further inquiries.'

That was the position. The crowd was fired upon by machine guns and a number of casualties caused, 6 persons killed and 30 wounded. Under what circumstances was this order to fire given? We do not know; no inquiry was held by the Government. The public version is the statement of Mr. Chakravarti that the firing was absolutely without any justification. The account that was published in the papers was that in the evening there was a big crowd going towards the meeting. Of course they were shouting out 'Mahatma Gandhi ki jai', 'Hindu Musalman ki jai,' and the soldiers there posted, without being able to understand what that implied, took it to be a war cry and fired. That is what happened, and, my Lord, the firing that took place was in the vital parts of the body and the people were wounded in their heads and chests, and a number of persons were killed, among them undoubtedly persons who were innocent. This also appears in the account of the Associated Press telegram that was sent to the papers, that persons absolutely unconnected with the disturbance who were going legitimately on business in that direction were shot by the soldiers. The question arises whether, whenever there is a riot, whenever there is a big assembly, assuming even that brickbats are thrown, the authorities are justified in giving the order to fire upon the mob, and then if they are to fire, my Lord, at what part of the body they are to fire. I did not proceed with my Resolution on the Delhi disturbances, but there the Superintendent of Police, Mr. Jeffries, stated that the rules required them to kill if they were to fire. 'You must fire to kill if you are to fire.' If that is so, my Lord, it is a very serious matter. We have seen at Delhi, Calcutta and other places that whenever there was a riot the military were called in and apparently without any order being given by a Magistrate, firing was ordered and a number of people were killed on the spot. In this case, my Lord, of Calcutta, it cannot be contended that there was no Magistrate near at hand. Why was not an attempt made to have a Magistrate on the spot to give directions when this order to fire would be necessary? The law requires, my Lord, in the first place, that you are to use civil force; the Criminal Procedure Code requires that. Why in this case did the policemen not use their batons, or their bayonets, if necessary, before the firing was done? That is a point I submit to this Council. Assuming the assembly was riotous, assuming it did intend to provoke the police or the soldiers, why should not civil force have been resorted to in the first instance? Why should not the police have used their batons as was done in Bombay and other places? Of course, if it was attempted and the attempt failed, then it might be necessary to fire, and even then, my Lord, why should they fire in the vital parts of the body, why not fire at the lower limbs as is done in other places? Here we find persons who were killed had bullets in their chests and heads. This is a serious question, my Lord. I submit there ought to be an inquiry into this and of course if the firing was justified by the circumstances, still the question would be why did they fire at vital parts?

"With these words I submit this Resolution to the Council."

1-30 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan** :—" My Lord, up to a certain extent I will support the Hon'ble gentleman on my left and the case is this. I think, wherever these disturbances took place, whether in Calcutta, in Delhi or in the Punjab, the origin of all of them was the same, and if the same Committee were to make inquiries they would find that all these disturbances were connected. This, I think, would help the inquiry to a very great extent, and if inquiries were made in Calcutta by the same Committee, it would be much better. I am very glad that the Hon'ble gentleman read through all those papers, by which I have been able to find out that exactly what was happening in Calcutta happened, I believe, in Delhi as well as in the Punjab. That also shows, that as the origin of these disturbances is one, the same Committee should investigate into them. There have been differences between what happened in the Punjab and in Calcutta and Delhi, but this is due to the fact that there are certain peculiarities in the Punjab. It is the home of soldiers, it is the home of brave men, and when they are excited naturally they do certain things which other people do not, and if there were any difference between the happenings in the Punjab and elsewhere, it is due to this fact. Then many other things have been said by my Hon'ble friend such as the words used, namely, '*Gandhi ji ki jai*'. Well, the same words were used everywhere which again shows that the origin was one and the same. As he said, the boys were taught first to begin because it was considered that nobody would fire on them. That was the kind of thing which was done everywhere, so that it looks as if the people who started this were at one place and they planned these things and then sent out orders all round, so as to be obeyed. In the same way the time which was chosen synchronised. It was a very bad time and it was chosen when big fairs were being held not only in one part of the country but all over the country, where not only people from the cities but people from outside attended. It was considered that if such a propaganda was started in the cities, these men would go into the country and induce the country people to join. It would have been a very serious thing for the Punjab if this had happened, because the country is the place from where the soldiers are recruited. It was thought that the soldiers would join, but these men had been in France and elsewhere and they knew what our Government was and how strong it was. That was why they did not join. But if this plot had been properly planned out and the soldiers had been fools enough to join in it, there would have been very great difficulty, because, being the hot weather, the only troops available would have been the English and the Gurkhas, who cannot fight so well at that time of the year. Again, it is known that Kabul only joined because men were sent there. If anything had happened to the soldiers and, if the enemy from outside had come into India, I do not know how difficult would have been the situation thus created; nothing could have been worse . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"May I rise to a point of order? Is my friend the Hon'ble Member in order in talking of these things on this Resolution?"

The President:—"I presume he is leading up to some point."

The Hon'ble Major Malik Sir Umar Hayat Khan:—"I am referring to these things simply to show that there were differences in the Punjab. The differences were due to the peculiar circumstances of the Punjab. I want to show that the origin of the disturbances in Calcutta, Delhi, Hyderabad and all these places was the same; there were these differences in the Punjab, while in other places, the people being more learned adopted a different course. I only want to show that, as the circumstances were one, the same Committee ought to be asked to investigate into the happenings in Calcutta.

"Then again, it is said that the people were not shot in the legs but in their chests, etc. Well, I do not think that the bullets are so tame or that the people who fire are so accurate that they can hit in exactly the place they desire to hit. If one tried to hit them in the legs and they sat down they would be hit in the chest . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"Am I to take it that this is relevant to the Resolution ?"

The President :—" This matter was brought up by the Hon'ble Mr. Chanda who pointed out that in Calcutta the troops or police should not have fired at the vital parts but should have fired low. The Hon'ble Sir Umar Hayat Khan, as a soldier, is trying to explain in what circumstances these bullets may have struck persons in vital parts, and I think it is quite relevant."

The Hon'ble Major Malik Sir Umar Hayat Khan :—" That is so, my Lord, and it is because I know something how bullets are fired and their effect that I thought it would be better to put that forward also.

" With these few remarks, my Lord, though I do not support the Resolution, yet I think the same Committee should be asked to investigate into these disturbances wherever these have taken place in the country, and they will find that the origin was one, that all had been planned beforehand very minutely, and that it was only through God's goodness that the whole thing was averted by Sir Michael O'Dwyer coming in at the right time and stopping it. If the thing had not been stopped, in about two or three days the whole countryside would have been up, perhaps the other provinces would have joined, and I do not know what would have happened."

1-38 P.M. **The Hon'ble Mr. Abdur Raheem** :—" My Lord, this is a matter which concerns the province which I have the honour to represent, and I think I should not give a silent vote. My Lord, I do not see my way to support the Resolution moved by my Hon'ble friend, and the reason for my opposing this Resolution is that the disturbance in Calcutta in April last was not of such a nature as to need an inquiry by such a Committee as is suggested by my Hon'ble friend. On the other hand, the way in which the matter was managed by the Bengal Government was very wise indeed, resulting in things being brought to an end without taking a more serious turn, and the Calcutta Police, in my opinion, really deserve credit for the excellent way they handled the situation. I hope my information is correct that the police had very strict orders not to fire at the mob and that they did not really fire till they felt a real necessity to defend themselves after they had received serious injuries from the stones thrown at them.

" Besides this, my Lord, it is a matter which concerns Bengal. If it is to be taken up at all, I think this matter should be taken up by the Bengal Council. I, as a representative of the province of Bengal, do not see any necessity for the appointment of such a Committee, and I hope that other representatives from Bengal will agree with me."

1-40 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—"My Lord, I support the Resolution to this extent that what happened in Calcutta should also be brought within the scope of the Committee or Commission which is to inquire into the events in the Punjab, Delhi and Bombay, and for this reason, my Lord, that whether anybody was to blame or not, I hope, after the Committee has reported, the Government will take some steps, it may even undertake legislation, in order to ensure that in dealing with mobs in future more discretion and more restraint shall be exercised than has been exercised on some occasions in the past, and to lay down definite rules which will be a guide to all concerned.

" For instance, my Lord, the Government may be advised to enact the provisions of the Riot Act of 1714, by which a certain amount of time—I think one hour—was allowed to the mob to disperse before they were to be fired upon and similar other provisions which exist in certain other enactments, so that the police, those who are the custodians of law and order, should proceed on occasions of trouble on certain definite and well-understood lines. For this reason I support the substance of the Resolution which has been put forward by my friend, not that a new Committee should be appointed, but that what happened in Calcutta should be included within the scope of the inquiry which has been ordered in the case of the Punjab, Delhi and Bombay. My friend, Mr. Chanda, might very well content himself with that. As regards the opinion expressed by the Hon'ble Member who spoke last, that this was a matter which should be taken up in the Bengal Council, I do not agree with him. Certain lives were lost in Calcutta. Whether the police were right or not in firing when they did fire, it is not for us to say ; that is a matter which ought to be left to the Committee of Inquiry, and I suggest, my Lord, that as the events which took place in four places had some aspects in common, and as the Government have considered it advisable to appoint a Committee which shall inquire into what happened in three places, into somewhat more or less connected events, the Government ought to accept the substance of the Resolution and promise the inclusion of the unfortunate events in Calcutta within the scope of the inquiry which has been ordered."

The Hon'ble Mr. W. E. Crum :—" My Lord, I beg to oppose this Resolution, and I would like to say that I entirely agree with the remarks which fell from Mr. Abdur Raheem. I do not think that any Members from Bengal present to-day want an inquiry into the circumstances of firing in Calcutta, and such being the case I hope the Council will vote unanimously against it." 1-41 P.M.

The Hon'ble Sir William Vincent :—" My Lord, I think it is a little significant and I hope Hon'ble Members of this Council will bear it in mind that not one single Member from the province in which these disturbances occurred has supported this Resolution in any way. In fact we have been led to believe from what the Hon'ble Mr. Crum said that they are unanimously opposed to the inquiry which has been suggested by the Hon'ble Member. It has apparently therefore been left to a Member coming from another province to force on the province of Bengal an inquiry which no one from there wants. I may also mention, my Lord, that since these riots occurred, there have been meetings of the Bengal Provincial Council, or at least one meeting. So far as I am aware no demand for any inquiry of this character was made in that Council. That is another fact which, I think, Hon'ble Members of this Council would do well to note. 1-42 P.M.

" Turning to the merits of the Resolution the character of the disturbances in Calcutta was, if I may say so, differing from one or two Hon'ble Members who have spoken, entirely different from that of the disturbances which took place in the Punjab and in Bombay. There were no outrages of the same character in Calcutta, the disorder lasted only a few hours, there was no necessity for the introduction of martial law, there were no summary trials, and with the exception, I think, of this letter from Mr. Chakravarti, no allegations have been made against the conduct of the police or the military. We have consulted the Bengal Government as to their views in regard to this inquiry, and they say that it is in every way inadvisable. They give various reasons for this view, among which one is that normal conditions have happily been restored in Calcutta, and to start an inquiry of this kind would be to revive racial feeling and unrest. I cannot help thinking that that may have influenced Hon'ble Members representing Bengal in this Council in their attitude towards this proposal. It is as a matter of fact well known that the *Satyagraha* movement made little headway in Bengal at all. There is further no reason whatever, I submit, to suspect or think that either the police or the military used unnecessary force or were guilty of unreasonable violence in suppressing the disturbances in Calcutta. If that is so, is it fair to our officers to place them on, as it were, their defence for doing their duty? Does this Council really think that military officers, police officers, or officers of Government generally, will do their duty fearlessly and properly if on every occasion on which they are driven to perform a very unpleasant task they are liable to have their conduct inquired into without any substantial or definite allegations being made against them? I have a report of these disturbances from the Commissioner of Police in Calcutta, which I am quite prepared to lay on the table here. I do not propose to read it; in fact we have had rather an unpleasant example of such a practice to-day; it would be a great unkindness to Council to inflict another long quotation on them; many Members were fortunate in that they could go out when the Hon'ble Mr. Chanda read out nearly the whole of a newspaper article to Council, but I unfortunately had to sit here and listen to one of the longest and most wearisome citations I have heard for some time. My Lord, I will be more considerate and place the report on the table if any one wishes to see it, and I believe that a perusal of the report will itself satisfy any Member of this Council that there is no cause for any further inquiry. The facts are briefly these: On the 6th April there was a slight disorder in Calcutta, but nothing serious, though passengers in tram-cars were interfered with, and there was a little fracas outside the Bristol Hotel; but there was no serious incident. On the 10th crowds collected again, and there was again a little disorder but nothing of a grave character. On the 11th, the tramway services were interrupted; Europeans who were about were abused and hooted; some passengers were dragged out of tram-cars and there was minor rowdyism in some parts of the city if I may so call it. College Street and Bow Baar Street were cleared of disorderly crowds by the police, and that was all on that day. On the 12th, matters got more serious; the police were repeatedly pelted with bricks and loose metal; the Deputy Commissioner of Police remonstrated with the crowd on at least one occasion without any effect; two Assistant Commissioners were, I believe, wounded by the mob and armed police pickets were posted at various points. The police picket on the Howrah Bridge was attacked, and it was there, I believe, that this incident to which the Hon'ble Member referred that of constable Shewpujan Singh happened. This constable was as a matter of fact wounded by one of the rioters, but subsequently being instigated by persons hostile to the Local Government and to the local authorities, put up a false complaint that he had been shot with a revolver by a sergeant of the Calcutta Police. That complaint was taken up, I am sorry to say, by a certain number of legal practitioners in Calcutta. There was a full inquiry made into the incident by a Presidency Magistrate and it was proved—I am prepared to lay the report on the table now—that the whole charge was one tissue of falsehoods. The constable might indeed have been prosecuted for a false charge; I do not know why that action was not taken unless it was thought, as was probably the case, that he was only a dupe in the hands of unscrupulous men. My Lord, in the course of this day, the 12th, the same day on which the constable was wounded, a motor car belonging to the Deputy Commissioner was upset and fired; a fire engine which was not on duty was attacked. Three European and three Indian firemen were injured. A second fire engine proceeding to a fire was again attacked. There were also further attacks with stones on the Deputy Commissioner and the police, all these attacks being totally unprovoked. There was also a meeting at a mosque at which according to our information seditious speeches were made. At 4 P.M. a military picket in Harrison Road was attacked by a mob and five men were injured; the machine gun which was stationed there was actually hit with stones. It was then only after repeated provocation, after several men had been wounded, that the troops fired eight rounds from this machine gun at the mob, besides fourteen rifle shots at houses from which deliberate attacks were being made. If the police and troops are not to fire under circumstances of that character, then I do not know when it is justified. It is admitted and recognised by every one in Calcutta that the military and the police on this occasion behaved with the very greatest forbearance, and if the only reward which they have to receive is to have their conduct questioned in an inquiry of this kind then, as I said before, I believe it will be impossible to get them to do their duty in future. My Lord, the Council will remember what Mrs. Besant said on the recent disturbances in the Punjab :

> 'No one, I presume, will contend that the Government should look on while the mob murdered, wrecked banks, fired railway stations ; do they then think that it is more merciful to give a mob its head after its begins throwing brickbats until, say at Delhi, it had broken into the station, and struck down any resisting railway officials, than to stop it at the very outset of violence at the cost of less than a score of lives ? I say that when a small handful of soldiers and police is face to face with a mob of many thousands, and the mob begins to pelt them with brickbats, it is more merciful to order the soldiers to fire a few volleys of buck-shot than to allow the violence to gather strength until the town must be given up to the mob rule.'

" I will place on the table the reports to which I have referred, and I am sure the Council will agree that there is no real reason either for a separate inquiry or for extending the scope of the inquiry already proposed to the Calcutta disorders. It is obviously desirable to limit the scope of that inquiry, as much as possible, if the Committee is to finish its work within a reasonable time. There is no point whatever in the Resolution proposed by the Hon'ble Member, and I hope it will not receive any support in the Council."

The Hon'ble Sir Dinshaw Wacha :—" My Lord my Hon'ble 1-52 P.M. friend Mr. Malaviya suggested that rules should be made for the mob . . .

The Hon'ble Pandit Madan Mohan Malaviya :—" Not for the mob, but for the guidance of those who have to deal with crowds."

The Hon'ble Sir Dinshaw Wacha :—" If the leaders of mobocracy were to prescribe the rules themselves for the guidance of the mob, these would be more effectual than Government rules. There will then be no need for the police and the military."

The Hon'ble Rao Bahadur B. N. Sarma :—" My Lord, this is 1-53 P.M. a matter that concerns Bengal particularly. There were two versions, placed before us at the time that the Calcutta occurrences took place, and there was a strong feeling over the matter in the country. There is some doubt as to which of these versions is the correct one. Inasmuch as a number of persons have been killed and wounded and a machine gun was used, one would ordinarily expect that a public inquiry would take place to ascertain the exact circumstances under which the firing took place. But inasmuch as there is no very great demand from Bengal—no member having spoken in its favour and no Resolution moved in the Bengal Council—and in view of the fact that we would desire to see as calm an atmosphere as possible and that an inquiry into the disturbances would provoke acrimonious controversy, I do not think that, on the facts, we would be justified in pressing the Government of India for an inquiry. It would be pertinent and right for the members of the Bengal Council to press the Government for an inquiry into the circumstances under which this firing took place. I do not think that some of the observations of my Hon'ble friend from the Punjab, which seemed to obtain approval in some quarters, are very happily chosen or can be allowed to go without challenge.

The Hon'ble Member seemed to think that the police and soldiers in Calcutta were confronted with a German army just as possibly he was confronted on the field of France, and he evidently forgets that the soldiers and police in Calcutta had to deal with an unarmed mob, possibly a violent mob, throwing brickbats but an unarmed mob which could not fire back and, secondly, that they were very near and differently placed from the soldiers who had to face a hot fire and could not discriminate and choose whether they would fire at the chest, the head or the lower limbs. If some discrimination is not to be made where lives are concerned, if humane considerations are not to be taken into consideration by those in charge of soldiers, if this spirit is to prevail, then Woe unto India! The Hon'ble Member who represents the Punjab, the brave soldiers of the Punjab, has temporarily forgotten the traditions of his race and of India in remarking that officers and soldiers cannot in the circumstances choose where and how they shoot. I think, my Lord, that the circumstances under which ordinarily an inquiry should take place as to whether a mob was facing the soldiers and ready to act violently and whether the force used was needed, exist here, but I think in view of what I have said it may not be in consonance with the public interests to press for an inquiry at the present stage. The position of Hon'ble non-official Members who find a very large majority ordinarily against them would be particularly distressing if in the discharge of their duties they are taunted that the speeches are wearisome. The Hon'ble the Home Member may legitimately take exception to wearisome speeches in ordinary circumstances, but the circumstances under which we sit now are so exceptional, that I should have expected a little more grace in dealing with Members who have to discharge their disagreeable and painful duties."

1-58 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, I desire to say a few words. In the first place, it is pointed out that no Hon'ble Member from Bengal has supported me. It is quite true that the Hon'ble Mr. Crum and the Hon'ble Mr. Abdur Rahim have spoken against my Resolution. But I do not know by what process of thought the Hon'ble the Home Member knew that the other Bengal members were opposed to it; they have not spoken it is true, but it does not follow that they are opposed to the Resolution. I was under the impression that I was going to be supported by some of the members from Bengal. It is next said that this is a matter that should have been brought up in the Bengal Council. I say that the matter was brought up before that Council, but they declined to interfere and so I thought I would bring the matter up here as this Council is the appellate authority over all the other Councils. Then, my Lord, my submission is that the speech of the Hon'ble the Home Member itself furnishes ground for an inquiry. I would draw attention to the statement of Mr. Chakravarti, that is not the statement of an anonymous or irresponsible scribe, it is not an unreliable statement. He took the responsibility for making that statement over his signature, I do not think a statement of that kind can be summarily put aside. I ask therefore that an inquiry be made. The Hon'ble the Home Member has made a number of statements which I venture to say are not substantiated. He says there was a meeting at the mosques where speeches were made. It is known that the meeting took place on the previous day while Mr. Chakravarti was on his way to Beadon Square. This riot took place on the following day.

"Then, my Lord, the Hon'ble the Home Member said that before the constable was stabbed the motor car was upset and set fire to. Well, my Lord, there has been an insistent demand in the press in Bengal that there should be an inquiry about this question of firing and why this firing took place. Well, the allegation was that the motor car was upset after the constable was shot at his back by a sergeant, and this statement has not only been made in the press but that is the account that was telegraphed on the very day by the Associated

Press, that an Indian constable was shot and was in the hospital. There was an inquiry no doubt, as the Hon'ble the Home Member said, but, my Lord, if you refer to the proceedings you will find that witnesses were not allowed to be cross examined and the Council appearing to watch withdrew. On the other hand, there was a complaint filed in the Court of the Second Presidency Magistrate by the constable in question charging the sergeant, and the constable pointed out in the Court which sergeant had shot him at the back. These are materials I place before the Council on the statement of Mr. Chakravarti, and the Council would not be justified in accepting the statement of the Hon'ble the Home Member, without inquiry. These are matters for inquiry, and that is what I ask for. Let the matter be fully inquired into by any Committee. I do not mind which it is, but let the matter be inquired into and a decision come to. That is all, my Lord, I think I need say to the Council. There seems to be an opinion that in view of the fact that a strong opinion has not been expressed by the Bengal members I should not go on with this matter. I therefore beg leave to withdraw the Resolution."

The Hon'ble Sir William Vincent:—"My Lord, there are only one or two small points which I should like to mention in my reply. The Hon'ble Member asked me why I assumed, how it was that I was able to come to the conclusion that the Bengal Members were not in favour of this Resolution. The answer is pretty obvious to this Council. There is not one Member from Bengal who has spoken in support of it, and it is clear from the Hon'ble Mr. Crum's speech that what I stated is correct. The Hon'ble Member has said that there was a question asked in the Bengal Council about these disorders. That may be so, but the point is that, if there is any real feeling on a matter of public interest, the way in which it is brought before the Council is by a Resolution and not by a question, and if I am correct, no Resolution was brought in the local Council about this matter. 2-2 P.M.

"The only other point of importance is the question of the constable having been shot. The Hon'ble Member may make wild statements in Simla about this incident, but it is well known to every one in Bengal, it is well known throughout Calcutta, that the whole story is absolutely blown upon. Not a single person ventured to take up the time of the local Council with this allegation. There has been a full Magisterial inquiry into the matter, and it has been conclusively proved that the story of the constable being shot was utterly and demonstrably false. I doubt if any Member from Bengal would be prepared to deny the correctness of this statement. I doubt if the Hon'ble Member would have had the courage to make a statement of that kind in the Bengal Council. Those indeed who put the constable up to make the charges are themselves ashamed of the whole business. There is nothing in the allegation at all. My Lord, I am surprised it has been brought up here.

"The only other question I should like to reply to, is the point raised by the Hon'ble Mr. Sarma. He said that I complained of the wearisome speech of the Hon'ble Member. That was not my intention. I did not complain of the speech of the Hon'ble Mover. I did, however, complain, and with reason, of the Hon'ble Member's reading out a voluminous extract from a newspaper—a procedure which, I think, every one found most wearisome."

The motion was put and rejected.

The Council adjourned to Monday, the 15th September 1919, at 11 A.M.

SIMLA,
The 18th September, 1919.

H. M. SMITH,
Offg. Secy. to the Govt. of India,
Legislative Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Monday, the 15th September, 1919.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C.S.I., K.C., *Vice*-President, *presiding*, and 53 Members, of whom 46 were Additional Members.

OATH OF OFFICE.

The following Additional Member made the prescribed oath or affirmation of allegiance to the Crown:—

The Hon'ble Mr. Henry Robert Conway Dobbs, C.S.I., C.I.E.

QUESTIONS AND ANSWERS.

The Hon'ble Rai Sita Nath Ray Bahadur asked:— 11-5 A.M.

Adoption of contract system in the Cash and Pay Departments of the Eastern Bengal Railway.

1. "(*a*) Is it a fact that it is proposed to adopt the contract system in the Cash and Pay Departments of the Eastern Bengal Railway?

(*b*) Will not the adoption of this system be a departure from the usual practice, and result in depriving a large number of employés of the prospects and privileges of the Provident Fund?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) A proposal to this effect is at present under the consideration of Government.

(*b*) By the adoption of the system the Eastern Bengal Railway would conform with existing practice on the other State-worked railways. Employés of the contractor, not being railway servants, would not be eligible for Provident Fund benefits. The number of employés in the Cash and Pay Department of the Eastern Bengal Railway is about fifty. If the contract system is introduced in this Department employment in other branches of the railway carrying the benefits of the Provident Fund would be found ultimately for the majority of these if they so desired."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Supply of Wagons to collieries.

2. "(*a*) Is it a fact that the Railway Board in their letter No. 169-T.-19, dated the 4th August 1919, stated to the Bengal National Chamber of Commerce that figures had been placed before them giving the percentage of wagon supplies under various heads received by collieries belonging to the members of the Indian Mining Federation and the Indian Mining Association, which went to show that under the coal Special Indent system wagon supplies had approximated very fairly to the percentages of the total outputs represented by the two Associations?

(*b*) Will Government be pleased to lay on the table a list of the collieries working in Bengal and in Bihar and Orissa showing their respective raisings during the operation of the coal Special Indent system for the respective periods of its working under the Committee appointed to regulate the supply of coal from January 1917 to October 1917 and under the Coal Controller and the Coal Transportation Officer from November 1917 to July 1919, and also showing the wagons supplied to each colliery under each of the various heads during those periods?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) The reply is in the affirmative.

(*b*) The figures asked for cannot be placed on the table as their preparation would involve a large expenditure of time and labour. I may, however, inform the Hon'ble Member that collieries belonging to members of the Indian Mining Association produced approximately 70 per cent. of the total output of coal in 1918, and figures available shew that during May 1919, which may be taken as a typical month, these collieries received 73·51 per cent. of the total wagon supplies."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Coal Special Indent system.

3. "(*a*) Is it a fact that the Railway Board on the 14th May last wrote to the Bengal National Chamber of Commerce in reply to their representation for the withdrawal of the Special Indent system for the supply of wagons for coal that the coal Special Indent system was being abolished on and from the 1st of August, 1919, and so further action in this respect was unnecessary?

(*b*) Is it a fact that the coal Special Indent system was withdrawn and wagons were being supplied for coal on the pre-war basis *pro rata* according to raisings from the 1st August last?

(*c*) Is it a fact that a notice was issued under the signature of the Coal Transportation Officer on the 4th August renewing the Special Indent system on and from the 15th August last?

(*d*) Will Government be pleased to state the special circumstances, if any, which arose between the 14th May 1919 and the 4th August 1919, which led them to alter their decision with regard to the coal Special Indent system?"

The Hon'ble Sir Arthur Anderson replied :—

"Replies to (*a*), (*b*) and (*c*) are in the affirmative.

As regards (*d*), Government were advised that railway transportation difficulties and the continued absence of shipping necessitated the continuance of the Special Indent system. They are anxious, however, to put an end to all forms of control at the earliest possible moment, and propose to do so in this case as soon as it is reasonably safe so to do."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

4. "Have Government in contemplation any scheme for the increase of the pay of postal peons?" **Increase of pay of postal peons.**

The Hon'ble Sir George Barnes replied :—

"There has been a steady increase in the rates of pay of postmen during recent years. The aggregate monthly cost of the revisions sanctioned by the Director-General, Posts and Telegraphs, and the Postmasters-General during 1917-18 and 1918-19 amounts to Rs. 14,917 a month, and the number of men benefited by these revisions is 9,056. In addition to this various revisions have been, and are being, carried out during the current year.

Besides these revisions of pay, all postmen receive special war allowances, which are calculated at the following rates :—

For men whose pay is Rs. 12 or less, Rs. 2;

For men whose pay exceeds Rs. 12, but does not exceed Rs. 20, Rs. 3;

For men whose pay exceeds Rs. 20, but does not exceed Rs. 35, Rs. 4;

For men whose pay exceeds Rs. 35, but does not exceed Rs. 50, Rs. 5.

In addition to these war allowances, postmen draw grain compensation allowance according to the ordinary rules under Article 72, Civil Account Code. At present prices these allowances amount to Rs. 1-8 for men whose pay (excluding war allowances) is Rs. 16 or less, and Rs. 3 for men whose pay (excluding war allowances) is more than Rs. 16 but not more than Rs. 30.

To illustrate the extent of the improvements effected, the average emoluments in 1914 and 1919 at the four chief offices in India may be compared.

	Average emoluments.	
	1914.	1919.
	Rs.	Rs.
(1) Calcutta	16-6	23
(2) Bombay	19-9	27-5
(3) Madras	15	24-7
(4) Lahore	13-7	21-15

Government are now contemplating a general scheme for the permanent increase of the pay of postmen which will absorb the present temporary war allowances."

The Hon'ble Sir Dinshaw Wacha asked :—

5. "Has the attention of Government been drawn to a statement in the Press that the Report of the Medical Services Committee will not be published? Is this statement true? If so, will Government be pleased to state the reasons for not publishing the Report?" **Publication of the Report of the Medical Services Committee.**

His Excellency the Commander-in-Chief replied :—

"The reply to the first two parts of the question asked by the Hon'ble Member is in the affirmative. The report of the Medical Services Committee is being considered by the Government of India, and must therefore be treated as confidential at this stage. Moreover, Government consider that no useful purpose would be served by placing it in the hands of the public at present."

The Hon'ble Sir Dinshaw Wacha asked :—

Re-organisation of the Medical Services in India.

6. " Will Government lay on the table copies of—

(*a*) the Report of the Committee on the Re-organisation of the Medical Services in India ; and

(*b*) the despatch of the Government of India on the above Report to the Secretary of State for India?"

His Excellency the Commander-in-Chief replied :—

" (*a*) and (*b*) The report of the Medical Services Committee is being considered by the Government of India, and must therefore at this stage be treated as confidential. A despatch to the Secretary of State for India has not yet been prepared on the subject, as the opinions of Local Governments have not all been received. The reply to the questions asked by the Hon'ble Member is therefore in the negative."

The Hon'ble Sir Dinshaw Wacha asked :—

Recommendations made in the Report re: the Indian Medical profession.

7. " What recommendations, if any, have been made in the Report on the Re-organisation of the Medical Services in India to satisfy the aspirations of the Indian Medical profession towards a larger share in the Military, Civil, Scientific, Educational and Sanitary Posts in the services and in the War Reserve ? "

His Excellency the Commander-in-Chief replied :—

" As the report of the Medical Services Committee must be treated as confidential at this stage, Government are unable to make any public announcement at present as to the recommendations made by that body."

The Hon'ble Sir Dinshaw Wacha asked :—

Appointment of temporary Indian Officers to the permanent cadre of the Indian Medical Service.

8. " (*a*) Is any augmentation contemplated in the near future in the permanent cadre of the Indian Medical Service ?

(*b*) Has any provision been made for the recognition and appreciation of Indians holding temporary commissions in the Indian Medical Service, and are any steps being taken for their incorporation in the permanent cadre of the Indian Medical Service ?

(*c*) Is it a fact that in filling up certain permanent posts in the Indian Medical Service from among the holders of temporary commissions, 33 men out of 146 recruited in England and 17 men out of 900 recruited in India have been appointed by the Secretary of State for India? Were all the 33 men Europeans?

(*d*) Will Indian Members of the Indian Medical Service holding temporary commissions and who have been on active service in the various theatres of War have a preferential claim to incorporation in the permanent cadre of the Indian Medical Service ?"

His Excellency the Commander-in-Chief replied :—

"(*a*) An augmentation of the permanent cadre of the Indian Medical Service is under consideration with reference to military medical requirements.

(*b*) Indians holding temporary commissions have the same opportunities of earning rewards and decorations as permanent officers of the Indian Medical Service.

Applications for permanent commissions from Indians holding temporary commissions in the Indian Medical Service have been called for, and these applications are now under consideration.

(*c*) Fifty officers have been given permanent commissions in the Indian Medical Service by nomination since the entrance by competitive examination ceased. Of this number, 33 were Europeans and 17 were Indians.

(*d*) Active service in the various theatres of war will be taken into consideration by the Selection Committee in recommending Indian members of the Indian Medical Service holding temporary commissions for permanent appointments."

The Hon'ble Sir Dinshaw Wacha asked :—

Salary of Indian Probationers on Railways.

9. "Is it true that the salary of Indian probationers in the various higher services on the State and other Railways is lower than that of European probationers for the same service? If so, do Government propose to take any, and, if so, what measures in this matter?"

The Hon'ble Sir Arthur Anderson replied :—

"On State railways no difference is made in the pay granted to locally recruited probationers, whether European or Indian. Generally speaking, however, officers both European and Indian, appointed on probation in Europe, are given a higher initial rate of pay than locally recruited men.

The practice on Companies' lines is not uniform. In some cases the initial pay is higher than that given on State railways; in others it is lower. Government do not propose to interfere with the discretion of Companies in the matter."

The Hon'ble Sir Dinshaw Wacha asked :—

Removal of restrictions on the flow of gold and silver bullion.

10. "When do Government contemplate removing the restrictions on the flow of gold and silver bullion to this country?"

The Hon'ble Mr. H. F. Howard replied :—

"Government regret that they are not in a position to make any announcement on the subject. They recognise, however, that an integral part of any permanent sound currency policy must be the unrestricted movement of the precious metals. In a recent discussion which I had with the Bengal Chamber of Commerce, a summary of which has appeared in the newspapers, I pointed out the difficulty, in the present abnormal conditions, of removing the present restrictions on the private import of gold and silver immediately, and I can only repeat that Government recognise that their removal is very desirable as soon as circumstances permit."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Normal annual requirements in food-grains for the population of British India.

11. "(*a*) What is the normal annual requirement of the population of British India (excluding Burma) as regards food-grains, and how has the same been ascertained? How much of this approximately represents the minimum human need per head of the population, and how much the seed reserve, wastage, etc.?

(*b*) Is it a fact that during the Viceroyalty of Lord Curzon an inquiry was made as to the normal requirements of the average individual inhabitant of the different provinces?

If so, what briefly were the circumstances of the said inquiry and the findings arrived at thereanent in respect of each province?

(*c*) Will Government be pleased to publish a detailed memorandum embodying the results of the said inquiry, and any other inquiries that may have been made with a similar object?"

The Hon'ble Mr. R. A. Mant replied:—

"(*a*) The Government are not in a position to furnish any reliable estimate of the normal annual requirements of food-grains of the population of British India.

(*b*) and (*c*) The Government of India have more than once caused inquiries to be made regarding the production, consumption and surplus of food-grains in India, and such an inquiry was made during the Viceroyalty of Lord Curzon, but it did not include an investigation of the normal requirements of the average individual. The results of these inquiries are not considered sufficiently accurate to justify their publication as an authoritative pronouncement, and the Government of India therefore regret that they do not see their way to giving the information asked for. In this connection I would invite the Hon'ble Member's attention to the Resolution of the Government of India in the Finance Department No. 1614-F., dated 24th October 1914, regarding Mr. Datta's Report on the inquiry into the rise of Prices in India."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Foodstuffs supplied by India during the war.

12. "Will Government be pleased to state (*a*) the total quantities and values of foodstuffs, and (*b*) the total value of other materials and goods supplied by India (*i*) to the United Kingdom, (*ii*) to the Allies during the period of the war at controlled prices (lower than the prices prevailing in the importing countries), and (*c*) the aggregate values thereof as per market prices in the importing countries?"

The Hon'ble Sir George Barnes replied:—

"The information for which the Hon'ble Member asks is not at hand, nor is it in most cases obtainable. Prices of some materials were controlled, but they were in many cases equally controlled in the importing countries. It is obviously impossible to compare values at controlled prices with purely hypothetical values calculated to represent what would have been the position if prices had not been controlled. An endeavour will, however, be made to supply information, so far as it is obtainable, of quantities and values of materials supplied at controlled prices, and a statement will be laid on the table when it is ready. Besides materials supplied at controlled prices, there were of course numerous articles supplied from India not on controlled, but on contract rates, which in many cases compared very favourably with open market rates. I presume the Hon'ble Member does not refer to these, but it would of course be a serious mistake to assume that it was necessarily to the disadvantage of the seller to meet a large and steady demand from Government, over and above the ordinary trade requirements, at considerably reduced rates."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Provincial Civil Services.

13. "(*a*) Has the attention of Government been drawn to a letter that appeared in the 'Leader' of the 13th August, 1919, under the heading 'Provincial Services and the Public Services Commission'?

(*b*) In respect of what Departments of the Imperial Services have the recommendations of the Public Services Commission so far been given effect to?

(*c*) Have any proposals been received from Local Governments with regard to the Provincial Civil Services?

(*d*) If the answer to part (*c*) be in the affirmative, will Government be pleased to state whether they have submitted any recommendations to the Secretary of State to give effect to those proposals?

(*e*) If the answer to parts (*c*) or (*d*) be in the affirmative, will Government be pleased to place on the table the correspondence that passed between them and the Local Governments on the one hand and between them and the Secretary of State on the other?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The answer is in the affirmative.

(*b*) So far the orders of the Secretary of State have been received only on the recommendations regarding the Mint and Assay and the Indian Finance Departments. In a few other cases, such as the Police Service, the Forest Service, Public Works Department, and the Indian Medical Service, orders have been received from the Secretary of State to our references regarding pay, but the proposals regarding the constitution of, and other changes in, the departments still remain for decision.

(*c*), (*d*) and (*e*) Proposals have been received from some of the Local Governments and Administrations, but until the Government of India are in possession of the views of nearly all of them, they are unable to address the Secretary of State. They will, however, do so as soon as possible."

The Hon'ble Sardar Sundar Singh Majithia :—"May I ask, Sir, whether it would not be more convenient to take Mr. Chanda's Resolution after Mr. Sarma's Resolution has been discussed?" 11-17 A.M.

The Vice-President :—"I think we must keep to the order of the Resolutions on the paper."

RESOLUTION *re*: REMOVAL OF THE PUNJAB GOVERNMENT FROM SIMLA.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move the Resolution that stands in my name and runs as follows :— 11-18 A.M.

> 'This Council recommends to the Governor General in Council that Simla should cease to be the summer headquarters of the Punjab Government.'

"Sir, I am fully aware, I do not desire to, and shall not, disguise the fact that there seems to be some feeling in the matter of this Resolution of mine among my Punjab friends not only in this Council, but outside it, a feeling that one like me, coming from the further east, the other end of the country, should take it upon himself to move a Resolution affecting the Punjab which is so very well represented in this Council. Sir, if the Punjab alone was affected by this matter, certainly I would plead guilty to the charge of impertinent interference in other people's affairs. But, Sir, I submit that we, coming from other provinces, are as much interested in this matter as my Hon'ble friends from the Punjab, and I trust the Council will agree with me. Sir, before 1912, the Government of India was associated for three months in the year with a Provincial Government, namely, the Government of Bengal in the city of Calcutta in accordance with a practice which was hoary with age, dating back to the earliest days, of the British connection with this country. But, in spite of that, in spite of the fact that it was only for a very short time that the two Governments were together, the practice was condemned, and one of the reasons given in the Durbar Despatch of 1911, which was assented to by the Secretary of State for India for the transfer of the Capital from Calcutta, was this connection. In the words of the Government of India at that time 'the connection was bad for the Government of India, the connec- was bad for the Government of Bengal, and unfair to other provinces.' Sir, if this criticism was applicable to Calcutta, where the two Governments were together for only three months, very much more is it applicable in the case of Simla where the Government of India is associated with the Government of the Punjab for more than half the year, besides the fact that, comparatively speaking, it is in accordance with a very recent practice. Is it necessary, Sir, that I should labour this point in view of this authority of the Government of India and of the Secretary of State in regard to this matter? There is another matter, Sir. As a result of this the Lieutenant-Governor of the Punjab is the only Member of this Council among the provincial rulers. Surely, that is a matter which the other provinces could certainly take exception to. While I am on this point, I may as well mention an incident which took place in this Council Chamber two years ago. When speaking on a Resolution that was moved by my Hon'ble friend, Mr. Shafi, in 1917, Sir Michael O'Dwyer, forgetting that he was not addressing his own Council, and usurping the functions that pertain to His Excellency the Viceroy, as was pointed out at the time by my Hon'ble friend, Pandit Madan Mohan Malaviya, delivered a most inflammable speech and made an attack upon the prominent men of other provinces on the ground that he was reviewing the situation of the country. Sir, that speech caused very deep resentment among the other provinces, and it was fortunately through the kind intervention of the Viceroy that Sir Michael O'Dwyer had to express his regret openly in this Council for his speech. Sir, that spectacle was hardly edifying and to put a stop to any repetition of this, if for nothing else, this practice must be put an end to. The Council may be aware, Sir, that Murree used to be the summer residence of the Lieutenant-Governor of the Punjab. About 1877 or 1878, the Lieutenant-Governor of the Punjab was invited to come to Simla. In those days the Council may remember that the Punjab was the North-West Frontier Province, and the Lieutenant-Governor of the Punjab was adviser to the Viceroy in regard to frontier affairs. At that time there was the Kabul trouble and shortly the second Afghan War broke out. It was in reference to this that the Lieutenant-Governor was invited to come to Simla to advise the Viceroy. Then His Honour proposed to purchase Barnes Court as his official residence; but the Government of India objected, on the ground that even then Simla was very overcrowded and it was only in view of the political and administrative considerations necessitating the constant presence of the Lieutenant-Governor in Simla to advise the Viceroy, that the objection was waived and that is how the Punjab obtained a footing in Simla. But, Sir, those considerations have ceased to exist now. In the words of the Government of India (Lord Curzon's Government) (I am reading a portion of the despatch which they submitted on this point)—'The situation has now been entirely changed; the frontier has been severed from the Punjab and has been equipped with an administration of its own. The solitary reason for the summer location of the Punjab Government at the seat of the Imperial Government has, therefore, ceased to apply. If there were still validity in it, it would furnish an argument not for retaining the Lieutenant-Governor of the Punjab in Simla but the Chief Commissioner of the North-West Frontier Province in his place.' And the same despatch proceeds that 'even after experience of the new system there were officers of the highest authority who strongly deprecated the change and did their best to get it reversed. Prominent among these was Sir Charles Aitchison, who was Lieutenant-Governor of the Punjab from 1882 to 1887.' 'Apart from any question relating to the frontier it appears to us on general administrative grounds to be undesirable that the seats of the two Governments should be identical for so long a period of the year.' That despatch also quoted the authority of Lord Dufferin who condemned the practice of the Imperial Government and any Provincial Government being associated together for any time. Taking this view, Lord Curzon's Government took this matter up after the formation of the new North-West Frontier Province, and suggested a reversion to the state of things that prevailed before 1878, by the withdrawal of the Punjab Government to some place more suitable than Simla. The Punjab Government was accordingly addressed on 28th June 1901, and it was pointed out to the Lieutenant-Governor that, as the chief reason for the location of the Punjab Government at Simla had ceased to exist, its continued residence there involved the following disadvantages: firstly, that it tended to detract from the position of the Lieutenant-Governor as the head of the province; secondly, that where there was any separation of antagonism of interests it was not unlikely to produce friction rather than despatch in the transaction of business; and thirdly, that it added to the growing difficulties connected with the population of Simla and prospective congestion of the station. The then Lieutenant-Governor of the Punjab, Sir Mackworth Young, opposed this proposal strongly, but his successor Sir Charles Rivaz entirely differed from him and supported this proposal. The result was that a Joint Committee of the two Governments, the Government of India and the Punjab Government, was formed to report on this matter and to select a site for the location of the Punjab Government in the summer. The Committee selected Dalhousie which was much nearer to Lahore than Simla and estimated the cost of removal to be 24 lakhs 25 thousand rupees. The Government of India thought that the estimate erred on the side of excessiveness, but they forwarded the report which had been accepted by the Lieutenant-Governor of the Punjab to the Secretary of State urging strongly that the recommendation should be accepted. Lord George Hamilton was then Secretary of State, but was soon succeeded by Lord Middleton (then Mr. Brodrick), and it was he who dealt with the despatch. He did not see his way to accept the recommendations of that Committee that the congested state of Simla was a strong ground for the transfer of the Punjab Government. The Government of Lord Curzon replied to this by their despatch, No. 14 of 1905, dated the 30th March, and strongly re-urged the acceptance of their proposal; but Mr. Brodrick would not yield, and without rejecting the proposal deferred the solution of the question to a more convenient season, to quote his own words. That is, Sir, how the question came to be shelved. It is a matter for speculation what would have been the fate of this proposal if Mr. Brodrick had not been Secretary of State or if the relations between him and Lord Curzon were otherwise than what they are known to have been. However, that apart, I believe, Sir, that there are very imperative grounds on which the question should be re-examined now. In the first place, in spite of everything that has taken place since the publication of the Joint Report on Indian Constitutional Reforms, one would not be surprised if the ruler of the Punjab in future is not drawn, is not recruited, from the distinguished service of Sir Michael O'Dwyer, but recruited in England. It is obvious then, as was mentioned in the Coronation Durbar Despatch, that it would not be desirable that two noblemen from England, the Viceroy and the Governor of the Punjab should be residing at the same place as every now and again delicate social questions were likely to arise which would not be easy of solution. Then it would hardly be consistent with the dignity of the ruler of the Punjab that in his own province, for Simla is part of the province, he would not be the premier nobleman but only a '*chota lat.*' But the real objection arises from the fact of the congested state of Simla. You have seen that even in its very inception the Government of India objected to Simla being the permanent residence of the Lieutenant-Governor of the Punjab on the ground of congestion. In the time of Lord Curzon this difficulty was further accentuated. Can anybody say the position is better to-day? Can anybody say that there is accommodation enough to meet the requirements? We have the Army Head Quarters, and is it not a fact that they require more room? There are very many new offices in that Department that are going to be started and we must very soon have room for them. Then there is the Munitions Board, and we shall have very probably a Development Board. Where is the accommodation to come from? Then take the case of the Government of India. This Legislature will be more than doubled in a short time. We shall have a Council of State of 50 members, this will require accommodation. In the Legislative Assembly the number of elected members will be more than three times what it is now, they will require accommodation. Then, again, the sitting of the two Chambers, the Assembly and the Council of State will be much longer than it is now. Where is the accommodation to come from? Then take the question of the Punjab. It is going to have an executive Council, the members of the executive Council will require accommodation for residences. There will be more than one or more Ministers, and they with their respective staffs will require residences. With the introduction of responsible government in this country the sittings of the Punjab Legislative Council will not be confined to the cold weather sittings when the Government goes to Lahore. This question of accommodation cannot be solved if the Punjab Government is to continue in Simla. I am afraid a good deal of discontent has been caused by certain whole-sale land acquisition proceedings. The other day the Hon'ble Mr. Mant told us that the Government of India was not aware that there was any general feeling of indignation on the part of householders all over the country. I have read a different story in the newspapers and I have heard that the action of the Government of India has been compared to that of a highwayman with a pistol. I asked Mr. Mant about the case of a gentleman who offered to pay Rs. 15,000 to the Government if he were allowed to retain his property, or in the alternative, he asked the Government to put it up to auction. Neither proposal was agreed to by the Government of India. If, Sir, the Punjab Government is to remain in Simla, these difficulties will become far more aggravated. I am surprised that the Hon'ble Mr. Mant said that there was no discontent on the part of the public. Knowing human nature, I say that when people see high officials of the Government of India occupying palatial residences at a trifling rent, it is hardly likely that they will look with indifference at this prospect. I submit that the position is one which is serious enough to call for attention. I will quote a passage from Lord Curzon's Despatch in which he says:—

'The officers in the Punjab Service will regret the loss of the advantage which they at present enjoy in being brought directly under the notice of the Supreme Government.' It goes on to say: 'There are many Punjab officers who will regret the loss of the superior social amenities and amusements which they enjoy at Simla, and the wider opportunities that it offers for cultured existence, as compared with the necessarily more restricted range of thought, interest and entertainment that is provided by a provincial hill station of the ordinary type.' This may be freely conceded, but it is a case in which, as Sir Charles Rivaz has observed, 'personal must give way to the public interests.'

"Finally, one word as to the financial aspect of the matter. I say in the long run there will be no financial loss involved to the Government if the Punjab Government is transferred from Simla. The Government of India has embarked on a policy of building operations which will involve a heavy sum of money. This might be profitably diverted. All the money could be devoted towards starting a new hill station; this would not only relieve Simla of the expenditure in further expansion, but prevent a costly experiment and it will avoid land acquisition proceedings, present and future.

"I do not think I need detain the Council any further, for in my humble capacity I associate myself with the weighty arguments of the Government of India. If this Council sees fit to reject my Resolution, it will be demolishing the case of the Government of India, not mine."

The Hon'ble Major Malik Sir Umar Hayat Khan :—" Sir, Simla is a District of the Punjab and thus under the Punjab Government. The Punjab Government has made its home on its own territory. 11-37 A.M.

"The Government of India has encroached upon the Punjab Territory to visit the place and are now welcomed in their home.

"The Punjab Government are not in Simla but are in Chhota Simla. They are in a remote corner from which our Hon'ble Mover wants to throw them down the precipice. I do not know how he would like if I walked to his home and told him to shift, leaving the house and property. If there be a question of Simla being over-crowded, there are miles and miles of uninhabited hills round Simla where extension could be effected and railway and water-supply extended. If it is meant that the Punjab Government should shift because it is the Punjab Government, then I hope the Government of India will not forget the services the Province has just performed in the World War and at the Frontier. The Punjabis will feel very much offended if anything was contemplated in this direction.

"Our Province has given the chance to many speakers from other parts of India to be able to say that 'we have made sacrifices and we have shed our blood for the Empire' though they have not got much connection with the Soldiers of martial classes which have borne the brunt of the struggle, and they should not be so unthankful as to ask us to leave our home in return.

"I will now touch another aspect and that is the expenditure. Apart from the expenditure incurred in the war and recent troubles, the country has gone through hard times as mentioned by His Excellency the other day. No proposal should be entertained which will impose on the Punjab the fresh burden of building on another hill station, because that would have to come from the pockets of the Punjabis and not from those of the other Provinces. It might be said, why should the Government go to the hills at all? I now and then come across criticism of a handful of men in England not knowing the climatic conditions of India, who say that no Government should go to the hills. I wish they could come and work one year in the plains and the following year on the hills, and they would soon find the difference in the outturn of work. All public servants are paid out of Indian revenues and in return naturally India wants the maximum work out of them.

"The Englishman cannot be expected to do his best when the temperature runs from 120° to 126° in the plains. I wish the Hon'ble Mover had been with me this hot weather at the Peshawar Front. He would have seen that even people of the country were suffering very severely ; and his output would not have come up to what it is now; which is about three-fourths that of the whole of the Council business.

"Sir, as the bulk of the Indian Army is recruited from the Punjab, it is absolutely necessary that its Government ought to be always in close touch with the Army Headquarters. When there was a great demand for the recruits and the Provincial Recruiting Board used to convene its meetings at Simla many distinguished officers from Army Headquarters could attend and help us without any hitch in carrying on their ordinary routine work.

"When question after question is being hurled at the Punjab Government's head its Headquarters at Simla for supplying information would have been of great value.

"Then, Sir, there has been a criticism on His Honour Sir Michael O'Dwyer's last speech. That was the time when we tried to get as many men as we could and tried to buck them up for fighting. It was to please the Punjabis who were shedding their blood that Sir Michael O'Dwyer delivered that speech, so that the other provinces may also come up to their pitch, and I think if during the war such a speech was made, it was for the good of the Government as well as for the good of the war which was then being carried on.

"Then, again, it has been said that the Punjab Government was called here on account of the troubles at Kabul. Well, when there was trouble this time in the Punjab it also caused troubles in Kabul on account of certain people, and if these troubles occur in future on account of the political propaganda which is carried on by certain people, then, I think, it is all the more necessary that the Punjab Government should remain where the Government of India remains. With these few remarks I hope the Council would vote against the Resolution."

11-43 A.M. **The Hon'ble Sardar Sundar Singh Majithia:**—"Sir, I am sorry I have to oppose my Hon'ble friend's motion. He thinks that the connection of the Government of the Punjab with the Government of India is unfair to other provinces. I would not say anything, but I hope he is not jealous of us and wishes to take the Government of India to his own province. If he were, I am sure the Government of India would not like to go into the heavy rains that his province gives.

"Then he said further on, that His Honour the Lieutenant-Governor, as head of a Provincial Government, was the only Member on this Council. I think he forgets that when the Government of India goes down to Delhi, the Chief Commissioner of Delhi is also a member on this Council.

"Then he said that Murree used to be the headquarters of the Government of the Punjab when my Province was called the North-West Frontier Province. Does he think that now that the Punjab is not so styled, it has lost its claim of a place in a part of its own Province and should not be near the Government of India so as always to be at hand, as my Hon'ble friend Malik Sir Umar Hayat Khan said, to give the necessary information and assistance to that Government ?

"One thing more. My friend Malik Sir Umar Hayat Khan said that Simla being in the Punjab we are in our own homes. I would remind my friend of the story about the old woman and the camel in Æsop's Fables. I hope with due respect to the Government of India, I do not mean to say that the Government of India is going to act like the camel towards us in the Punjab, but my friend does wish the Government of India to so act and turn us out from our home. That is not the way in which we Punjabis would like to be treated.

"He said further that the Secretary of State threw out this proposal and he gave the reason that perhaps it was due to a difference of opinion between the Secretary of State and the then Viceroy of India. I do not know what the real facts of the case are. Perhaps he has got more information on this point than I claim to have.

"Then he referred to delicate social questions. I am afraid I cannot understand what he means by this. Does he mean that the Punjab Government or the Head of the Punjab Government has not given the chances of enjoying the delicate social associations in their own homes? I hope that is not his meaning. But if he means something else, I am afraid he has not explained his point.

"He further said that after all the Head of the Punjab Government is called in Simla as the Chota Lord Saheb. Surely, as Head of the Punjab Government, he is the Chota Lord Saheb, and if to-day he asks the Chota Lord Saheb to go out of Simla I hope he will not ask the *Jangi* Lord Saheb to go out next. Perhaps that may not be convenient. But if to-day he asks the Chota Lord Saheb to go out of Simla, his next move would, perhaps, be to ask His Excellency the Commander-in-Chief to leave Simla on account of congestion and to find some convenient quarters somewhere else. My friend's suggestion might perhaps come later though I am not a prophet in this respect.

"Further, my Hon'ble friend said that on account of congestion many offices have to be built. My friend forgets that there is a scheme of extension which has been under the consideration of the Government of India. With the room that is available round about, I hope it will be possible for the Government of India to provide accommodation for all and every sort of offices that may be created. With regard to the additional members in the Punjab Executive Council, I do not think we will have more than one, and surely the accommodation required for the Executive Member and the Minister,—only two officers—should not be grudged, and I hope my friend would not grudge it.

"Again, he referred to the financial circumstances. In his opening speech I think he said something about the estimates prepared in Lord Curzon's time amounting to something like 24 lakhs and 25 thousand, but beyond quoting that figure he has not given us any other idea as to what he thinks the cost would be under the changed circumstances. Everybody who knows the circumstances in the country knows full well that the cost of building has more than quadrupled compared with what it was in the olden times, and perhaps if I take the figures as he gave them from the statement 24 lakhs and 25 thousand, it will considerably be much more than what the finances of the Punjab would be able to bear after this war.

"I therefore hope, Sir, that the Council would not see their way to accept the suggestion which has been made by my friend."

The Hon'ble Sir William Vincent:—"Sir, the Hon'ble Mover has not been very fortunate in securing support from the province of the Punjab which is directly interested in the Resolution, but, at the same time, I do quite recognise that this is not entirely a provincial matter, but a matter of Imperial importance in a certain sense. But, in this connection, I should like in the first place to draw the attention of the Council to the wording of the Resolution:—'This Council recommends to the Governor General in Council that Simla should cease to be the summer headquarters of the Punjab Government.' There is no suggestion anywhere that an inquiry should be made, that local opinion should be ascertained or the matter locally investigated. This Council without having an opportunity of examining the facts with any care is asked to arrive at a summary decision on a change which is one of very great moment. 11-50 A.M.

Such a course will not, I think, readily commend itself to Hon'ble Members. The Council has been told that this question was examined at great length in 1903, and it is correct to say that Lord Curzon's Government, both then, and I think, in 1905, recommended that the Punjab Government should be moved from Simla, and that Simla should be made, as it were, an Imperial enclave. That proposal was carefully considered by, I think, two successive Secretaries of State, or by one Secretary of State on two separate occasions, and it was deliberately rejected for reasons which are known to the Mover. The Hon'ble Member asked me some time ago to place at his disposal the correspondence between the Government of India and the Secretary of State on this matter and I did so, but he has not, I think, mentioned the reasons which led the Secretary of State to reject the proposal, and if any other Members of this Council wish to have the papers, I shall be pleased to place them at their disposal. Briefly stated, the reasons were (I put them very briefly) that there were certain political advantages in having the headquarters of the Local Government and that of the Imperial Government in the same place; that the disadvantages arising out of such an arrangement were much over-estimated; that any form of administration by the Central Government of a small territory was inadvisable and very expensive, and that the population of Simla was then about 30,000—I will correct the figures if I find I am wrong—and that it would be reduced by 2,000 only if the headquarters were removed, so that any relief afforded to the congestion of Simla would be temporary and the expenditure would be far greater than the advantages to be derived, justified. Well, the question was again examined incidentally in 1917 by a Committee up here, and then again, I think, the Committee decided not to make any specific recommendations on the point, although they left the question open for discussion should necessity arise, and that is, I think, the present state of the case. I think the Council would do well if they left it there. Should necessity arise for reconsidering this question, then it can be re-opened at any time. But if it is proposed to make Simla, as it were an Imperial enclave, I should warn the Council that the recurring expenditure would be very considerable. We know from our experience of Delhi that the arrangements there are perhaps more expensive than in any administration in the whole of India. I think also that the Council will agree that, before a Local Government is prohibited from having its headquarters at any place it chooses within its own territories, and at a place particularly where it has been firmly established for many years, very cogent reasons should be given.

"I now turn to examine the reasons given by the Hon'ble Member for this change. Some of them were of considerable value, but others were clearly not of that character. His first argument is that because the Durbar Despatch discusses the question of the headquarters of the Local Government and the Imperial Government being in the same place, and finally decides that such a state of affairs is open to objection, therefore it must be bad. Well, Sir, I am afraid that if the Durbar Despatch, the despatch of 1911, were exposed to public criticism, it would be found that many of the arguments in that despatch would not be accepted by persons of authority in the country. I am not referring to Government officials, but to the non-official community, although it is possible that some Government officials, even if they were allowed an opportunity of expressing their personal opinion, would have doubts on the benefits which were claimed for the move. The second argument for the proposal was that it was said His Honour the Lieutenant-Governor was a member of this Council and that this was open to objection. I venture to suggest that we derive great assistance from the presence of His Honour, and I think there are few Members of this Council who do not welcome the presence of Sir Edward Maclagan here now. A reference was then made to a speech by Sir Michael O'Dwyer some years ago. Sir, I cannot but think that that was a most unfortunate reference. An incident which has been closed now for some years is dragged in without any reason in this Council on the pretext that it would justify the removal of the Punjab Government from Simla. If, Sir, that is the only reason for the removal of the Local Government that the Hon'ble Member can give, I think the case is a very weak one. It is true that there may be a difficulty in future with an officer of the status of a Governor in this Province, and that will be a matter for consideration, but I ask the Council not to urge the Government to come to an immediate decision on a question of this magnitude and importance on the information now available.

"The most cogent reason for moving the Punjab Government from Simla is, however, really the question of congestion, but when I came to inquire into details of this congestion, I found exactly what, I think, was said by one of the Hon'ble Members from the Punjab, that the number of houses occupied by officials from that Province is so small, that really it would make little difference if they were moved. The total number of officers employed by the Punjab Government, from the figures I have been able to collect, is 137, including 82 Indians, and they occupy 14 houses only. The congestion in Simla is mainly due to the occupation of houses by non-officials, who as a matter of fact occupied 72 houses here in 1917. This congestion is, however, now being removed and has been partly removed already by the erection of new residences. I do not want to weary the Council by a long list of figures, but they may take it from me that new accommodation is being provided both for Government of India officers at 'Craig Dhu,' 'Bemloe,' Summer Hill and at Dhar, and also for Punjab officers at the other end of Simla. That there has been congestion in the past is certainly true, and our attention was very strongly drawn to it last year when there was this outbreak of Influenza. From that time and before that time, but particularly from that time, the process of removing that congestion has been steadily pursued, and I would invite the Hon'ble Member to go down to the places I have mentioned, where he can see for himself the additional accommodation that is being provided both for Europeans and Indians.

"There is one other point to which I ought to refer and that is, the question of expense, because that is a very pertinent question for this Council to consider. The Hon'ble Member has not made any suggestion, as far as I was aware, of any definite place to which the Punjab Government is to be removed. He did say that it was proposed in one of the older despatches that they should go to Dalhousie, but he did not, as I understand, endorse that proposal in this Council himself. In fact his proposals are of a very vague nature and were described by the Hon'ble Malik Major Sir Umar Hayat Khan as proposals to push the Punjab Government down the khud without telling them where they were to go.

"Returning to the question of expense, the cost of moving the Government of the Punjab from this place has been estimated. The estimate then was in 1917 35 lakhs without any railway to the new headquarters; the price of materials has probably gone up since then. And we know that, when buildings are made, they always cost considerably more than the estimates. I think therefore that the Council would not be wrong in saying that the cost would be at least 50 lakhs, without any railway communication. Further, if the Local Government of a province, of this importance, is to be in touch with the rest of the province, I think it will be admitted that railway communication to its summer headquarters is an absolute necessity. If railway communication is given to a site even close to Simla, the estimated cost is Rs. 124 lakhs. That is a figure which, I think, will give Hon'ble Members of this Council to think before they lightly decide summarily to evict the Government of the Punjab from Simla. The view of the Government of India is that this question should be left open. Should it be necessary to reconsider it at any moment, they would be prepared to do so, but they must quite definitely and firmly oppose the specific Resolution proposed by the Hon'ble Member."

12 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—" Sir, we are glad to recognise that the Hon'ble the Home Member is conscious of the fact that this question is really one of Imperial importance, and, I think, the suggestion that he has made, namely, that it should be left open, is worthy of commendation. But may I also say, Sir, that my Hon'ble friend, Mr. Chanda, was right in bringing up this proposition at this stage, because something will have to be done definitely before large expenditure is incurred by way of building Council Chambers, residences for new officials and so on, if the Reform Scheme should come into operation. I believe that the general expectation is that the Reform Scheme would come into operation somewhere next year, and, if the Councils are to meet then, it stands to reason that some definite solution must be found at an early date. So that the question as to whether the Punjab Government should go on building for their officers and for their Councils along with the Government of India, or that the Government of India should think of going somewhere else is a question which, I think, should be settled soon once for all. That is the reason why I think my Hon'ble friend Mr. Chanda was right in bringing to the notice of the Government and the Council this important question at an early stage. Then, Sir, we have another reason, because this proposition has got some bearing upon another Resolution standing against my name, namely, that it would be desirable in the public interests that the Government of India should choose some permanent headquarters where they could stay throughout the year. Well, I am not going to anticipate what may be said on that Resolution, but it is arguable that, if the Government of India were to be permanently located at one place, it may be that the decision would be in favour of Simla then only; and if the decision should be that the permanent headquarters of the Government should be at Simla almost throughout the year—although it is hardly likely that that would be the decision—in that event, in that contingency, I think my Hon'ble friend's remarks would have additional weight, because I think, if the Government of India should choose Simla for residence for the greater part of the year, or throughout there is no room for the residence of two Governments here. But I think it is as well that we should assume that the present conditions of things will continue. Assuming that the present state of things will continue, and that Simla happens to be the summer headquarters of the Government of India, then the real point, Sir, is as to whether, from the administrative point of view as well as from the point of view of convenience, it is desirable that the Punjab Government should have the same headquarters as the Government of India. I think, from the administrative point of view, the decision arrived at in 1911 has much to be said in its favour. Recent events have, I think, only emphasised the wisdom of the decision that was come to in 1911. My Hon'ble friend, Major Sir Umar Hayat Khan, says that the Punjab consists of very inflammable material. Well, let us take it that that is so. If that is so, I think it is all the greater reason that the Government of India should be at a distance so as not to be associated so closely with the doings of the Punjab Government, and I think in the interests of the rest of India it is desirable that it should be so. May I point out also, Sir, that it would be extremely convenient to have an Imperial enclave as at Delhi, for the simple reason that the people of the other provinces would have a greater chance of coming to the Imperial headquarters without any interference, without such interference, as was the result of recent troubles and panic. Recent events have emphasised the importance, from the administrative point of view, of the decision of 1911, and I think much can be said in favour of the Resolution of the Hon'ble Mr. Chanda on that ground.

" Then again, Sir, could it be contended really that it is desirable to have two Council Chambers here and that place can be found in Simla for 50 or 60 non-official members of the Punjab Council and 100 or 125 non-official and official members of the Imperial Council, let alone the extension of the offices and so on which would have to be provided under the new scheme? It seems to me absolutely impossible to locate conveniently so many members in this place, and the Councillors would necessarily have to come here. Well, Sir, the question will have to be faced immediately, and I think the cost mentioned, 125 lakhs, will pale into insignificance when future interests have to be taken into consideration.

"Sir, may I say one word with regard to the constant introduction into this Council of the quality of the Punjab citizens and the quality of the rest of the citizens of India? We are all proud of the bravery of the martial races inhabiting the Punjab. We feel that we are one with them, and we hope that that feeling is reciprocated by the Punjabis, although it does not seem to find any acceptance at the hands of my Hon'ble Colleague, the Hon'ble Sir Umar Hayat Khan. I make bold to say that we from other Provinces of India have conquered the Punjab and have established British sovereignty in India, and there are as brave men, as bold men, as courageous men, as strong men physically in the rest of India as can be boasted of by the Punjab. And, Sir, I hope, therefore, that these pretensions will not be very often made because they are hardly in good taste, let alone being provocative.

"Then it was said that if there is to be propaganda of the character that has been indulged in recently, it is as well that the Punjab Government should be near the headquarters of the Government of India. That is just the trouble, and the Government of India has unfortunately been gravely misunderstood by its being so closely connected with the recent doings in the Punjab. I dare say, if the two Governments were at a distance and communications between them had to be carried on by correspondence and not by private conversations, better control might be exercised by the Government of India. Therefore, for that reason also, I think it is desirable that the headquarters of the two Governments should not be the same. I do not see any reason why there should be an importation of so much feeling by the representative of the Punjab or on the part of the representative of any other province.

"The question is one of a purely business-like nature. It is not a question of anybody asking the Punjab Government to shift from Simla which is legitimately their own. It is a question as to which place should be the headquarters of the Punjab Government for the convenience of the people in general. It would be intolerable if under the *regime* of the new Councils the headquarters of the Punjab Government were not in a place where the Government would be in touch with public opinion with the greatest commercial men and with the best elements of society, but far away from them for six months in the year."

The Hon'ble Mr. R. A. Mant:—"Sir, I only rise to answer a question put to me by the Hon'ble Mr. Chanda regarding the purchase of certain houses in Simla. I do not quite know what the incident has to do with this Resolution; but in case his remarks may give rise to any misconception I think it is well to state the facts. The facts are simply these. The houses referred to were the joint property of two owners. One of these owners authorised the other to treat with Government. The Government made to him what they considered to be a fair offer and he accepted it on behalf of both owners after consulting his partner . . . . . 12-10 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"May I rise to a point of order, Sir? Is it relevant to go into the details of the transaction when speaking with reference to this Resolution?"

The Vice-President:—"Certainly. It is in answer to the Hon'ble Member's question."

The Hon'ble Mr. R. A. Mant :—"It is only because the Hon'ble Member asked the question, Sir, that I wished to give him the facts. Well, the partner then came forward and offered to buy the houses back from Government at a higher price. The Government did not accept this offer because they had bought the houses for a public purpose and not as a speculation The Government were also asked to put the houses up to auction in order to ascertain their true value. Surely the Hon'ble Mr. Chanda does not contend that an auction in such circumstances would result in genuine bidding. If the owners in this or any other case are unwilling to accept the offer made by Government, it is open to them to get a regular award under the Land Acquisition Act."

12-13 P.M. **The Hon'ble Pandit Madan Mohan Malaviya :**—"Sir, it is rather surprising to see the attitude taken up by the Hon'ble the Home Member. He suggested that the Hon'ble Mr. Chanda should be content and advised the Council to be content not to press the question to a decision now and leave it open for consideration by the Government at such time as they may think fit He then went on to remark that he was very definitely and firmly opposed to the Resolution. Now, Sir, that I think leaves the question in a rather awkward position. Are members to understand that the Home Member speaking on behalf of the Government of India has made an informal pledge that this question shall be reconsidered by the Government of India ? Or does his stout opposition mean that the question will be shelved indefinitely ? I want an answer. If the Government of India will say, as the Hon'ble Member's remarks indicated, that they recognise the importance of the question raised by Mr. Chanda, that they recognise that the arguments, the reasons are on the side of Mr. Chanda, and that light, criticism and what, I shall not say more, is on the side of Sir Umar Hayat Khan and other members, then if he does recognise it, he should say to the Council that the matter is going to be considered by the Government of India at an early date. If that is not to be, then, I think, the Council ought to press the Government of India to take up this question for consideration at an early date, because from all that the Hon'ble Mr. Chanda has said it is obvious that the question needs reconsideration. In 1903, as the Hon'ble Mr. Chanda pointed out, Lord Curzon's Government in a very able despatch dated the 24th September, 1903, gave many reasons why the Punjab Government should be transferred from Simla to Dalhousie. In concluding that despatch the Government said :

> 'In conclusion we desire to press upon your Lordship's consideration the desirability of finally settling the question that we have submitted to you at the present time. It may confidently be predicted that if this occasion be lost, it will never again recur' (There they were wrong). 'The special justification afforded on the one hand by the removal of the Frontier from the administrative charge of the Punjab Government, and on the other by the impending opening of the railway will not again arise. and public opinion will not, therefore, be so generally favourable to the change ; while the cost of removal will tend to become greater, if not insurmountable, since the Punjab Government is constantly adding to the expenditure for which it would, as now, demand an equivalent in the event of transfer. Moreover, as Simla grows larger and the congestion becomes more serious, we shall incur the reproach of having thrown away the one great opportunity presented to us of reducing the dimensions and therewith the gravity of the population problem with which we are already confronted. We accordingly commend our proposals to your Lordship as politically opportune and administratively advantageous, while in their financial aspect they are not only as economical as it has been possible to make them, but also most moderate in relation to the public benefits which they may be expected to confer.'

That was in 1903. Now, it is unfortunate that the Secretary of State who had to deal with this matter could not recognise the wisdom of the recommendations, and the matter was shelved. But, Sir, many events have happened since then. Calcutta has ceased to be the capital of the Government of India. Delhi has become the nominal capital and Simla has become in a larger sense the capital of India. The Government of India spend more time in Simla now than they used to do before, and Delhi is really the winter camp of the Government of India; they go there as they would go to any other place for a few months' stay. Now that is one important consideration which has arisen. In addition to what my friends, the Hon'ble Mr. Chanda and the Hon'ble Mr. Sarma have said, there is the fact that these reforms are certain to come. Some men may not like it, but they are certain to come, and with the reforms will come a very great expansion of the requirements of Government for the purposes of carrying on the administration of Council. Secondly, there is the need for letting people live a little more freely here and not being compelled every year to undergo much inconvenience in finding house accommodation when they come to Simla, not for the sake of pleasure, but to serve their King and country. Many people are being put to much inconvenience, and it would be intolerable if this inconvenience is allowed to grow and suitable steps not taken to remedy it. Those are the aspects of the question so far as the transfer of the Punjab Government's summer headquarters is concerned. There is one other matter which I may mention. It is undoubtedly a fact, without referring to any individual, it is undoubtedly a fact, that the very close association of the Government of India and the Government of the Punjab is sometimes a great disadvantage to the people of the Punjab. The people of the Punjab do not get that justice that they might otherwise get in certain circumstances if the Government of India and the Punjab Government were not in the same place together; and recent events have confirmed the apprehension of these people on this point. Next, the advantage which the people of the Punjab may derive from the headquarters of the Punjab Government being at a hill station are denied to them. Go to any other provincial hill station and you will find a number of gentlemen of the province spending a fair portion of their time at the summer headquarters of the Government. I do not know that the people of the Punjab enjoy the same benefit to the same extent that people of other provinces do. The Government of India elbow out the Punjab Government to a certain extent.

"For these reasons I think, Sir, that it is eminently desirable that at this opportunity which is another very favourable opportunity for reconsideration of the question the whole matter should be reconsidered. That was one opportunity when Lord Curzon urged the settlement of this question. It was unfortunately lost. Here is another opportunity arisen on the eve of the introduction of constitutional reforms and changes which will affect both the Government of India and the Punjab Government. Even if these changes were not in sight the problem would press for consideration and solution; but with these changes almost certain to come—not almost, but quite certain to come—it is time that the matter were taken up and considered in a judicial spirit. Of course the opinions of some people may have to be dealt with rather lightly; but no real reasons, considerations of any weight should be ignored by the Government in weighing the question, and I have no doubt that when the question has been weighed, it will be recognised that the recommendation made by the Hon'ble Mr. Chanda has a great deal more weight on its side than can be urged against it. It may not be a pleasant thing to contemplate for some of our friends who are very closely attached to Simla, that the Punjab Government should cease to have its headquarters here. It may be that there will be disadvantages in that respect. On the other hand, the Punjab Government and the Punjab people may find that they are better off than now if they have a summer headquarters of their own. The matter ought to be considered, as I say, in a calm and judicial spirit, and when it is so considered, I have no doubt that the conclusion which will be arrived at will, speaking personally—it may be venturesome to predict—but I venture to think that the conclusion which will be arrived at will be in support of the proposition moved by Mr. Chanda rather than against it I, therefore, ask the Hon'ble the Home Member to say definitely whether the Government of India agree that this matter shall be taken up and considered at a suitable time. If he says it will, then the Hon'ble Mr. Chanda will be right in not pressing his Resolution. If the Hon'ble the Home Member tells us that the attitude of the Government is one of opposition to the Resolution, then I think the Council will be better advised to vote in favour of it."

12-23 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"Sir, when I came to the Council this morning, I came with a perfectly open mind. I came to listen to the debate on this Resolution and to profit by it and then to form my conclusions on the subject. Personally I should be sorry if the headquarters of the Punjab Government are removed from Simla, for I have often enjoyed the hospitality of Barnes Court, and being rather partial to the good things of life, I should be very sorry to lose that prospect. But this is not a matter which can be discussed from the personal standpoint, whether of a particular individual, or of a particular Lieutenant-Governor, or anybody else. It is, as the Hon'ble the Home Member has said, an imperial problem and it should be judged from that standpoint. Having heard the debate carefully and the past history of this matter, as unfolded by the Hon'ble Mr. Chanda from the despatches of the Government of India, it appears to me that there is a good deal to be said in favour of the proposal. But here, Sir, may I be permitted to say that I desire to protest against the spirit which the Hon'ble Major Malik Sir Umar Hayat Khan, Tiwana, imports into the discussions in this Council, when any matter that concerns the Punjab comes up. He says to us: 'Oh, you are nobodies, we Punjabis are the only people concerned, we shall say what we like, you are outsiders' and so forth. He said the same thing when the last debate on the Punjab Committee was on. But Sir, I desire to point out that in this Council when we are discussing Imperial problems, every member, no matter from what province he comes, has an equal right with the Hon'ble Major Sahib to express his opinions . . . . . .

The Hon'ble Major Malik Sir Umar Hayat Khan:—"Sir, I desire to ask if these personal matters are relevant to the Resolution that is being discussed?"

The Vice President:—"The Hon'ble Member must not be thin-skinned. He has provoked the retort."

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, I think we all have an equal right to express our opinions. It is not a question—as the Major Sahib said—of throwing the Punjab Government down a precipice. He referred also to certain things which Sir Michael O'Dwyer had done to 'buck up' the soldiers. I do not want to say a word against Sir Michael O'Dwyer, for so long as we have here in our friend the understudy of Sir Michael O'Dwyer, the late Lieutenant-Governor, it is not necessary.

"I have given very careful attention to the remarks of the Hon'ble the Home Member and, I think, he conceded that this matter deserves very careful attention. As regards the question of expense, this is a point on which the Government of India are most ingenious. The Government of our country easily find a thousand excuses for carrying out what they like, and they as easily find a thousand excuses for not doing what they do not like. When they wanted to remove the capital to Delhi and to spend crores of rupees on that project, they found good excuses in the famous Despatch of 1911. I was surprised to hear Sir William Vincent say that many of the premises and conclusions of that Despatch would not be accepted by non-officials and even by several officials . . . . . .

The Hon'ble Sir William Vincent:—"I said if officials were allowed to express their personal opinions many would not take the view that the reasons given for the transfer were convincing. I am not suggesting that this is my opinion."

The Hon'ble Mr. Sachchidananda Sinha :—" Sir, it seems to me that the question of expense is not of such great importance. The sum of 35 lakhs is, it is true, a large one, but the Government of India have vast resources at their disposal, and if this scheme is to be carried out they could easily find this money. Therefore, I am not deterred by the prospect of the financial liability that will be incurred in carrying out the scheme. The question is this—is it or is it not desirable that the Punjab Government should be kept at Simla ? If it is undesirable that the head of a Provincial Government should be kept at the headquarters of the Government of India, then, I think, the question of 35 lakhs should not matter at all. I have no desire to traverse the ground covered in the previous speakers' speeches, but I will only mention one small matter. I was talking to a friend the other day and I said ' His Excellency '. He said :—' His Excellency ! why which of the two do you mean ?' Now, if there is going to be a third ' His Excellency ' in Simla, this will, I fear, cause much confusion in various matters—if not confusion worse confounded. We have asked the Government to declare their opinion on this Resolution unhesitatingly, and I hope the Hon'ble the Home Member will, in view of our expression of opinion, be pleased to give us a more suave answer than he did on the occasion of the debate on the Punjab Committee. The replies given by Sir William Vincent show that he takes up generally a very unbending and unrelenting attitude. I do not say that he does so wilfully or perversely, but I do say that the impression left on our minds by his attitude on previous occasions, is one of non-possumus. The other day, when I said that his attitude on the Punjab Commission was one of non-possumus, he seemed to resent the language and protested against it, but we cannot help characterising it as such. I hope the Hon'ble the Home Member will give us a more sympathetic answer to-day, and we may then ask Mr. Chanda to withdraw his Resolution."

The Hon'ble Sir Zulfikar Ali Khan :—" Sir, as a Punjabi and as one who has some vested interests in Simla I feel I cannot refrain from taking part in the debate on this Resolution. My Hon'ble friend the Mover has no such idea as that he will derive any good from this Resolution. I think it is rather a spirit of peevish discontent characteristic of the times that is responsible for the pulsating upheaval of his physical forces. 12-29 P.M.

" Now, Sir, in determining the merits of such a Resolution as this, the foremost consideration is the financial one. Although I believe that he cherishes the best ideas, yet the best ideas are poisoned by considerations of financial stringency. Previous speakers have alluded clearly to this difficulty but have not, as far as I am aware, shown any way out of it. I think the removal of the Punjab Government from here to some other hill station will involve prodigious expenditure. It may approximately come to something like a crore and a half.

" Now, Sir, in view of all sorts of schemes for education, for sanitation and the like, is it possible for us non-official members to propose such fanciful schemes which involve a crore and a half on account of the move from Simla of the Punjab Government to some other station ? I must say that this shows a lack of perspective on our part. If we have to request the Imperial Government for grants for education, for sanitation and the like, we must keep in view that the resources of the Imperial Government are not unlimited, and for this purpose I do not think the Hon'ble Mover has shown any source from which this expenditure could be derived.

" Sir, when the Imperial Government moved from Calcutta to Delhi, we all remember that public opinion practically all over India was opposed to it, and the sentiments of the people were confirmed by frequent and persistent rumours which were floated as to the return of the Imperial Government to

Calcutta. This is a fair indication of the sentiments of the people. I know that the Government of India are anxious to create an atmosphere for themselves, but I do not think that even they want to be exclusive. The Hon'ble Mover would create a sort of solitude for them where they can certainly have some sort of spiritual rest and peace, but does he mean to put them in an air-tight compartment where no provincial voice could reach them? When the Viceroy's Executive Councillors sent that despatch of 1911 regarding the Durbar, they scrupulously abstained from making any mention of the Punjab in their despatch, although, I believe, they were aware all the time that they had to live for about half the year with the Punjab Government at Simla. Now, Sir, if they had realised any inconvenience on account of our presence here, I think they might even then have solved that question, but as they did not feel any such inconvenience, I daresay they did not want the Government to leave the Punjab.

"Now, Sir, apart from other æsthetic reasons, we Punjabis feel that when we come to Simla we have opportunities of meeting such cultured and refined people as come from other provinces, and it has a great civilizing influence on us, and although, according to them, the dusty wisdom of the Punjab is rather questionable, we feel that the breath which comes from them shall shake off that dust from us. It is here that we meet and know about politics which guide the sentiments and interests in their provinces, and it is here that we have opportunities of mixing and talking with them, and would these people, for whom we have the greatest respect, deprive us of that advantage? Sir, on account of this Resolution there is already a good deal of speculation going on at present at Dalhousie with regard to house properties. I wonder if the Hon'ble Mover has any hand—I fear to mention it, Sir,—I wonder if he has any hand in that.

"My friend the Hon'ble Mr. Sarma said that when the Punjab was conquered it was conquered by people from other provinces. I think he ought to study history a little more and know the facts more clearly. The facts are these, that the Punjab was conquered by its own people . . . .

The Hon'ble Sir William Vincent:—"May I rise to a point of order? I submit we are straying very far from the subject-matter of this Resolution."

The Vice-President:—"I hope the Hon'ble Member will come back from history to practical politics."

The Hon'ble Sir Zulfikar Ali Khan:—"Well, Sir, I am only replying to the argoments alluded to by the previous speakers, and if I am allowed to reply to them I will proceed further . . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"I agree that the Punjab was conquered by the Punjabis helping the others."

The Vice-President:—"We will leave the question at that."

The Hon'ble Sir Zulfikar Ali Khan:—"Now as regards accommodation at Simla, it is quite clear to everybody that there are so many sites round about Simla which could be utilised for this purpose, and this argument, therefore, according to my opinion, does not hold good. You go in any direction, and you will find so many desirable sites that accommodation for further expansion could be provided. I would not detain the Council any more, but I would say that my friend the Hon'ble Mover does certainly feel actuated by such sentiments as 'do good and throw it into the sea; if the fishes do not see it, God will.'"

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I cannot say that I am at all surprised at the reception, shall I say the warm reception, which this simple Resolution of mine has met with at the hands of my friends from the Punjab. As my Hon'ble friend Nawab Sir Zulfikar Ali Khan said, that in going into this matter I may be mistaken in the view I have taken of it, but I have no personal interest at all in the matter. But I do not understand why my Hon'ble friend should think that my Resolution involves or rather deprives members from other provinces the pleasure of mixing with us. Sir, I may say that wherever the Punjab Government might be situated, those members of this Council, whether from the Punjab or from the Far East, will always have opportunities of meeting one another. I do not see at all why my friend should be under this misapprehension. 12-39 P.M.

"Now as regards the remarks of my Hon'ble friend on my left* to which reference has already been made by my Hon'ble friends Mr. Sarma and Mr Sinha, I do not think I need do more than associate myself with their remarks.

"Before I had the privilege of my Hon'ble friend's acquaintance I knew, from reading the Proceedings of this Council, of which he was a member before, that on almost every occasion he constituted himself as a sort of non-official ally of the Government and spoke on behalf of the Punjab Government. Well, I am sure every member will agree with me that my Hon'ble friend is quite welcome to that position. Of course after the valiant deeds which he has done on the battle-fields, of which we should be proud, I am sure he has got a renewal of the charter which gives him that right. I am sure I need not say anything more on that point. Several things have been said, I do not know if the time will allow me to refer to them, but I must refer in my humble way to the remarks of the Hon'ble the Home Member. In the first place, he has taken exception to the manner of the framing of my Resolution, and has raised the point as to why I did not ask for an inquiry. The reason was this. I think he will pardon me for saying that he was not correct in saying that the proposal of the Government of Lord Curzon was rejected by the Secretary of State. That is not so. What the Secretary of State said was this. In his despatch No. 91, dated 28th July 1905, he said:—

> 'These demands' (the demands to which he had referred) 'will continue to be a burden on your resources for several years to come: and, until they are satisfied, I think that the consideration of the question of creating a new summer head-quarters for the Punjab Government, the cost of which I still think must largely exceed your estimates, should be deferred to a more convenient season.'

"He did not reject, he simply postponed the consideration of the matter, and I simply ask the Council to take it up. It was not necessary, in view of this, that there should be a further inquiry. But I hope the Hon'ble the Home Member, as my friend the Hon'ble Pandit Madan Mohan Malaviya suggested, would give us an assurance that this matter would now be re-investigated in view of the present situation. It was not necessary for me to ask for a further inquiry; all the materials are there. The despatches of Lord Curzon's Government and the two despatches of the Secretary of State contain all the materials which are necessary for a decision on this question, and if further materials were needed, I hoped the Hon'ble the Home Member himself would see that the matter was investigated and these things inquired into.

"Sir, with regard to the proposition that the Government of India and the Provincial Government should not be at the same place, the Hon'ble the Home Member has taken exception to that. I do not know that I am called upon to support that view. At any rate that is the view of four Viceroys. I mentioned in my opening speech that that was the view of Lord Lytton, Lord Curzon, Lord Hardinge. I also referred to Lord Dufferin, but after my recent and disastrous experience in quoting on the 12th I did not venture to attempt to quote, but I will just quote one sentence from that despatch. This is what Lord Dufferin's despatch says ; in paragraph 33 of the despatch of the 15th March 1887:—

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* The Hon'ble Sir Umar Hayat Khan.

> 'That the permanent location of the Government at any presidency-town would be adverse to efficient supervision of the Empire as a whole and would establish a disproportionate influence at the seat of the Government inconsistent with impartial and well-balanced rule.'

" Lord Curzon's Government said : 'this argument applies no less to a hill station than to a plains capital, and that it was both in theory and in practice undesirable that the Supreme Government and a Local Government should anywhere be located in the same station for so long a period as between five and six months of the year.' Sir, I always understood that Viceroys might change, Hon'ble Members and Home Members might change, but the policy of the Government of India remained unchanged. The policy advocated in my Resolution is the policy of the Government of India. The Government of India at that time was unanimous in this recommendation, and I thought that, although it is not the same Government here to-day, the same policy would not be discountenanced. I do not know, Sir, whether the theory that has been propounded to-day by the Hon'ble the Home Member will not be rejected to-morrow by another Home Member. I thought under these circumstances that this question at any rate needed re-investigation according to the decision of the Secretary of State.

" The Hon'ble the Home Member has referred to the question of cost. Of course in a matter like this a layman like myself can hardly be expected to give an off-hand answer, but that is a matter that ought to be gone into by a committee and investigated. I know Lord Curzon's Government thought the estimate of 24 lakhs was an over-estimate, and whatever it may be you have to set off against it the value of the buildings of the Punjab Government in Simla which will be acquired. This will be set off and certainly a portion of the cost will be contributed by the Government of India. Then, as my Hon'ble friend Mr. Sarma says, the question of cost cannot be always a determining factor in large questions of policy.

" Then the Hon'ble the Home Member said that it was not right for me to refer to the speech by Sir Michael O'Dwyer. That speech was made without giving notice to us, and who can say that there will not be another speech another day if the practice continues. That was my justification for bringing it up.

" Then as regards the over-crowding, the Hon'ble the Home Member said a number of buildings are being constructed. I think the despatch which I read, the despatch of Lord Curzon's Government and the despatch of the Secretary of State, agreed that it would be dangerous to have further buildings constructed in Simla as it would make the place insanitary. But where will you find room to build residences for the new Members of Council, I mean Ministers and the Members of the Executive Council of the Punjab and the Hon'ble Members of the Council of State, and so on ? Certainly, you must look ahead. It will not do for you to take it up at the last moment when you find the need has come.

" With regard to the story of the camel and the old woman told by the Hon'ble Sardar Sundar Singh, I think it is not the Government of India that is the camel ; it is the Punjab Government. The Punjab Government was asked to come to Simla and having come, it refused to leave. Therefore it is not the Government of India, but the Punjab Government that is the camel in the story.

"My Hon'ble friend Mr. Mant has replied to my question in regard to the gentleman whose house was acquired. I know that this is not the way to acquire property under the Land Acquisition Act, to offer it for public auction, but what I meant was this. The arbitrary way in which valuations are made was challenged by the gentleman. He said 'you either allow me to retain my property or put it up to auction.' That was a challenge to show that the valuation was too low. I believe the Government answered a question of mine to the effect that the matter had already gone to the Government of India about an appeal from these persons. You artificially, by executive order, prevent the house-owners from increasing the rent of their properties, and after that you acquire them, giving only 15 years' purchase as the value. What has happened in the case of the residences occupied by high officials of the Government of India? Take, for instance, 'Peterhoff.' We saw the other day that it had cost 2½ lakhs. What is the rent you get from that house? Rs. 5,500, out of which I believe Rs. 2,500 goes as Municipal taxes. That leaves about Rs. 3,000. What percentage does it represent? If 15 years' rent is to be the purchase price, would not the rent be increased several times? I refer to that simply for this purpose, that because you have the Punjab Government here you require accommodation, and therefore you arbitrarily acquire houses at arbitrary prices.

"If the Punjab Government is removed from here, lots of buildings would be available and lots of spots would be available for building upon, and this evil need not arise.

"I do not think I need detain the Council any longer. If the Hon'ble the Home Member will be pleased to assure me that the matter can be re-investigated, I will be quite prepared to withdraw this Resolution."

The Hon'ble Sir William Vincent:—"Sir, I am afraid that I hardly expected that any remarks of mine on this Resolution would meet with the approval of the Hon'ble Pandit Madan Mohan Malaviya; any such approval would be entirely contrary to my experience in the past. I was also asked by him and other Members what exactly I mean by stating that the Government would firmly and definitely oppose this Resolution and I ought to explain this. In replying to the Hon'ble Mover I drew the attention of the Council to the terms in which the Resolution is moved. It binds the Government down immediately to a sudden change of policy of the greatest magnitude, and that is a decision which, I think, this Council cannot ask the Government to take. A new proposition is now put to me that the Government should appoint a Committee or make some inquiry into the subject of this Resolution. I want to make clear to this Council that when new propositions are put to individual Members of Government during the discussion of a Resolution—a similar thing occurred in a debate on a resolution of great importance the other day—and they are asked then offhand to announce the intentions of Government . . . . . . 12-50 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"May I rise to a point of order? The Hon'ble the Home Member asked the Council to leave the question as an open question. That was the basis upon which I made the suggestion, which was not a new suggestion."

The Hon'ble Sir William Vincent:—"What I was complaining of when I was interrupted by the Hon'ble Member was this, that I am not infrequently asked to announce the decision of Government on important new propositions which are launched at me offhand, and I put it to the Members of this Council that they must see that this is neither fair to me nor to my colleagues or even to the Council. Matters of this importance—the question for instance, of re-opening the correspondence with the Secretary of State as to the removal of the Punjab Government from Simla—are not matters on which I individually can express any opinion. I must, in regard to any question of such moment, consult my colleagues and be guided by what a majority of them think. That is the position I want to take up. I am, however, quite prepared to admit—and I did admit in my opening speech—that there were arguments both ways. In fact, no one who knows the marvellous ability of Lord Curzon would suppose that he would put forward a proposal which had not very strong arguments behind it. There are arguments both ways. I am not able to commit Government to any admission as to which are the more cogent, and indeed I am not prepared in any way to admit the validity of many of the specific arguments used by the Hon'ble Member or that they were of any great force.

"Another point has been made on which I must say something in reply, namely, the suggestion that the Punjab Government is in too close touch with the Government of India, and this was argued particularly with reference to the recent disturbances. Now, during those disturbances the Punjab Government was not in Simla at all but in Lahore. Our trouble was not that we were in too close touch with the Punjab Government, but that it was very difficult to communicate with them at all owing to the destruction of telegraph wires and all means of communication. It is said again that by reason of its proximity to the Government of India there is danger of unanimity of view between the Local Government and the Government of India. Sir, if Members of this Council were aware of the various occasions upon which the Local Government and the Government of India have differed, and differed fundamentally, on important questions, I do not think they would have pressed forward that argument as of any weight. I may say also that His Honour Sir Edward Maclagan's views do not carry more weight with me or with any Member of this Government if he is staying in Simla, than if he were staying in Lahore or elsewhere. The policy of the Government of India in this matter, I am then told, must be unchangeable and that because we advised a change in 1903 we must again do so. That is, if I may say so, a little unfair. Sometimes, the Government of India is accused of being too ready to change; at other times, it is accused of never changing, and the decision with reference to this particular case was not the decision of the Government of India but that of the Secretary of State. Whether the question should be re-opened or not, is a matter, as I said, for the collective counsel of the Government.

"The only other point to which I should like to refer is the dispute between two Hon'ble Members as to the comparative merits of the Punjab and of Madras. The Hon'ble Mr. Sarma, I understand, alleges that people of the other provinces were as strong, as brave, as good as those of the Punjab. Might I suggest that Hon'ble Members settle their disputes outside . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"I am sure the Government of India does not encourage that policy."

The Vice-President:—"Order, order."

The motion was put and the Resolution was rejected.

RESOLUTION *re* HIGH PRICES OF NECESSARY ARTICLES OF FOOD AND CLOTH.

The Vice-President :—" Before the Hon'ble Member begins, may I ask him very earnestly to try and speak so that I can hear what he says."

The Hon'ble Mr. Kamini Kumar Chanda :—" Sir, I beg to move the following Resolution :— 12-57 P.M.

> ' This Council recommends to the Governor General in Council that immediate steps be taken for the reduction of the unprecedentedly high prices of necessary articles of food and of cloth which obtain in several provinces, either by further controlling exports or facilitating imports, or both, and by such other means as may be considered fit and proper.'

" Sir, I do not think that I need explain, or apologise for the framing of my Resolution, since I am not suggesting any specific remedy beyond mentioning the control of exports and imports, but have placed the matter in the discretion of the Government. I was urged to ask for the same remedy as was adopted in England, namely, the appointment of a mixed Committee of Inquiry, but after mature consideration I decided to refrain from doing so. In the first place, a Committee of Inquiry would take time and that would mean delay, whereas what is most imperatively necessary is prompt measures, and, I believe, the Government has got all the necessary information at its disposal. In the second place, Sir, I tried to proceed on what I may call the lines of least resistance. I wish that a non-controversial subject like this—and I sincerely trust that the Council will accept this as a non-controversial Resolution—should not lose its character as such by the introduction of any debatable points in it. In the third place, I see that even in England the Labour party, in giving an ultimatum to the Coalition Government to vacate the Treasury Benches unless they can find a solution to high prices, do not make any specific recommendation.

" Well, I find I can do no better than follow their example. Of course I do not mean that I am to give any ultimatum to Government ; that would be crying for the moon, but to leave the matter to the discretion of the Government. What I propose to do is simply to call attention to the state of things now obtaining in the country by reason of high prices, and for this purpose I do not think that I need trouble the Council by any lengthy or elaborate statistics ; nor do I propose to discuss any abstruse proposition of economics. I shall avoid all that, and for the best of reasons, because I do not understand them. Sir, to take the case of Bengal. Owing to a partial failure of the paddy crop in 1918 coupled with other factors, there was a rise in prices towards the end of the year. I ought to say here that the failure was very partial. There have been occasions when there have been greater failures of the crop ; still there has been nothing like the present state of very high prices, and there is an impression in the minds of the public—it may be right or it may be wrong—but there is this impression that this state of things has been brought about by the action of Government in controlling foodstuffs. Sir, I said that there was a rise of prices towards the end of last year. At the beginning of the present year it rose rather higher, so much so as to bring the matter under discussion in the Bengal Legislative Council in February, when a Resolution was moved asking the Government to take steps in connection with the high prices. The Hon'ble Sir Henry Wheeler, who replied on behalf of Government, pointed out that the question of controlling exports of rice from the province, which was suggested as one of the measures, was not in the hands of the Provincial Government, but in that of the Government of India ; and, secondly, he said that although the level of prices was high, it could not be said that it was unusual, so that the Provincial Government would not be justified in moving the Government of India. He said at the same time that the attitude of the

Government of Bengal would be one of watching. At that time Sir, the price of rice was Rs. 6 a maund. Sir, after that discussion in Council there was no sign of a falling of prices. On the other hand, it was rising steadily. In June it came up to, I believe, Rs. 8 a maund ; in July it exceeded that and the matter was again discussed in the Bengal Council. At this time the Government, through the Hon'ble Mr. Cumming, thought that the position had so much changed, that they would modify this attitude of watchfulness and thought also that something might be done to remedy this state of things. I believe, Sir, that some measures were adopted by the Government of Bengal including the taking of a census of rice in the province ; but in spite of all that was done by the Government of Bengal there was no falling of prices ; on the other hand, there was a steady rise. In July it was over Rs. 8 a maund and by the time I sent in notice of this Resolution it came nearly to Rs. 10 a maund, a thing unheard of in Bengal. Sir, since I have come, it has gone up further ; and in some places it has now reached even Rs. 15 a maund, an increase of 500 per cent or more. I have been receiving telegrams and communications from various parts of the province, and I have further seen in the newspapers coming from Calcutta, that the position has become one of very great gravity. We find that looting of rice and paddy on an extensive scale has commenced and there are threats of strikes. I believe, Sir, I have seen in the papers that there have been serious lootings of rice and paddy at Serampore, Bhadreswar, Munshiganj, Midnapore, Rishra, Sheoraphuli, Bally, Barisal and Naihati, and in some of these places I find that armed police have had to be called. Well, Sir, as I said, of course when this state of things has been going on, it cannot be supposed by anybody that Government is apathetic or indifferent; but as the *Englishman*, which as a rule does not see eye to eye with us, described the action of Government as spasmodic and that in the estimation of the public the real cause of this difficulty was the action of Government in controlling foodstuffs. The complaint is not confined to the Indian community, but endorsed by important European bodies like the Darjeeling Planters' Association. The complaint is that rice was allowed to be exported out of the country without any restrictions (I use the term in a non-technical sense) without due regard to the requirements or needs of the country, while at the same time there has been a prohibition of importation of rice into Bengal from Burma. I said, Sir, that the price of rice had gone up to as much as Rs. 15 a maund in many places and nobody can tell that there will be no further rise. In fact you will find things are getting more serious.

" I have been speaking for the province of Bengal, but I want the Council to know that this state of things is not only prevalent in Bengal, but also in my province of Assam, at any rate from the division from which I come. On my arrival here I have received a copy of the proceedings of a meeting of the Indian Tea Association, Surma Valley Branch, at which a leading planter of Cachar, Mr. Cresswell, moved the following resolution :

> 'That the Local Government in spite of continual representations refused to take the necessary steps to curtail the unusually heavy exportation of dhan, which under ordinary circumstances would have been more or less sufficient for local requirements, giving, it is understood, as a reason that the ryot had to meet obligations to the Government. The time has now arrived when, unless Government take immediate measures to arrange for the necessary supplies of rice, the district is face to face with severe famine, when not only will the greatest hardship be brought upon all, but the ryot will be unable to pay to Government the revenue which was evidently so urgently needed, so much so that the interests of the community at large were considered worth sacrificing.'

" Sir, I have also seen in the papers of a serious riot in the Madras presidency for rice. When this was the state of things in Bengal, the British Indian Association, at a conference in their rooms at which, besides members of that body, members of the Bengal Landholders' Association, the Indian

Association, the Bengal National Chamber of Commerce, the Central National Mahomedan Association, and the Muslim League were present, the President, Maharaja Bahadur Sir Prodyat Kumar Tagore, made the remark that if he were to choose between martial law, which was able to bring down the price of food-stuffs summarily, and semi-starvation, he would certainly vote for the former. Of course no one will take that seriously as his deliberate opinion. The horrors of martial law are awful but, when they are considered to be trifling in comparison with the state of things in the province, you get an idea how matters stand. In accordance with the deliberations of this Conference the Secretary of the British Indian Association, the Hon'ble Raja Rishi Case Law, addressed the Government of Bengal and submitted the following Resolutions:—(1) Reduction of the export of rice from the province, (2) Increase of transport facilities and a substantial reduction of freights, (3) Prevention of profiteering, (4) Importation of Burma rice, (5) Formation of advisory bodies to advise the Controller of Food Supplies and the Director of Civil Supplies in the matter of the control of foodstuffs. These suggestions have also been submitted to the Bengal Council which considered the matter again. I believe the Indian members in my province of Bengal were also associated which these recommendations. I said at the beginning that I would not quote any elaborate statistics or develop any theories, but that I would simply call attention to the state of things that has arisen in my province and that I would place this before the Council. What are we to do in the face of all this? Are we merely to sit with folded hands and content ourselves with the reflection that people in other countries also are suffering as we do here and that these evils are due to world prices? I submit, Sir, that it will be a very unfortunate state of things if nothing is done. The suggestions made by public bodies which I have placed before the Council deserve, I submit, careful consideration. There is an impression that the difficulty has been created by Government sanctioning heavy exports of rice overseas under the rationing system. We know from a Communiqué published that the exports overseas after the first three months of the year have been considerably reduced, and we are grateful to the Government for that. But it is unfortunate that, as appears from a Communiqué, the amount of rice exported during the three months January to March was nearly double that exported during the two previous years. It appears from the Trade Return of Calcutta for April 1918 to March 1919 published under the authority of the Governor General in Council that whereas in 1917 17,92,055 maunds and in 1918 20,19,392 maunds of rice were exported from Calcutta by sea, within the three months of January, February and March 1919, 53,70,526 maunds of rice were exported oversea, *i.e.*, Bengal exported nearly double the quantity of rice in the first three months of this year of what it did in the first two previous years. There has been a complaint that rice has been exported overseas to Europe for non-food purposes. This has been contradicted by an official Communiqué, but there is some justification for the complaint. In paragraph 279 of the Report of the inquiry into the rise of prices in India, it is stated that 'Indian rice exported to Europe is used for the manufacture of spirits and starch.' Mr. Dutt's inquiry was published in 1914, and there is a publication dated Simla, April 1918, in which the following statement occurs 'Indian rice (including Burma rice) taken by Europe is used more for distillation of spirits and manufacture of starch than for food.' There is another complaint that rice has been exported to countries like Sweden where there is no Indian population. There was also a statement to the effect that rice was being exported to Egypt, but we have seen in a Communiqué that Egypt is a distributing centre and not a consumer and so the objection disappears, but I have seen nowhere a reply to the criticism that rice has been exported to countries like Sweden where there is no Indian population. Then it has been complained (I am quoting from a question put in the Bengal Council) 'that export has often been allowed under military permits for really non-military purposes and to destinations without any military stations.' The answer which the Hon. Mr. McAlpin gave was as follows 'Government are aware that such allegations have been made but are not in a position to state whether they are correct.' That rather confirms the complaint. However, as Government has taken steps to reduce the export overseas let us hope that there will be no occasion for that in future.

"So much as regards the question of export overseas. The next suggestion that has been made both by Europeans and Indians is that Burma rice ought to be more freely imported and that facilities should be granted for easy transport of the same, and it has also been suggested in this connection that Government control should be withdrawn. There are two questions in regard to this matter. What is the object of the control and the second is, how has it been practically effected? As regards the object of the control, frankly, it has not been adopted in the interests of India, but the scheme has been adopted at the instance of the Royal Commission on Wheat Supply for rationing several countries in Europe. This has certainly made the action of Government open to attack. Before exporting rice for countries in Europe were steps taken to see that enough remained in the country for its consumption? I think that the Government should make a clear statement on the subject to remove the uneasy feeling that Government may have been apathetic or indifferent to the interests of the population of this country. If the control is withdrawn then the question will have to be considered from the Indian standpoint, regard being had to the very dangerous situation that has been created. In the next place, the manner in which this control has been given effect to has given rise to complaint.

"Sir, I think it cannot be denied that when the source of supply as regards Burma rice was easily controllable, when it was under the control of Government, they could easily fix not only the wholesale prices but the retail prices also. The system of controlling wholesale prices only as regards Burma rice has not, and would not, have made any difference in the situation. If anything, it has further increased the difficulties, it has opened the door to dishonest profiteering. Sir, I think it is a fact, and it has been found by experience in England, that if you are to have control at all, it will not do to have partial control, but you must have full and effective control. Therefore, when you come to fix wholesale prices for Burma rice, I think it is very desirable that you should go further and fix retail prices also.

"Then there is another point in connection with this control. Well, what is done is, the Director of Civil Supplies grants licenses to certain individuals, but there is no provision made for any supervision to see whether the purposes of the license are carried out, the licenses which are granted in the interests of any particular district. But cases have occurred where the licensees, far from importing rice to the district for which the license was granted, sold that license to other parties for a profit. There is no provision made to put a stop to this kind of thing.

"Then, in the next place, when a license was granted, no time limit was fixed within which the licensee was required to import the quantity for which the license was granted, and the result was that he used his license to tantalize the district as it were importing only small quantities at a time, and as they were insufficient, helping to increase the prices till famine prices were reached. Well, Sir, if these things are provided against, if greater care is taken in the grant of licenses, and provision for supervision is secured, there is no reason why you should not fix the retail prices too, and if retail prices of Burma rice are fixed, it is bound to re-act on the price of local rice, although on account of there being no possibility of controlling the movement of local rice, you cannot control its price, but if you control the retail price of Burma rice, that will re-act on the prices of local rice, and the price of the latter will automatically go down. I submit, Sir, these are things which ought to be considered. In this connection the suggestion that has been made that there ought to be strong Advisory Boards to advise the Director of Civil Supplies is well worth consideration.

" There is another complaint in regard to the import of Burma rice. We find that there has been a reduction in freight of Rs. 2 per ton only as regards Bengal. The freight that now obtains is several times of what it used to be before the war. We are grateful to Government that as regards some of the provinces there has been proportionately a greater reduction in the freight, and I submit, Sir, that there ought to be a further reduction of the freight as regards Bengal too. In this connection an allegation was made in the Bengal Council based on the authority of the 'Capital' of Calcutta which is as follows :—

> ' At present the entire carrying business of Rangoon to India is done by the British India Steam Navigation Company. No other Company is allowed to do the carrying except the Nippon Yusen and Kaisha which is allowed because of its connection with the British India Company. This company alone should not be allowed to make good war losses at the expense of the Indian. If other companies were allowed, it would perhaps effect a lowering of the freight and the price of rice.

" Sir, I go beyond this. I would ask why you should not grant concession rates for Burma rice in view of the present situation ? The railways are under the control of Government, and you can surely arrange to have the freights reduced. It may be argued that that would mean a Government subsidy, because the carrying companies, the steamer companies or the railway companies would look to the Government of India for making up the difference in the freight caused by the concession rates. Well, even so I see no reason why this should not be done under the present state of things. I believe, Sir, that when in 1917 the prices of food stuffs reached famine rates in England, the Government decided that it was necessary to cheapen grain artificially by a subsidy from Government, and I see no reason why this should not be done in this country. I say that the state of things obtaining in Bengal is such that there have been serious riots, to quell which the military had to be called out, and there have also been strikes ; and there was another allegation not only in the Press but also in the Bengal Council, that there have been cases of suicide due to starvation. Of course, the Government denied that. Really speaking, I do not think . . . .

The Vice-President :—" I would draw the attention of the Hon'ble Member to the fact that he has already been speaking for half an hour, and I must ask him to bring his observations to a close. "

The Hon'ble Mr. Kamini Kumar Chanda :—" The only other point to which I must invite the attention of Government is, the question of profiteering. This profiteering has got a great deal to do with the increase of prices. I have reason to believe, and it is the opinion of the Government of Bengal also, that large quantities of rice are held up by well-known merchants even in Calcutta. I believe, the Bengal Government is of opinion that with the stocks available in the country in July, it is impossible that prices could have gone up so high unless stocks were held up. I think, Sir, the Government of Bengal thinks that it has no legal power to remedy this state of things. But I do trust that the Government of India will see its way to remedy ths matter. Profiteering in food-grains is a crime, it ought to be checked, it is a moral crime ; morally it amounts to murder, and I submit, Sir, that steps ought to be taken to deal with this matter effectively. These are the submissions which have been made by the public, and I commend these to the consideration of the Government. As I said, I was not going to place any theory of mine. I respectfully urge that the Government will see its way to take such steps, if necessary by subsidies, to reduce the prices."

1-30 P.M. **The Hon'ble Mr. R. A. Mant** :—"I rise at this early stage of the debate because I think it will be an advantage to other Hon'ble Members who may wish to take part in the discussion if I give some account of the steps that we have taken to deal with the problems of scarcity and high prices. I had hoped to be able to present to the Council a report on the operations of the Foodstuffs Commissioner, but Mr. Innes is so continually occupied with the work of food distribution that he has not had time to write about it. I hope that he will shortly be able to compile a report, and I can undertake to publish it, as the subject is one on which the public is entitled to the fullest information. Meanwhile, I will try to give the Council as much information as I can in the limited time available.

"Before dealing with remedies it is advisable to investigate causes. I understood the Hon'ble Mover deprecated this, but I would remind him that a doctor cannot treat a patient properly until he has diagnosed the cause of the malady. A writer in 'Capital' recently classified the causes of high prices under three heads, firstly, all-world factors, secondly, all-India factors, and, thirdly, local factors. I propose to consider them in that order. The first head need not detain us long. For some years past the principal nations of Europe have devoted their whole energies to the work of destruction instead of production, with the inevitable result that there is a world shortage of the necessaries of life. Together with this contraction of production, which in itself would tend to raise prices, there has been a huge inflation of European currencies, and these two factors combined are quite sufficient to account for the universal rise in prices. These conditions were bound sooner or later to re-act on India, both by increasing the demand for her products abroad and by adding to the cost of the articles that she imports. The restrictions imposed on exports, partly by shortage of tonnage and partly by the deliberate action of Government, have retarded the operation of this factor, but have not removed it altogether, while in the case of imports the shortage and high cost of freight has had the opposite effect, as it has reduced supplies of such articles as cotton cloth and thus raised prices here.

"Turning now to all-India factors, we find similar causes operating, though not to the same extent. The widespread failure of last year's monsoon caused a very serious diminution in the production of foodstuffs. The area under rice and wheat, two of our most important food crops, contracted by 16,000,000 acres, or 13·8 per cent, as compared with the previous year, and the estimated outturn was reduced by nearly 15 million tons. We have also suffered from currency inflation. In normal times the balance of trade in favour of India is adjusted by importing the precious metals which are used partly for hoarding, partly for ornaments, and partly for expanding the currency. During the war, the most important countries in Europe and America placed an embargo on the export of gold, while silver also was difficult to obtain. In order, therefore, to provide funds for our export trade and to finance important items of war expenditure, the Government of India were compelled to issue notes against securities held by the Secretary of State in London, that is, mainly British treasury bills. I think that the issue of these notes caused a more direct and relatively greater expansion of the currency than imports of the precious metals would have done, but this is a very intricate subject which I feel that I ought to leave to the experts of the Finance Department.

"I pass on then to local factors. Sir Claude Hill explained in the statement which he presented to this Council in February last, that the shortage of rolling stock on the railways involved great difficulty in distributing our reduced supplies of foodstuffs. This accentuated the effects of local scarcity and created golden opportunities for the profiteer. I see there is another Resolution on the agenda paper on the subject of profiteering, so I will not go into it now, except to say that I am inclined to agree with the writer in 'Capital' to whom I have already referred that profiteering is only a detail in the problem of high prices. Our experience at any rate has been that, wherever we have been able to push in ample supplies of grain, complaints of profiteering have practically ceased.

"The problem which we had to solve presented three main aspects, firstly, conservation of food-supplies, secondly, distribution, and, thirdly, prices. As regards the quantity of supplies available, we were fortunate in having had a succession of fairly good years and, although it is extremely difficult to estimate the amount of stocks in the hands of the cultivators, there is reason to believe that at this time last year the country was generally well-stocked. Although we did our best to provide food supplies for the Allies during the war, our exports have been considerably below the pre-war standard. In the five years 1909-10 to 1913-14, the net exports of grain, pulse and flour from India proper (*i.e.*, excluding Burma) amounted to 10,192,000 tons, and in the five years, 1914-15 to 1918-19, to 5,212,000 tons. There was thus a total decrease in the latter period of nearly 5 million tons. Corroborative evidence of the existence of large stocks is furnished by the fact referred to in His Excellency's opening speech the other day that the maximum number on famine relief in the current year has been less than 1-10th of the numbers relieved in 1900, although the failure of the monsoon of 1918 was at least as widespread as that of 1899. No doubt the main explanation of this difference is, as His Excellency observed, the increased prosperity of the people ; but the figures also point to the conclusion that there were large stocks of grain in the country when the trouble came upon us. In fact it was increased prosperity that enabled the people to hold larger stocks.

"Still the decrease in production was a very serious matter, and, as explained by Sir Claude Hill in February last, it was decided to restrict exports of foodstuffs and to appoint a Foodstuffs Commissioner to control their distribution. I did not quite catch what the Hon'ble Member said about exports or the figures he gave for exports in the present year, but I can give him the following figures. In the first seven months, January to July 1918, the exports of grain, pulse and flour (other than rice) were 1,123,000 tons. In the first seven months of 1919 they were reduced to under 62,000 tons. As regards rice the exports have been reduced by 70 per cent., *i.e.*, from 1,593,000 tons in the first seven months of 1918 to 478,000 tons in 1919, of which 376,000 tons went from Burma. Part of this was old crop rice belonging to the British Wheat Commission which they had undertaken to supply to the Allies. The Hon'ble Member has suggested that the control of Burma rice was imposed in the interests of the Wheat Commission, I can assure him that quite the contrary was the case, and that the operations of the Wheat Commission in Burma have been of great advantage to the cultivator. Towards the close of 1917, the prospects of the Burma rice market were very gloomy indeed, as the 1917-18 crop was the largest on record and there was no shipping to carry it away. The price of paddy consequently sagged badly, and by the end of September 1917 had fallen to Rs. 78 per hundred baskets, which was lower than it had ever been before at that time of the year. The Local Government appealed to us for assistance, and eventually arrangements were made with the Royal Commission to purchase 100,000 tons of rice a month for Allied and neutral countries in Europe. The Wheat Commission also provided shipping and thus saved the situation in Burma.

"The Hon'ble Member has referred to certain exports to Sweden which are supposed to have been used for the manufacture of spirits or starch. We have no information as to the purposes for which Sweden required rice, but I understand that the Allies undertook to facilitate the importation to Sweden of certain what were called rationed articles on condition that the Swedish Government would prohibit the export of these and similar articles to enemy countries. Under this arrangement the British Government were bound to supply Sweden with 12,000 tons of rice, and the Wheat Commissioner, therefore, instructed the Rice Commissioner to ship 6,000 tons in July 1918 and another 5,000 tons in December 1918. This, as I have said, was old crop rice which the Royal Commission had bought and which India did not want. None of the rice of the present year's crop, over which we exercise control, has been allowed to go to Sweden or any other country in Europe.

"The greater part, however, of our export of rice in the current year has been to Colonies, such as Ceylon, the Straits Settlements and Mauritius, which have a large Indian population. We have also allowed supplies to go to Arabia for the benefit of Indian pilgrims. The fact is there is a general shortage of rice supplies throughout Asia; and we are continually receiving urgent appeals for assistance. We have shut our ears to appeals from foreign countries, such as Japan and Java, which have no particular claim on India, but I hope the Council will agree that we were right in doing what we could for the Indians overseas, who would otherwise have suffered great hardship. In the case of Ceylon, the obligation was practically unavoidable because the starving labourers would probably have returned to Madras in large numbers if we had refused to let them have any rice.

"Besides conserving our supplies we have been able to supplement them by imports of wheat from Australia. Here, again, we are under an obligation to the Wheat Commission who sold us the wheat at cost price and arranged for freight also at cost price, which was considerably below market rates. We could not get as much shipping as we hoped for, but we have actually imported nearly 200,000 tons, and there are more shipments on the way. The effect of these importations has undoubtedly been to check the rise of wheat prices in India which were getting to dangerous heights. The accounts of these transactions have not yet been made up, but I think that our expenditure will be very nearly, if not quite, covered by our receipts from sales.

"As regards distribution our chief difficulty has been in getting shipping to carry rice from Burma to India, but this was surmounted by the efforts of Major Storey, the Shipping Controller, and we succeeded, moreover, in inducing the Shipping Companies to reduce their rates from Rs. 55 per ton, which was the rate prevailing from Rangoon to Bombay in December last, to Rs. 24 per ton, with corresponding reductions for other ports. I did not quite catch what the Hon'ble Mover said about the rate to Calcutta, but I understood him to say that it was only brought down by Rs. 2 a ton. The actual reduction was from Rs. 22 to Rs. 16 a ton. The Hon'ble Mr. Chanda suggested, I understand, that we should control these shipping rates. Well, I can only tell him that if you tried to do that, the ships would go somewhere else and you would get no rice at all. We have got these rates down as low as we could reasonably get the companies to bring them, and I am afraid there is not much prospect of getting them lower at present. Well, having got these ships, we were able to push in supplies to Bombay, where the situation a few months ago was very acute; Bombay now has ample supplies, and we are in a position to provide larger quantities for Bengal, where there has lately been a serious rise in rice prices, while, at the same time, continuing to meet the needs of Madras. I do not wish to belittle the hardships in Bengal and Assam (to which the Hon'ble Member has referred), but I would point out that they are of comparatively recent growth. The Punjab consumer has suffered from the high price of wheat practically from the beginning of the war. In Bengal, on the other hand, rice prices were so low up to the end of last year that they were a cause of serious anxiety. At the Conference of Registrars of Co-operative Societies held here in August last, the Bengal Registrar said that the solvency of many societies was endangered by the low prices of rice and jute, and in this Council, in September, the Hon'ble the Maharaja of Kasimbazar, as I reminded him the other day, called attention to the large surplus stocks of rice in Bengal and asked whether we could not do something to find a market for them. Even up to the 8th of July, *i.e.*, about two months ago, the Director of Civil Supplies, Bengal, reported that there was no demand for Burma rice in Bengal, and that the Burma rice shops opened in Calcutta had definitely proved a failure. Possibly the rise in prices is now being felt more keenly in Bengal, because it has come so suddenly. I hope that the relief will be equally sudden and that the supplies which Mr. Innes is now pouring in from Burma both to Calcutta and Chittagong will effect a rapid change.

" I need not detain the Council with questions of internal distribution. Sir Claude Hill explained how the shortage of railway wagons forced us to exercise close control; how we tried to decentralise by letting Local Governments regulate movements of food-grains, from, to, and within, their own provinces; and how we soon found it necessary to curtail these powers in the interests of co-ordination. Our present aim is to relax internal control as soon as we can. The railway situation is better, and the food situation has been immensely improved by the present monsoon, which has so far been exceptionally good. We hope, therefore, that by the end of the year we shall be in a position to allow the internal trade in foodstuffs to resume its normal channels.

" I come now to prices. Some statistics lately published by Mr. Findlay Shirras show that the average rise in retail food prices at the five chief ports in India from July 1914 to the end of April 1919 was 57 per cent., whereas in Europe it ranged from 86 per cent. in Denmark to 234 per cent. in Sweden. In the United Kingdom notwithstanding food control it was 107 per cent. Now we all know that there has been a still further rise of prices in India since April last, and Mr. Shirras is working out some later figures. Meanwhile, I have had some rough statements prepared, showing by index numbers the course of the retail prices of four of the principal food-grains in all the major provinces excluding Burma. I lay these statements on the table as they may be of interest. They show that, if the figures for July 1919 are compared with those of July 1914, in the case of rice the rise ranged from 26 per cent. in Assam to 73 per cent. in the Central Provinces. In the case of wheat the lowest increase is 38 per cent. in Assam, and the highest 100 per cent. in the Central Provinces. Assam ought to be the most thankful province in this respect. But in the case of millets, which are so largely consumed by the poorer classes, the rise has been still more serious, and the increase in *jawar* prices ranged from 102 per cent. in the United Provinces to 132 per cent. in Bombay. As a matter of fact, the rise was really greater than this, because there was a poor *kharif* crop in Northern India in 1913, and the price of millets there, especially in the United Provinces, was above the normal in July 1914. Fortunately, the worst is over; a good *kharif* harvest in the greater part of India is practically assured, and the prices of *jawar* and *bajra* and other *kharif* grains are beginning to fall.

" As regards the measures by which we have attempted to check the rise in prices, it will be clear from what I have already said that we relied mainly on the policy of conserving supplies and increasing them where possible. We have also endeavoured to utilise our system of control for the purpose of reducing middlemen's profits, and Directors of Civil Supplies are authorised to make it a condition of importer's licenses that they shall sell at reasonable prices. For the rest, we have left it to Local Governments to see that the supplies that we have provided reach the consumer without undue intermediate profits. In most provinces, Local Governments have arranged for the opening of cheap grain shops with good results. I have more faith in these measures than in the plan, which has often been suggested, of fixing prices by Government order.

In the few cases where this has been tried in India, it has not, I believe, been successful. It is true that the populace of Lahore enjoyed a brief millenium under martial law, but I understand that the order fixing food prices there had the effect, which was to be expected, of preventing further supplies from coming in. It seems almost a pity that martial law was removed before we could see the results of this interesting experiment.

"In Burma, we have been able to enforce price control over the current year's rice crop by means of restrictions on export. No export of rice is allowed except under license, and it is a condition of all licenses that the rice must have been purchased at or below the control price. Subject to this condition and to strict rationing of exports, the trade has been left free—at least it was free until a short time ago—when stocks began to be held up, apparently by speculators who anticipated that, on the conclusion of peace, control would be relaxed. The Local Government was then compelled to exercise its powers under the Defence of India Rules. The control price was first fixed on a basis of Rs. 125 per 100 baskets of paddy, and was raised in May last to Rs. 150. These prices were above the average rates prevailing in previous years, and were calculated to give the producer a fair rate of profit. At the same time, they were considerably below the prices prevailing outside India. I have not been able to get complete statistics of prices in foreign markets, but I have obtained the following figures from the Rice Commissioner at Rangoon. He quotes the Rangoon prices for various qualities at from Rs. 6-12 to Rs. 8 a cwt., while the prices for similar qualities at Colombo range from Rs. 13 to 15. Small Mills Specials, which are Rs. 6-12 at Rangoon, are quoted at Rs. 14 in Java and at Saigon, at Rs. 15 in Siam, and at Rs. 18 a cwt. in Japan. The latest information furnished by Mr. Shirras is that the price at Tokyo is Rs. 21 a cwt. I understand that prices are controlled in some of these places or they would be still higher. For instance, I have heard that Ceylon recently had to pay £ 60 a ton *c. i. f.* for rice from Siam, *i.e.*, at the present rate of exchange nearly Rs. 33 a cwt., an almost incredible price. It is clear then, as I have said, that our rice prices are considerably below world prices, and when we consider that India has imported 1,309,000 tons of rice and 64,000 tons of paddy from Burma from 1st January to the end of August 1919, it is evident that the scheme of rice control has been of enormous benefit to India. I should like to take this opportunity of paying a tribute to Mr. Gubbay, who conceived the scheme, and to Mr. Innes who has done so much to make it a success.

"We have now arrived at a rather curious position. In restricting exports we have adopted a policy which our predecessors always rejected as economically unsound. We were driven to this course by abnormal circumstances, but we recognise that, if we were to follow it as a permanent policy, the results which our predecessors feared would inevitably ensue. There are many other crops, of which it is sufficient to mention cotton, jute, and oilseeds, that compete with food-grains, and if India ceased to export those grains, the cultivators would cease to grow more than is required for home consumption. The one thing that has saved India from disaster in the present year is the fact that she normally exports food-grains. In this connection the statements which I have just laid on the table are significant as showing that the rise in the price of rice and wheat, of which we generally produce a surplus, has been distinctly less than in the case of *bajra* and *jawar*, of which there are hardly any exports. It is the surplus produced for export that provides India with a margin on which she can fall back in periods of scarcity. Without it, millions of human beings would periodically die of starvation. Our aim therefore must be sooner or later to bridge the gap between internal and external prices. It is possible that this object might be effected by raising still further the exchange value of the rupee. Although exporters complain of these changes as hampering foreign trade, there can be no doubt that raising exchange tends to lower internal prices. I do not think, however, we can usefully discuss this subject at present, as it is under consideration by an expert committee in London. I only mention it as a reason why we cannot immediately formulate our future policy.

"There are other reasons for circumspection. It is possible that world prices will come down to our levels, in which case we have only to sit tight. But, if they do not, and if we eventually have to rise to meet them, we must do all we can to graduate the process and let wages and salaries adjust themselves to the changed conditions before we settle down at a permanently higher level. If, therefore, speculators are holding on to stocks in the hope that our control of exports will shortly be removed, and that they will then scoop large profits, I would warn them that they are indulging in a vain dream. We know that there are stocks of rice in Burma and of wheat in the Punjab. It has already been announced that the rice control in Burma will be maintained till the next crop comes on to the market, and I take this opportunity of stating, for the benefit of holders of wheat, that we shall not withdraw the embargo on exports before the next harvest is reaped unless in the meantime there is a considerable drop in prices. In both cases, restrictions on exports will be maintained for a still further period, for a longer period if this proves necessary to keep down prices in India.

"I am afraid I have taken so long to deal with the question of foodstuffs that I have no time left to refer to any other commodities, and I must leave it to my Hon'ble Colleague in the Commerce and Industry Department to explain what has been done to reduce the price of cloth.

"It remains to indicate the attitude of the Government towards the Resolution. The terms in which it is couched rather suggest that we have done nothing to cope with the problem of high prices and ought to make an immediate move, whereas, I think, I have shown that we have done a good deal. I do not claim that we have worked any miracles. I do not say that we have not made mistakes. But I do claim that we have distributed the available food supplies equitably among the different provinces. We have brought down prices in one province, namely, Bombay, and have at least steadied them in many other provinces. I think that the Directors of Civil Supplies in the provinces will acknowledge that our system of food control has done much to mitigate the widespread distress. We cannot therefore accept the Resolution in its present form, but, if the Hon'ble Member will amend it so as to substitute for the words 'that immediate steps be taken' the words 'that the Government should consider whether any further steps can be taken', I shall be very pleased to accept it. We are fully alive to the hardships and dangers involved by high prices, and are only too glad to avail ourselves of non-official advice as to possible remedies.

"Before I sit down I would ask the Council to consider this subject in its broadest aspect, *i.e.*, the effect of high prices on India as a whole. Consumers naturally dislike them and they cause much misery to thousands of people on small fixed incomes. But, from the point of view of the national balance sheet the question is simply one of profit and loss. If the rise is greater in the case of articles of which we produce a surplus than in the case of articles which we have to import, there will be a balance of gain to the country as a whole. There are indications that Indian trade has so far derived considerable benefit from the war. I lay on the table a statement showing her imports of bullion, absorption of rupees and net exports during the last ten years. This statement shows that in the five years, 1909-10 to 1913-14, the average annual absorption of rupees was 8·78 crores, while in the five years ending with 1918-19, the annual average was 22·08 crores. The balance of trade, as deduced from the excess of exports of merchandise over imports *minus* private imports of treasure and council bills, was against India in the first five-year period to the extent of 23 lakhs per annum, whereas in the five war years the balance in India's favour averaged 20·90 crores per annum. These figures were of course affected by some other factors: for instance, the absorption of rupees was stimulated by the shortage of imports of gold, while the balance of trade may be disturbed by the transfer of funds from India to London or *vice versa*. But the figures raise at any rate a strong presumption that India has been enriched by the war.

"If these results continue, if there is a permanent rise in the value of India's products, which are mostly derived from the soil, without a corresponding increase in the cost of her imports, the future may be regarded as hopeful. In the process of transition to a different standard of values there is bound to be hardship to many individuals; but as soon as adjustment has been effected between wages and prices, these troubles will be more than counterbalanced by the increased margin of profit to the cultivator. In the past the poverty of the agricultural classes has been the chief obstacle to the spread of education and the introduction of improved methods of cultivation. If the profits of the cultivator are increased, he will be able to afford better education and better methods, and these in turn will still further raise his income and his standard of living. I do not say that these results will ensue. It is impossible to predict the future course of prices, but from the figures that I have just quoted, it seems at least permissible to hope that some good may come to India out of the cataclysm which has brought so much suffering on the world."

The Council then adjourned to Tuesday, the 16th September, 1919, at 11 A.M.

SIMLA; H. M. SMITH,

The 23rd September, 1919. *Offg. Secretary to the Government of India,*
Legislative Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL, ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Tuesday, the 16th September, 1919.

PRESENT :

The Hon'ble SIR GEORGE LOWNDES, K.C.S.I., K.C., *Vice*-President, *presiding*, and 50 Members, of whom 44 were Additional Members.

RESOLUTION *re* HIGH PRICES OF NECESSARY ARTICLES OF FOOD AND CLOTH—(*Contd*).

The Hon'ble Sir George Lowndes:—"The Council will proceed with the discussion of the Resolution from yesterday."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir, I beg to associate myself with the Resolution which has been moved by the Hon'ble Mr. Kamini Kumar Chanda. In doing so, I am impelled by a strong sense of duty. The distress of the people has really been appalling, and Eastern Bengal has perhaps been the worst sufferer. All the articles of food, as well as those other things, which nobody can do without, have been selling at famine prices. Sir, it will be no exaggeration to say that many people are going with only one meal a day. Indeed instances are not rare in which people are reported to have died of starvation or to have committed suicide through pangs of hunger. The prices are rising, as it were, by leaps and bounds. If nothing is done to check their rising tendency immediately, the situation will undoubtedly become worse. Already we have heard of several cases of hât-looting in the Barrackpore and Serampore Sub-divisions of Bengal. The *Englishman* newspaper to hand reports many cases of paddy looting in the districts of Midnapur, Howrah and Hooghly. The said paper also publishes reports of similar occurrences in such well-known villages near about Calcutta as Naihati, Jagatdal, Champdany, Gourhati, Rishra, Bally and Sheoraphuly.

"A number of hungry people, according to an Associated Press report, recently raided the Kanaksar Post Office in the Dacca District. The man frankly said that they wanted money as they had been starving for four days. Fortunately the assailants were arrested before they could get hold of the money in the iron safe. The Government cannot but put down such acts of lawlessness with a firm hand, but true statesmanship demands that the root causes of these disorders, which are purely economic, should be removed before it is too late. In some cases offenders have openly admitted that they preferred jail life to starvation at home. This, Sir, is a serious state of things in all conscience. I can quite understand that the problem is beset with difficulties and cannot be solved as easily as we might desire; but the Government should leave no stone unturned to ease the situation. By controlling exports, facilitating imports, reducing freights, regulating prices and putting an immediate stop to profiteering, matters may considerably be improved. I am convinced, Sir, that profiteering has been the worst feature of the situation. It is intolerable that a number of unscrupulous traders should take advantage of the present helplessness of the people and make phenomenal profits at their cost.

"I was gratified to learn from the speech delivered in Council yesterday by the Hon'ble Mr. Mant that Government have taken steps in the matter. I welcome the assurance that the problem is engaging their serious attention. But the fact remains that the distress is becoming more acute and wide-spread every day. I do not say that Government have done nothing, but the question is, whether the steps taken so far have been sufficient. The supply of Burma rice in the Bengal districts has not been either adequate or prompt. This view is supported by statements that have appeared in the Press. The Dacca 'Herald' points out in a recent issue that, while the average daily consumption in the city of Dacca alone is nearly 1,500 maunds, the total supply of Burma rice during a week has been only about 5,500 maunds. So the supply is not sufficient to last the city more than four days, and there is nothing for the rest of the district. Almost the same story is repeated from Mymensingh and Barisal. If ample allotments are made for each particular district, on the basis of a liberal calculation of the requirements of every sub-division, thana or village, and if these allotments are promptly imported into the locality, scarcity will be relieved and the upward course of prices checked. Government should, if necessary, commandeer steamers and other transport for speedy carriage of Burma rice.

"The Hon'ble Mr. Mant has referred to a question asked by the Hon'ble Maharaja of Kasimbazar last year, in which it was assumed that Bengal had a large exportable surplus. I doubt very much whether this optimistic assumption on the Maharaja's part is in accord with facts. I desire to know if it is a fact that upon an average calculation of the last few years, Bengal had to import more rice than she exported, which would go to show that she cannot depend upon her own produce for her internal requirements. If this is so, how can Bengal be stated to have an exportable surplus in any of these years? At any rate, the low prices of rice last year cannot justify export on such a large scale as has been made.

"The Hon'ble Mr. Chanda's Resolution deals only with articles of food and cloth, but there is at least one thing which he apparently forgets to mention and which is no less in demand by all sections of the people. I refer to Kerosine oil. I have ascertained on inquiry that the price of this indispensable commodity has so long been kept up only through sheer profiteering. It is needless for me to multiply instances. The whole matter is too well known to His Excellency's Government to be dilated upon.

"I feel no hesitation in asserting that the serious economic crisis with which we are faced to-day, should have precedence over all other matters engaging the attention of Government and the leaders of public opinion. We should have no rest or peace of mind until we have arrived at a satisactory solution of the economic difficulties which beset us to-day. I hope and trust that your Excellency's Government will rise to the height of the occasion and save His Majesty's Indian subjects by all manner of means. Before I resume my seat I would request my friend the Hon'ble Mover of the Resolution to accept the suggestions made by the Hon'ble Mr. Mant."

The Hon'ble Maharaja Sir Manindra Chandra Nandi:— 11-10 A.M. "Sir, I come from a Province whose smiling fields and ample granary were almost proverbial at one time, but which is now enveloped by the dark shadow of famine. There has not been such acute and widespread distress in Bengal within living memory. Apart from the suffering which we see about us everywhere, one cannot open the newspapers without coming across doleful accounts of the distress, all of which cannot certainly be exaggerated. Privation has led to disease and death, and cases of suicide and even of abandonment of children by mothers are reported. Driven to desperation by hunger, people have already begun to break the bounds of law. They are courting imprisonment which saves them from starvation. Sir, the situation is getting more and more grave in Bengal, and Government should take immediate steps to grapple with it.

"The high prices are, no doubt, to a certain extent, one of the unwelcome legacies left by the war, and are a world problem. As pointed out by the Hon'ble Mr. Mant yesterday, the unprecedented destruction and waste, coupled with an unusual inflation of currency, must be recognised to be among the factors making for a rise in prices. But we cannot refer to these world factors, without being reminded, at the same time, of the enormous efforts which the different countries of the world are putting forth for bringing down prices and easing the situation. A very complete system of control over food-supplies was introduced by the allied Nations in Europe and America during the war, and we have recently seen drastic legislation passed, after the termination of the war, to prevent profiteering. But what has been the case in India? I shall let the 'Pioneer' answer this question. In an editorial note, it wrote thus on the 11th July last:—

> 'There has been far too much observable hitherto of a tendency to keep within the limits of so-called sound economic dogma, and too little of the propensity to meet the demands of an unparalleled situation with measures of an equally novel character. Britain during the war has tried many strange experiments in rationing and fixing prices which in normal times would never have had a chance of being tried; and it is to the success of these experiments that Britain has owed the power of endurance she displayed in the latter stages of the struggle with the Central Empires. In India, authority has been chary about embarking on any policy of 'thorough,' and so while there has been nominally food control and 'direction' of supplies, prices have continued to soar upwards and profiteering has flourished.'

"This, Sir, is the considered opinion of a very sober and responsible Journal to which Government are expected to attach some weight. The essential objects of food control in England, as stated by a writer in the 'Edinburgh Review,' of January 1918, have been these:—

(1) to stimulate home production and maintain imports,
(2) to prevent the exploitation of war conditions by private greed, and
(3) to secure for each member of the community equal opportunities of obtaining the available supplies.

These were the objects for which Lord Rhondda strove with a large amount of success in England.

"The whole business of importing and of wholesale distribution was taken over by the State, the firms engaged in the business were made agents of Government at fixed rates of remuneration, maximum retail prices were fixed, the profits of the middlemen were reduced to a minimum. Consumption was also controlled, economies in food consumption effected on scientific principles, and national kitchens set up for cheap supply of food. Bread was artificially cheapened, with the result that the one pound loaf which would cost one shilling one penny, was made available at 9½ pence, and this entailed on the State an annual burden varying between 4 and 5 crore pounds sterling by way of subsidy to the Millers. While this was the case in England, the United States of America, under Mr. Hoover's supervision, laboured, as stated in the 'Times,' 'to increase production and to promote conservation,' and succeeded in stabilizing the price of wheat; all speculation either in wheat or flour was eliminated and the margin of profit to Millers was reduced to the minimum commensurate with maintaining the plants in a state of efficiency and perpetuating the industry. By these means was America enabled not only to avert food trouble at home, but also to feed the Allied Nations in Europe to a great extent.

"Can it be said, Sir, that the present system of control in India has attempted even a fraction of what was accomplished in England and America? In the first place, we find on a reference to the published statistics that there has not been any appreciable increase in the home production of foodgrains during these few years; yet we had, as a matter of solemn duty, to supply a considerable quantity of food grains to Europe and Africa during the war. Perhaps we have exported food beyond our means, and this, coupled with a partial failure of crops last year, has been certainly responsible to some extent for the prevailing scarcity and high prices. The Burma rice crop, which is our only hope now, was not also normal last year, and there are heavy demands for it from overseas. There are not, moreover, adequate arrangements ensuring a sufficient supply of Burma rice everywhere in the country.

"Next, as to prevention of profiteering, I am constrained to observe that Government have done very little, so far as Bengal at least is concerned. From my little experience, I can say that the prices of rice could not have gone up so much if the authorities had interfered in time. Then, as regards the securing of bare necessaries of life to every member of the community, there does not appear to have been any serious attempt in this direction except in respect of areas where famine has been formally declared to prevail, and there also in regard only to those in receipt of direct relief. No provision has been made, in Bengal at least, for relieving the middle classes and persons having fixed low incomes, who are in the greatest misery and are yet loth to seek charity. But for the supply of Burma rice under license, which again has been very much belated in the case of Bengal, Government could not claim to have taken definite action by way of affording general relief against the high prices of foodstuffs in my province. And in this matter also, only half measures have so far been adopted in Bengal. As I have said, it was not till comparatively recently that Bengal was allowed to import Burma rice under license for her own domestic consumption. When these supplies arrived, Government fixed only the wholesale rates at which certain licensed importers would be allowed to sell the rice in Calcutta. There has been no dependable arrangement under which this rice would be available in sufficient quantities and at regulated prices everywhere in the Muffasil where the distress is the acutest. From a statement made by the Local Government in the Bengal Legislative Council on the 3rd September last, it would appear that Burma rice is available only in seven districts of Bengal. In some of these places, again, there is not an adequate or continuous supply. I myself had recently to obtain a consignment of Burma rice for free distribution among my tenants. It arrived after a month of my ordering it and after a good deal of difficulty.

"A leading citizen of Bengal, writing from the Muffasil on the 4th September, says as follows :—

> 'The District Board have been trying to supply Burma rice at cost price. The other day they bought 9,500 maunds in Calcutta but only 900 (nine hundred) maunds have reached here, meanwhile the clamour is deafening.'

"The Muffasil newspapers also make similar complaints, showing that the arrangements for the supply and carriage of Burma rice leave very much to be desired. In one instance, it is pointed out that the only supply during the week, which was not sufficient, came in steamers owned by an Indian Company, there being apparently no priority given to it by the European Steamer Companies.

"Sir, I understand that a good deal more has been done by way of relieving the distress in Bombay, Madras, Bihar and Orissa and certain other areas, than in Bengal. In several Native States, rice has been artificially cheapened at the cost of the Durbars. I fail to see why Government should not provide, on their own responsibility, for the retail sale of Burma rice throughout the interior of the country at fixed prices. I quite appreciate their difficulty in regard to fixing prices of indigenous rice over whose source of supply they have no control. But if the authorities were to import Burma rice in sufficient quantities, make arrangements for its sale in every town and every important village, and fix its price at every stage, it will have a stabilizing effect on the rice market generally and tend to lower prices of the indigenous stuffs as well. Greater transport facilities should also be secured for Burma rice, the freight from Rangoon to India further reduced, and local consignments permitted to be carried by rail and inland steamers at concession rates. And if, as a condition of reduction of freight Government have to pay subsidies to the carrying firms, I trust Government will ungrudgingly bear the burden.

"Sir, so far we have suffered many of the disadvantages of a system of control, without benefiting by its merits. The evils of partial control have been described by Mr. Clynes, then Parliamentary Secretary to the Ministry of Food, who made the following statement in the House of Commons on the 16th August, 1917 :—

> 'We are but now erecting machinery for carrying out very big schemes relating to food supply and food control. The schemes involve, in regard to many important foods, the fixing of prices at every stage. It has been found that failure, so far as failure can be discovered, in the case of Germany and other countries, has arisen largely from partial control, and from not having fixed prices at every stage for commodities handled and sold by those who are in the business.'

"I hope, Sir, the warning given by Mr. Clynes against partial control will not be lost upon Government, in connection with their schemes for the supply of Burma rice.

"To add to the difficulties brought about by the rice situation there is the intense suffering caused by the abnormally high prices of cloth. I beseech Government to take immediate and effective steps for making Burma rice and standardised cloth available to every man, woman, and child at reasonable prices. If Government fail to rise to the occasion, I shudder to think of the consequences.

"With these remarks, I support the Resolution which has been moved by the Hon'ble Mr. Chanda."

11-25 A.M. **The Hon'ble Mr. A. H. Ley**:—"Sir, I have been asked to say a few words on the subject of cloth, which figures prominently in the text of the Hon'ble Member's Resolution. I listened very carefully to his speech when he introduced the Resolution, but I am bound to say I did not even hear the word mentioned the whole time he was speaking. It may be said then, that it is superfluous for me to mention the subject. But I do think it is a matter of some importance, and that the question ought to be ventilated and ought not to be passed over entirely in silence. That, Sir, is my only apology for addressing the Council.

"I confess that I came to the Council yesterday with a sense of anxious expectation, hoping that, from the words of wisdom which I expected to fall from the Hon'ble Mover's lips, some constructive proposals, some concrete suggestions, might be gleaned. But I had not listened for more than two minutes when I realised that my hopes were going to be dashed to the ground. I think the Hon'ble Member started by saying . . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"Will the Hon'ble Member kindly speak up."

The Hon'ble Mr. A. H. Ley:—"I think the Hon'ble Member started by saying that he did not propose to go into details, he was not going to make any definite suggestions, and, in fact, I think he said he did not know anything about the economic side of the question, but that his intention was merely to draw attention to the height of prices. I certainly sympathise with him. The question is an extremely difficult one, but I think its main features can be expressed fairly simply and fairly shortly. The case of cloth is, to my mind, exactly the opposite, in one aspect at any rate, to the case of foodstuffs, with which the Hon'ble Mr. Mant has dealt. In the case of foodstuffs India is an exporting country, that is to say, she produces normally speaking more than she consumes; the opposite is the case with cloth. Her production of cloth, although considerable, is only about half her requirements. It is quite true that she does export a certain amount of piece-goods to Persia, Arabia and neighbouring markets, but the proportion of her exports to her total production is so small that, even if you did restrict the export of piece-goods, I think it is extremely doubtful whether such a measure would have the smallest effect upon internal prices. Possibly the only result would be that you would lose an opportunity of developing what is after all a promising market without any compensation at all. However, to return from that point to my main point, I think the mere fact that India is an importing country in the matter of cloth renders any Government attempt at interference with the normal laws which govern prices more difficult and more dangerous than it would be in the case of a commodity which India exports in large quantities It is to my mind obvious that it is impossible to maintain for any length of time internal prices in India out of all their normal relations with external prices, that is to say, with world's prices, without checking the flow of imports,—that is to say, without doing precisely what it should be your object to avoid, increasing and accentuating the shortage of supplies. It is the shortage of supplies which is the crux of the whole situation; it is the shortage of supplies, which is the profiteers' opportunity. Well, I think in circumstances of this kind, Government can hardly take measures other than purely temporary and partial palliatives. And this they have done, or have attempted to do, by the passing of the Cotton Cloth Act in this Council last year, and by the manufacture of standard cloth. As long as the Cotton Cloth Act is on the Statute-book,—and, as far as I know, there is no intention at present of repealing it,—Government can compel manufacturers in this country to manufacture and sell to Government a certain proportion of the product of their looms at prices which preclude profiteering; and they can, with greater or less success, effect the distribution of that cloth among the classes which they wish to reach. But my point is that this can only be done, and is only intended to be done, on a very limited scale and to a very limited extent. If you widen the scale or if you increase the extent, you run up against the danger which I have endeavoured to explain, namely, of ultimately merely accentuating the shortage of supplies.

"Well, I need not go into what has been actually done under the Cloth Act; it will be unnecessary to take up the time of the Council by mentioning these details. But I think that, broadly speaking, it can fairly be said that the mere passing of the Act and the exercise of control which the Act conveyed was one of the factors,—not by any means the sole or principal factor, but it was one of the factors,—which brought down the price of cloth from over Rs. 3 a pound last year to Rs. 1-5 a pound. It is quite true that after the slump prices began to stiffen a bit, they rose again somewhat, I think, about the end of April or the beginning of May last; after that they remained fairly steady, but for the last two or three weeks there has been a well-marked and welcome falling off in prices. The downward movement may have been largely caused, or if not largely caused, at any rate largely assisted by the rise in exchange. I will not go into the exchange question at present, but I think it can fairly be said now that the present wholesale prices of Indian cloth are not unreasonable, when the price of cotton is taken into consideration; and as a matter of fact the margin between the price of standard cloth manufactured under the Cotton Cloth Act and the price of ordinary cloth is now so narrow, and has been so narrow for some time past, that the manufacture of standard cloth is at present in abeyance. I think also it can be said that the operations of Mr. Noyce, the Controller of Cotton Cloth, and of the various provincial Controllers in those provinces which indented for standard cloth, have on the whole been very successful. In fact, in two provinces their operations were so successful in reducing prices of cloth in the districts that the Local Governments concerned experienced considerable embarrassment and difficulty in retailing their stocks, and at the present moment they hold large stocks of standard cloth sufficient to last them several months. As far as the Hon'ble Mover's own province, Assam, is concerned, all I can say is that all the indents that Assam has made for standard cloth have been complied with up to date, and arrangements have been made to meet future indents from the surplus stocks which at present exist in the province of Bihar and Orissa.

"My only object in making these remarks, Sir, is to try and show that the Government have not been sitting idly doing nothing; they have tried to tackle what everybody admits to be an extremely difficult question. But they are not like a surgeon who can cut out the root of the disease with the knife; all that they can do is, to administer temporary palliatives till the fever subsides in the normal course. History repeats itself in this matter. It is always the case that wages are slow to respond to prices; they do respond, and they will respond, in the long run, but the interval is always a period of distress and suffering. I do not want my remarks to be taken as in any sense in opposition to the Hon'ble Mover's Resolution, or to the object which he seeks to attain. Far from it. I am only trying to point out that there are difficulties, and I am quite sure that any suggestions which the Hon'ble Member or anybody else has to make which can be reasonably expected to mitigate the evil without involving a remedy worse than the disease, will be unreservedly welcomed by every member of this Council."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I ask, Sir, if Government has made any efforts to stimulate the production of cotton in this country and, if so, what?"

The Hon'ble Mr. A. H. Ley :—"I think that is a question, Sir, for the Revenue and Agriculture Department, the question of cotton cultivation. But I believe it has been done."

11-38 A.M. **The Hon'ble Rai Sita Nath Ray Bahadur** :—"Sir, I have every sympathy with the spirit of the Resolution. My heart goes out in deep sympathy to my distressed countrymen in their present sufferings due to the abnormally high prices of foodstuffs. Whoever heard of such unprecedentedly-high prices of rice as Rs. 13 or Rs. 14 a maund, as were prevailing in the districts of Dacca and Mymensing only a short time ago? When in 1897 and 1898 prices of rice went up to 6 or 7 rupees a maund, it was called the greatest famine of the century, and numerous meetings—large and small—were held throughout the country to raise money for relieving the distress of the people. But when to-day the prices are more than double, we are still apathetic and indifferent to the sufferings of our countrymen and have hitherto done very little, nay nothing, to relieve their sufferings! But that is another story. What we are now really concerned with is, whether we should approach the Government and ask them to artificially reduce prices of foodstuffs. Is this possible or is this desirable? I must state at the very outset that I have every sympathy with the Resolution that the price of foodstuffs should be reduced. But is this possible? Is this desirable? There can be no question that it would be a great blessing if something could be done which would have the effect of bringing down the prices of foodstuffs. Admitting for the sake of argument that it could be done, would it have the desired effect? Would it not have a contrary effect? I may here point out that the policy to control the price of rice has been weighed in the balance and found wanting. In two districts of Bengal, namely, Dacca and Mymensing, an attempt was made by Government to control the price of rice with the result that Mahajans refused to import rice and the market price went further up.

"A policy of interference with the free movement of food grains and an attempt to control their price might have disastrous effects on the consumers. A policy of non-interference hitherto pursued has led traders to freely move rice and other foodstuffs from one place to another as necessity demanded. A contrary policy would surely prevent Mahajans from exporting or importing foodgrains from one place to another according to the exigencies of the times. Once the policy of artificially controlling prices of articles of commerce were followed and adopted, it would be difficult to define to what articles alone such artificial reduction of prices should be confined: In my humble opinion it would be laying a very dangerous precedent. Jute is a monopoly of the Bengal rayots. It is their chief income—it is the chief means of living of the cultivating classes in many districts of Bengal. Even in this present difficulty with the high prices of jute continuing, the jute cultivators did not fare so badly, *i.e.*, did not feel the effect of the high prices so much as the other classes of people. Now if the price of jute were to go above rupees 20, as it actually did only a short time ago, what would prevent my esteemed friend the Hon'ble Mr. Crum and other jute-mill owners from approaching His Excellency the Governor of Bengal and asking him to reduce the price of jute from Rs. 20 to Rs. 8 or Rs. 10? If such a course were followed would not a hue-and-cry be raised against the Government that they are going to sacrifice the rayots in the interest of the mill-owners? Even without artificially controlling the prices of rice the present high tension could be eased in different other ways and by different other means. In my opinion if the export of rice from Bengal had been prohibited earlier, or if the import of rice from Burma had not been restricted or even if so many restrictions had not been imposed, *i.e.*, if there had been a free import of rice from Burma or if facilities had been given by way of tonnage or shipping for transport of rice from Burma then, I take the liberty to assert that the prices of rice could not have risen so much. From my little experience I can say that at the present moment there is not a sufficient stock of rice in Bengal. The only factors which can reduce the prices of rice are to do away with all artificial restrictions, to abolish the post of Controller of Civil Supplies—though I have nothing to complain against the present holder of the post,— to allow a free import of rice from Burma into India and to provide facilities for transport of Rangoon rice. Why, the market has already eased down to some extent as soon as it has become known that large imports of rice are coming from Burma? I could cite several concrete cases to show how unnecessary restrictions have prevented generous minded people from buying Burma rice for relieving the sufferings of the distressed people. However, without dilating further on the subject, if all unnecessary restrictions imposed were immediately removed and the several posts created for controlling the movement of foodstuffs were abolished, and if free import of rice from Burma were allowed and the import not confined to four firms in Calcutta—three European and one Indian—I say the market would automatically go down as it has already done to some extent.

"We are thankful to Government for what they have done. But, unless further measures are adopted to bring down prices, the sufferings of the people will be more terrible and may lead to more food riots and serious loss of life. Already there are dark clouds gathering on the horizon and my Hon'ble friend Mr. Chanda has referred to several cases of looting in Bengal. I, therefore, urge the necessity of adopting further measures to relieve the distress due to abnormally high prices."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, we are indebted to the Hon'ble Mr. Mant for the admirable exposition of the Government case on this very important question, which has been engaging the attention of the Government and the people so seriously of late. It has been rightly said that this question is of far more importance to India than even the question of reform, than the question of currency, than in fact any other question that can engage the attention of the Government of India, and this, I can assert, is the case from my personal experience of what is going on in my province and from what may be adduced from the figures supplied by the Government themselves. The Hon'ble Member very rightly commented on the world causes which have brought about the present situation; I quite appreciate the object with which he has done so. I shall also imitate him for this purpose that we are not so much concerned with the past, but with what has to be done in the immediate present and in the immediate future. The question is not whether we shall be able to improve industries in the remote future, but whether the Agricultural Department will be able to increase the food production, whether we can reduce prices, whether we can bring sufficient food within the reach and ability of the people to buy so as to ease the situation. The question is what is the Government to do in order to improve the condition of the vast masses of the people of India? Now the currency situation in foreign countries was alluded to and the growth of prices in foreign countries. If I refer to this it is only for the purpose of showing that there is no chance of any mitigation of the situation in the near future. We find that last year it was stated that currency in belligerent countries was increased five-fold; it rose from 935 millions to 5,438 millions. The gold at the back of this currency has dropped from 63 per cent. to 37 and 20 per cent and even lower. It might take ten years or more to enable the gold production to supply the needs, to go back to the normal conditions. The inflation of prices due to the currency will continue for 11-45 A.M.

some time, although the effect would be mitigated by increased production of foodstuffs throughout the world. We in India fortunately are better situated from the currency point of view than other countries. We have a rupee to back up every rupee note issued, we have a metallic backing. The problem for the Government is how to prevent an increase in prices in India proportionately to what obtains elsewhere without a corresponding increase in wages in India. That is the real situation. The Hon'ble Mr. Mant has alluded to the increase in prices in foreign countries, but we see clearly that it is largely due to this artificial inflation of currency. People have got this artificial money and consequently the percentage of increases is not greater than the increased wages in England, for instance. There has been issued a parliamentary return last August, this shows that there has been an increase of nearly 100 per cent. in some, more in other industries in wages and 100 per cent. in food prices approximately. Therefore, the British workman has not been so hard hit as the Indian workman, because I venture to say that wages here have not gone up in proportion to the increase in prices. My first proposition is that at the lowest estimate there are at least 50 million people in India who are able to procure only one meal or half rations and some are actually starving. On what data do I make that statement? Taking the figures furnished by the Department I find turning to page 15 of the Appendix A of the Foodstuffs Committee, it has been computed that there is an average annual consumption per head of 4·9 maunds in rice-using areas and 5·6 on other diet, *i.e.*, it is one and one-tenth and 1$\frac{3}{10}$ pound per day per head. We find on page 19 that the actual estimates for Calcutta, Bombay, Madras and Karachi are much higher, for Calcutta they are 1·83, Bombay 1·4, for Karachi 1·35 and for Madras 1·48. I shall take the lower estimate for the purpose of my calculations and will take a family at five persons; we have 48 million households with a total population of 244 millions. As non-wage earners we may take children below 10 and some from 10 to 15 and men over 60. According to this we find that a family of five would require to pay at least 12½ annas for rice alone, at 3½ seers per rupee which obtains in some districts and 10 annas at 4½ seers, on other diet, 8 annas 8 pies at 6 seers. Well, the wages are not more than 4, 3 and 2 annas and 1½ annas in many places, and these are stated to be for unskilled labour. If we look at the figures given for the year 1916 wages have risen after 1916, but by no means can the rise be said to bear any proportion to the rise in prices. We find there that even if the whole family members were to work, they cannot make more than 10 or 11 annas in many parts of the country, and we have to reduce that figure by at least 1-6th or 1-7th for the non-working days. If we do that, then their income does not average more than 8 annas for the whole household, whereas they have to pay at least 8½ annas to 12½ annas for foodstuffs alone, to keep body and soul together, let alone their expense for fuel, oil, housing, clothing and other things. If we deduct the latter expenditure, and even without doing so, in many cases, the earnings are insufficient to procure a full meal. Therefore, Sir, I think that would substantiate my statement that a very large number of unskilled labourers and poorer agriculturists and so on, have only one meal a day or live only on half rations. I estimate that about 40 to 50 millions drag on a miserable existence or are on semi-starvation. I include under this head of about 40 to 50 millions the following classes :—

Farm servants and field labourers	32·4
Domestic servants	3 4
Insufficiently described	6·5
Industries connected with refuse	1·1
Beggars	2·2
Shepherds	2·7
Fishing and hunting	1·5
Rice fields	1·8

"Now these would come to more than 50 millions, and I think we shall have to include the smaller pattedars who also practically come under labourers. Well, if we take all these classes into account, the figures will swell enormously, and there is the growth, however small, of the population since 1911.

"I think, therefore, Sir, that my statement that about 40 to 50 millions of people are on semi-starvation rations cannot be challenged. In view of the figures that I have quoted, can you say that the average income of a family is more than Rs. 180 or Rs. 200 ? and according to these figures you would require at least that much, if not Rs. 360 for foodstuffs alone, let alone ghee, pulses and other things. Therefore, Sir, I hope that the Government will inquire into this question as to whether concomitantly with the large growth of wealth in presidency-towns and elsewhere of particular classes including the industrial classes, concomitantly with such growth, there is not a vast body of people in this country who are on the verge of starvation to-day. I had to verify this when I had gone to one or two districts of my own presidency, and what did I find ? I found a large concourse of people gathered about the riceshops, fishermen and coolies, people from all classes, some very much emaciated, and I was asked by a fisherman at one gathering 'why not shoot us, why make us lead this lingering death.' I went to another village, a suburb of a town, and there I heard a story of a family, of which two died of semi-starvation because they could not get sufficient rice or food to eat, and they ate some rotten vegetables that grow in the swampy soil and rotten fish, crabs. The same was the case in the mofussil; to my surprise, I found that we could get women labourers for 1½ annas a day, and rice was selling at prices ranging from 3½ seers to 5 and a young woman belonging to the agriculturist class in somewhat affluent circumstances not long ago came to me and said 'Oh, I had no food at all for two or three days' and begged for food for her little child. I therefore submit, Sir, that the position is very critical not merely in Bengal but in other districts of India also. I was therefore sorry to find in His Excellency the Viceroy's opening speech as well as in the statement made by the Hon'ble Mr. Mant an optimistic tone running through it. I do not say that the Government should lose heart, but I think they should realise the full situation and also tell the plain facts to the people so that they may realise what the situation is.

"Then allusion has been made to the fact that the number of men on Famine Works is small, but I would ask whether the wages that are paid to them according to the Famine Code are a living wage. I do not complain very much about these men not being able to find sufficient work for themselves, for there is generally work to be found especially after the immense mortality of last year, but it need not be surprising if there is no readiness to go to the famine camp, where the wages are no better if not lower than elsewhere. The point is that though the prices of foodstuffs have increased enormously, the wages of labourers have not increased proportionately, and millions of people cannot earn a living wage. If that is the situation, what has to be done immediately ? I have alluded to the fact that the Hon'ble Mr. Mant was perfectly right in saying that we cannot cease to control to a certain extent the movement of these foodstuffs unless we see what the relation of prices of various articles in this country is with reference to those in foreign countries. I admit that in ordinary circumstances it would be wrong to control foodstuffs, the export of foodstuffs, especially as such a rule would affect prejudicially Burma. But I would ask the Burmese people to remember that we in the past have helped them considerably, that Indian labour goes largely to improve the Burmese conditions, and therefore they should not grudge a little sacrifice even if that were necessary.

"But, Sir, I would respectfully submit that the internal distribution of the foodstuffs as between India and Burma and as between the several provinces should, as far as possible, be allowed to run free. More than one Hon'ble Member has alluded to his own presidency. In these days when we are talking of a United India, of a Federal India, I think we should rise above these petty considerations of province, district and town, and I do not think any Hon'ble Member of this Council would be justified in pleading the cause of his own presidency to the exclusion of other provinces and districts. Therefore, we shall have to see the interests of India as a whole, and I would advocate most earnestly the free movement of foodstuffs throughout India and the removal of restrictions on the conveyance of foodstuffs, and of placing additional facilities by the Railway Department at the hands of the distributors of foodstuffs. I know that it is a bitter complaint everywhere that it is the Railway Department that is partly responsible for this unequal distribution of foodstuffs especially when freights are so high. The department may have had very good excuses during the war that wagons were urgently needed for the carriage of coal and so on, but there is no doubt that the Railway Department is responsible to a certain extent, or at any rate they have not discharged their responsibilities to the extent desirable.

"In one place it is 6 seers, in another place 4½, in another place 3½, not far from one another . . . .

The Hon'ble Sir George Barnes:—"Will the Hon'ble Member give any instances of these delinquencies on the part of railways? Will he give me a definite instance?"

The Hon'ble Rao Bahadur B. N. Sarma:—"I cannot charge particular officers with corruption or delay. I know as a matter of fact that high officers of Government (I do not wish to allude to it here because I do not know whether the officers authorise me) have said that they find considerable difficulty in getting railway wagons. Latterly the position has been considerably eased because the Railway Department has been in communication with the Directors of Supplies and tried to do what it could. Sir, I would submit that I am not impeaching the conduct of the highest officers of the country, but I would ask the Hon'ble Member to remember that he has a number of subordinate officers who have virtually in their hands the distribution of these wagons, Station Masters and others, who, according to public report, have been making immense sums of money in recent years . . . .

The Hon'ble Sir George Barnes:—"Can the Hon'ble Member give one single instance of the imputation he has made?"

The Hon'ble Rao Bahadur B. N. Sarma:—"I can mention it to the Hon'ble Member in private and I cannot disclose the names unless I have the authority of the officers concerned. But I think inasmuch as the Hon'ble Member has asked me, I shall try to meet him at the earliest possible date on this question . . . .

The Vice-President:—"I would suggest to the Hon'ble Member that he has already exceeded his 15 minutes and ask him to bring his remarks to a close."

The Hon'ble Rao Bahadur B. N. Sarma:—"I would ask therefore for these proposals to be taken into consideration. I would beg, I would implore, the Government to consider whether they cannot increase their irrigational activity and public works activity, and increase the wages they allow to unskilled labour so as to set an example to the provinces and raise wages throughout the country. I would ask them to give their employees as well as others a living wage notwithstanding that it may cause additional taxation. I would ask that special facilities may be placed by the Agricultural Department for the provision of capital for the improvement of land. I would ask that no provincial restrictions be continued, though control as between India, Burma and other countries would have to be kept for some time longer, and I would ask that there should be no further inflation of the currency unless it is necessary in order to bring this country up to a level with other countries. With regard to cloth, I would ask that, if the agriculturist is reaping large profits by exporting his cotton instead of the cotton going to manufacturers in India at a reasonable price, so as to enable them to supply cloth at reasonable rates, it may be desirable to impose an export duty, not otherwise. And I would ask that special facilities be given to manufacturers to enable them to improve their mills and to get machinery, and possibly import duties may be removed in respect of the machinery. I do not think there is any other way of improving the situation in regard to cloth."

The Hon'ble Chaudhri Muhammad Ismail Khan :—" Sir, yesterday the Hon'ble Mr. Mant discussed the causes of the high prices at some length and referred to certain world factors. I do not think these have more than an academic interest now, and may be safely left to the economists to deal with. Whatever the reasons may be, there is an abnormal rise in the prices of necessaries, and means must be found to bring them down. Government claim that they are doing a good deal in this matter. So far as can be seen, beyond arranging for a supply of Burma rice they have done little in Bengal. In Bihar and Orissa, however, Government have all along been anxiously striving to alleviate distress in various ways. But in Bengal, the authorities are mainly concerned with the manufacture of excuses for inaction. They have so long followed a policy of drift. Though I represent the Muhammadans of Bihar and Orissa in this Council, I happen to be the Chairman of the District Board of Backerganj in Bengal. And I may say that we could have made satisfactory and early arrangements for the cheap supply of food-grains throughout the jurisdiction of the District Board, if Government gave us financial aid in time and granted other facilities. Now that much precious time has been lost, the District Board have been permitted in Barisal to import Burma rice 5,500 maunds for sale at cost price. But we have not as yet succeeded in getting more than a small fraction of the quantity which has been allotted to us. So the control system must be improved. It seems to be assumed by Government that cultivators derive some benefit from the rise in prices. From an intimate knowledge of at least one district of Bengal, I can say that this is far from truth. The cultivators have long parted with their old stocks, and it is the speculator who is getting rich. In the district of Backerganj, which was reputed to be the granary of Bengal, the *Aus* crop has been disappointing, and we are now looking forward to Burma for rescue. Whatever rice there is in the district is being exported, with the result that most people are on the verge of starvation. It is an irony of fate that in Backerganj, which has been known to be the land of plenty, people have died of starvation. Instances of looting of rice are becoming common, and those arrested on such charges are confessing their guilt, and going to jail with a smiling face. All these are indications of the gravest situation that can be imagined. And if there is any spark of humanity and statesmanship in Government, they should step in and prevent disaster that is staring us in the face." 12-4 P.M.

The Hon'ble Major Malik Sir Umar Hayat Khan :—"Sir, I cordially support the Resolution of my friend on the left.* From it will be seen that when in my opinion he brings a reasonable Resolution, I am always with him, though not as the Resolution stands now, but in the form in which it is going to be amended as suggested yesterday by my Hon'ble friend Mr. Mant. Our Hon'ble friend Mr. Mant made a very good speech yesterday, and we Punjabis are proud of him because he is a Punjabi. I think by that speech of his those in the Council as well as people outside will be able to 12-7 P.M.

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* The Hon'ble Mr. Chanda.

know how much Government has already done and is doing in this direction. In the same way as regards the Hon'ble Member who has spoken to-day about cloth, the people will know that Government is doing its best. But unfortunately, neither can the speech of Mr. Mant be eaten by those who are very hungry, nor the speech of the other gentleman be worn as clothes. What is wanted is, that something should be done immediately to relieve the trouble which people are experiencing in various provinces, so that they should not starve and should not go naked; and that can only be done if immediate steps are taken. My province has been suffering throughout the time of the war, and, I think, the other provinces have just begun to suffer, and they have already come forward and spoken on their own behalf, while we have kept quiet up till now. Of course one cannot keep quiet for ever, and now we ask the Government to do something in the matter. It has been said that we do not suggest any particular way out of the difficulty, but simply ask for the thing. Well, some time back when foodstuffs were not sent so much out of the country, I mean exported, prices used to be very low and the people used to be content.. I think when this has been once seen to be the case we may ask why it should not be done again. If you put a stop for a time to the wholesale exporting of foodstuffs, I think the prices are sure to come down and the situation will be improved. The same way about cloth. I think all the places where cloth is made should be controlled by the Government, and they should make very cheap stuff for the people and not only give it to the *baniyas* to keep in their shops and sell, but I think that Government officials like *tahsildars* would be doing far better work than they are doing now if they were sent sufficient cloth for the poor and if they were to distribute it themselves as was done when there was a difficulty in this direction during the war. There are Government shops in the districts and also cheap grain shops, but they are not sufficient; something, as I have said, ought to be done on a very big scale.

"Well, this, of course, will naturally bring down prices, and it may not be out of place to put forward one matter and that is, that Government has counted on high prices and the demands of Government in regard to land revenue have risen because it was thought that the poor zemindar has got lots of money and should be further taxed. I hope that if Government takes any action which will result in prices going down, the poor zemindars will not be burdened, and the revenues which are now paid to Government may be brought down to such a level that they do not suffer. The monied classes will gain if prices go down because they will be able to buy things cheaper, but there is a difficulty in the case of a zemindar who produces and sells the same stuff. If he has got two or three biggahs of land which do not produce sufficient food for himself or for his family, even then he is taxed. That means that his food is taxed. I hope Government will, when looking into the case of a man who only possesses land enough for his bare food, see their way to exempt that land from the payment of Government revenue.

"With these few remarks, I support the Resolution."

12-21 P.M. **The Hon'ble Pandit Madan Mohan Malaviya**:—"Sir, I heartily support the Resolution of the Hon'ble Mr. Chanda. The situation is a very critical one and calls for most anxious consideration on the part of Government and the people. In the first instance, that the prices of food and cloth are unprecedentedly high and that there is a great deal of suffering in the country are admitted and do not require to be dwelt upon, unless it be to show the great need, the pressing need, for action in order to give relief. At the start I may say that I acknowledge the steps which the Government have taken and I would have no objection to meet Mr. Mant's wishes by putting in the word 'further' before the word 'steps' in the Resolution of the Hon'ble Mr. Chanda. It is not a question where we have met to find fault with the Government unnecessarily or unreasonably; it is not a question where we have met simply to justify the existing state of things or to show that there is nothing more that can be done. The unfortunate fact is, there is indescribable suffering owing to very high prices in the country. I, personally, have not the least doubt that millions have died because of the want of sufficient food and clothing during the last few years. This being the situation, the question is to find out the causes, to diagnose the disease, and then to think of the remedy. In diagnosing the disease the Hon'ble Mr. Mant has referred to three factors, world factors, all-India factors and local factors. The world factors are of primary importance. So long as India was not open to the rest of the world, India produced its grain and fed its people. India's misfortune is this that, while she has been thrown open to all parts of the world, while people, who are much more civilised, much more advanced, are free to trade with India, India has not advanced equally in material respects in relation to Europe and other countries. Europe, Japan and the United States have made tremendous progress. The average income per head of the population in these countries has risen tremendously. The average income in England is 20 times that of the average income in India, so also it is nearly the same in the United States, so also, though not quite exactly but about that, in some other countries of Europe. While, therefore, the average income of people in other countries has risen so high, the average income of the Indian people has remained low, if it has not gone down very materially. The result is that, there being a shortage of food-grains in Europe, the richer people of Europe can and do pay a higher price for the grain that they need than the people of India can pay, and the people of India have been brought into competition with them in the matter of the supply of grain. Now, if steps had been taken to enable the people of India to advance materially, by developing indigenous industries and manufactures and in other ways, if the average income in India had risen, the rise in the price of food-grains and cloth would not have pressed so hard upon the people of India as it does. But what has been the fact? While these other countries have advanced, the people of India have not advanced in a corresponding measure, in fact their advance has been so poor that it is hardly worth comparing. This is the great world factor. The Government have afforded facilities for shipping for conveying goods to other ports. They have provided railway facilities and shipping facilities, and this is not a matter entirely of complaint. I am not sorry that railway facilities have been provided, I am not sorry that shipping facilities have been provided; I am glad that they have been provided. I would not be sorry if more railway facilities and shipping facilities were available to the people if these facilities enabled the people to improve their condition as much as they have helped or they have contributed to impoverishing them. I submit that in the absence of an advance in material civilisation and material prosperity among the Indian people, these facilities which have made it easy for the people of other parts of the world to import the produce of India and to export their produce to India has been a world factor of tremendous significance in creating the situation that has been created in India. Now, Sir, that being so, the remedy to consider is how to meet the situation now which has been so created, and I submit that when the fact has been found that, owing to various causes, not merely to the failure of the monsoon last year, but also owing to other causes, the prices of commodities have risen, the first thing which I suggest to the Government is to consider why they should not lock their door against export to other countries, until the needs of the Indian people have been satisfied. I maintain, and I maintain with confidence, though with great regret, that the food production of India is not sufficient to meet the needs of the Indian people. I maintain that what is exported of the food production of India is exported at the expense of the lives of many millions of Indian people in this country. It may be said that there is a surplus, an exportable surplus in the country. I say that surplus is obtained because the people have not money enough available to them to buy as much food as they should buy in order to maintain themselves in health and strength. The poor Sepoy who has served in His Majesty's Army, who has shed his blood for the honour of His Majesty's flag finds that he is not able to purchase enough food to feed himself and those dependent upon him. Many other people, a considerable number of people, do not find themselves able to purchase food for two meals a day. Lord Sinha, speaking at the Conference of the Overseas Press in 1918 said: 'Literally, millions in India were on the border of starvation. Half the population never had a full meal in the day and means must be found to remedy this state of affairs.' Mr. Blant, writing in the 'Edinburgh Review' in July 1918, also observed 'the average of human lives that are wasted entirely in India is about 7 millions.' Mr. Montagu also in speaking of the influenza epidemic in India pointed out that 60 lakhs of people had been carried away by influenza in India, and dwelt upon the fact that the insufficiency of food and clothing was one of the factors which was responsible for this enormous loss of life. Now, I will not refer to earlier statements regarding the number of people who go through life day after day on insufficient food. But I say, Sir, it is a fact which, if the Government will place all the figures available to them or if they appoint a committee to inquire and report upon, it is a fact which will be established that a vast number of people in this country are not eating a sufficient quantity of food, not because they do not want to, but because they have not the means to purchase the food necessary for them. Rai Bahadur Ganga Ram, C.I.E., M.V.O., in his valuable pamphlet on Agricultural Problems in India, said 'We are producing in a normal year just enough to meet—(he has done this after calculations which he has put in his paper)—our requirements of food consumption with no surplus to meet any emergency which may arise in the ensuing year.' That is a statement which Rai Bahadur Ganga Ram has made. Now, I submit this, Sir, that when people talk of the balance of trade, they ought to remember that this balance of trade would be larger if those who want to purchase grain from outside India would be able to pay higher prices and thus draw away the grain, the life-sustaining food-crop from India; the balance of trade would be larger in our favour and bring in many more millions; but those millions will represent the loss of so much life, the loss of so much blood from the people of India. We ought not to be so easily satisfied with this balance of trade being in our favour. The first question which I would ask Government to confront is, to make an inquiry and to find out from definite data whether this statement that the people of India are not having sufficient food is or is not true. If it is not true none will be happier than myself; I will apologise to the Government for having made the statement I have; but I fear that this opportunity is not going to be given to us. I fear that the facts are as I have stated, as I believe them to be. Now, if that is so, then, Sir, I say Government ought in view of the world forces to take into account the fact that our brethren outside who require food—and they will increase as the years go on—are in a much better position to pay than the people of India are. If there was a sufficiency of food in India, if we could produce more than we are producing and might produce if the Revenue and Agriculture Department of the Government of India did its duty by the people of this country, if we did produce as much as we could, I say I should be happy that we, Indians, should be able to serve food to our fellow-men in all parts of the world. I should be happy if we could supply in a larger measure than we do the necessities of other parts of the world. But the Department of Revenue and Agriculture have not, as I say, done their duty to the people, and up to this time the yield of produce in this country has been miserably poor. The yield per acre of produce in India is much lower than in other countries. The figures are given by Rai Bahadur Ganga Ram at page 12 of his pamphlet and are instructive The average yield per acre of wheat in Bombay and the United Provinces was 1,250 lbs., in the United Kingdom it was 1,973 lbs., in Belgium it was 2,174 lbs., in Denmark it was 2,526 lbs., in Switzerland 1,858 lbs. The average yield per acre of barley in the United Provinces was 1,300 lbs., in the United Kingdom 2,105 lbs., in Belgium 2,953 lbs., in Denmark 2,456 lbs., and in Switzerland 1,940 lbs. The average yield per acre of maize in the North-West Frontier Province was 1,356 lbs., in Canada it was 3,487 lbs., and so on. You will find that the average yield per acre of rice in India is only half of what it is in Japan. The possibilities of development are great. Attention has been drawn to this again and again; but the Revenue and Agriculture Department has concerned itself more with matters which will help the department to derive more revenue than as much as they should have done in stimulating the production of crops. I submit, Sir, that this is a matter which should receive attention. I have no pleasure in attacking the department. My grief is that the remissness of the department has created a situation that is causing immense loss, immense suffering and loss of life. It is for that reason that I draw attention to these things. The food problem in India is a very difficult one, and as a writer in the Nation Food Journal, to which attention has been drawn by the 'Leader,' points out the entire surplus productivity of the western hemisphere is totally incapable of meeting the present deficiency in European production if it is long continued. Now, he estimates that the population of Europe is at least 100 millions greater than could be supported without embarrassment. They expect that the United States and India will partly contribute to the needs of Europe. Well, I fear that India as constituted at present cannot meet her own needs, and therefore with very great regret, with no desire whatever that our fellow-men in other parts of the world should not have the benefit of deriving some part of their food from India, but simply because it is necessary to see that the people of India should not starve and should not die premature deaths, I suggest that the first step which the Government of India should take is, unless production is largely, considerably increased, unless there is a certainty, a positive certainty that there is a real, a true surplus which the people do not require after having full meals supplied to them, until then, I say the Government owes it to the people of this country that they should stop export of food-grains to other countries.

"That is my first point. The second is this. There have been other causes at work which have contributed to this. Among these, the step taken with the very best of intentions, namely, the arrangements made by the food controllers, have contributed to the situation. The present system of control was initiated more in the interests of England and the Allies than in those of India. Some of the members present here will remember that a foodstuffs conference was held at Delhi on the 15th October 1918. Mr. Mackenna there moved the following resolution:—

> 'This conference recognises the necessity of conserving the food-grain and fodder supplies of India with a view to meet the military obligations and commitments in the interests of the people of India . . . . .

So my point is that the first desire was to meet the military obligations and commitments of India to people outside. Now when the conference met in Delhi in 1918 the monsoon of 1918 had failed and yet the conference was devising means to exploit India's food materials in the interests of Europe. The termination of the war led this department to modify its arrangements, and unfortunately it began to mobilise the resources of India by controlling internal supplies. I submit, Sir, that internal movements of food-grains from one province to another should not have been checked. I submit that it was a great mistake to exercise any restriction upon the movements of food-grains from province to province, and my next suggestion is that these restrictions should be abolished once and for all . . . . . .

The Vice-President:—"I wish to remind the Hon'ble Member that he has already exceeded his time. I hope he will bring his remarks to a conclusion."

The Hon'ble Pandit Madan Mohan Malaviya:—"The subject is a very large one, Sir, and I fear that I shall not be able to do any justice to it. You will see that there are two subjects mixed up, cloth and food. I do not think that within the time limit I can do justice to these questions."

12-30 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"Sir, as I understand, the Resolution of Mr. Chanda is that steps might be taken, as far as possible by the Government, to reduce the high prices of food and cloth prevailing in several parts of the country. In so far as I have heard the speeches of my friends, Mr. Malaviya and Mr. Sarma, I find that they have travelled beyond the real subject of this Resolution.

"They have confused two questions, the high prices of food and the condition of India so far as food supplies are concerned. But the question is, what can the Government do to mitigate the rise in prices and not the condition of India and its people and their food supply? If the last were the question to be discussed here, perhaps, I could say a good deal in reply to the observations made by my Hon'ble friends. But that is not the subject before us, and I refrain from saying anything thereon. A very good answer could be given to the question. It is a matter which I have studied for 30 years and more. There are various factors that go to the bottom of it which would expose their fallacies and sweeping generalisations. But I do not at this moment propose to refer to them. We know that for 30 years and more the condition of India, so far as foodstuffs are concerned, has not been wholly satisfactory, but at the same time statistics show that whatever Government can do to increase the production or increase the area of food crops is being done. As a matter of fact the area for all sorts of crops has greatly increased, specially the area under merchantable crops, has been increased to a large extent but the food crop area has not been extended or developed to the same extent. In his lucid and well-informing speech which Mr. Mant delivered yesterday, he traced the causes of the present rise of prices. Of course it is taken for granted that the prevailing price of foodstuffs in India is what it is. Nobody is to be blamed for it—neither the Government nor the people. Mr. Mant in his exceedingly informing speech traced the causes of the rise in prices . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"The question was whether the people could pay at that price."

The Hon'ble Sir Dinshaw Wacha:—"Exactly: but that clearly is a different question to that before the Council. At the present moment the question is, how far it is possible to mitigate the high prices; how far the people can afford to pay those high prices is a different question. It is an economic question of an exceedingly complicated character which you might discuss for the next 20 years and not be able to find a solution. That is my answer to the Hon'ble Mr. Sarma's interposition. Therefore, I say that the three factors that the Hon'ble Mr. Mant mentioned are there. The question is, what are we to do? How far can we mitigate the rise in prices? It is the immediate concern of the people that we have to take into account, not what may happen in the next 20 years, or what may happen in the next 5 years, or what may happen to-morrow? The people are just now crying out against the high rates. That is the question. What is the answer to the question? So far as I know no answer has been given to it. I do not know what reply Mr. Mant may give so far as the Government are concerned. Of course, for my part I must say at once that it is a very difficult question to answer ; and however-much we may sympathise with the present condition of the masses and however we may deplore their hardships which are entailed by the abnormal prices, we are helpless to provide a reasonably satisfactory solution. How to reduce the prices of food so as to mitigate the hardships of the poor people is a very difficult matter. If you take this pressing question into consideration you will be unable to suggest what is to be done. Supposing the exports of food-grains were restricted or altogether stopped the question is, and I hope my Hon'ble friend Mr. Mant will answer it, would he be able to reduce prices ? Looking at the statistics of the exports of rice and comparing them with those of the past three years, we find that *jowar* and *bajra* are not grains that are exported. The only grain that is exported in large quantities is rice, and that is exported from Burma. Supposing that the whole of the exports of rice and other grains were restricted, the question is how much the restriction can reduce prices to effectually mitigate the hardships of the poor people ? That is the question, but a most difficult one. It is very easy for Hon'ble Members to say that Government ought to do this or do that. It is, however, what most looks simple on the surface which is very difficult of solution. But how far can the Government go ? Were they to restrict the inter-provincial movement of grains it is possible we might see prices reduced somewhat in some places. So long, however, as the present conditions last and so long as the effects of the war last, whatever the external factors or the internal factors may be, I consider that the Government and the people will be able to do very little in the direction of a sensible reduction of food prices. That is my opinion."

The Hon'ble Rai Sahib Seth Nathmal :—"Sir, I am afraid many economic difficulties have to be faced before the Resolution as it stands can be given effect to. The Hon'ble Mover suggests that exports should be further controlled or imports facilitated. I do not know if the Hon'ble Mover of this Resolution is aware how the import and export duties at present stand. Import duties as fixed by the Tariff Act, 1916-17, are levied, if I mistake not, at 7½ per cent *ad-valorem*. Sugar, however, is taxed at 10 per cent and the following articles hitherto in the free list will hereafter pay duty at 2½ per cent *ad-valorem*—Grain and pulse at 8 annas per ton which is roughly equivalent to 2½ per cent *ad-valorem*. The statutory free list is now confined to such articles as raw cotton, raw wool, etc. I do not know whether Government would be able to facilitate the imports further. If we look to export duties we will find, if my information is correct, that rice in and without husk is already charged at annas 3 per Indian maund, though with the exception of jute (raw, cuttings sacking and hessians) all other articles are free. It is also a fact if I mistake not that the export of wheat is strictly forbidden. I thus do not see how we can further control exports as is implied by the Hon'ble Mover of the Resolution. Then the question arises as to whether it is possible to check the rise in prices in any other way. I am afraid this is not so easy as is expected. General rise in prices is not the result of any artificial method of control either of export or import, but is due mostly to the high standard of living and the corresponding fall in the value of a rupee. If we were to check this rise by any artificial means, as is suggested by the Hon'ble Mover, it will carry with it a corresponding evil which we have to guard against in every such economic question. I do not see any justification in accepting a Resolution like this unless the Hon'ble Mover can point out tangible methods of redress which the Council can consider. It is purely a question of give and take. If you disturb export or imports you will have to suffer from the corresponding evil that such a course will automatically bring into play, inasmuch as exports and imports have to be paid by imports and exports respectively. The action taken by Government, as pointed out by the Hon'ble Mr. Mant, has gone a great way towards mitigating the evil, yet in my opinion there is ample room for improvement. 12-37 P.M.

I, therefore, strongly urge upon the Government the necessity of appointing a Committee to go into this question in detail and to suggest further means, if any. With these words, I oppose the Resolution in its present form."

12-41 P.M. **The Hon'ble Mr. Kamini Kumar Chanda** :—" Sir, I wish to conclude as I began. I simply wanted to call the attention of the Government to the state of things that now exist, and I therefore do not feel tempted to discuss the points raised by my Hon'ble friend, Rai Saheb Seth Nathmal, who has just sat down. I frankly confessed at the beginning that I did not understand these questions, but I simply wanted to call the attention of the Government to the state of things that now exist and appeal to the Government to improve matters, as in this country in almost everything it is the Government which does everything for the people. Sir, I ought to apologise to the Council, and express my regret that I did not touch on the question of high prices of cloth which was part of my Resolution. It was due to the fact that I was prevented from doing so owing to my miscalculation about the time-limit, and by the time I had nearly finished what I had to say about rice, my time was up, so I could not touch on the question of high prices of cloth. I wanted to mention the fact that the position with regard to cloth was such that it is well known that there have been cases of suicide by women for failure of obtaining cloth to cover their shame. I know it is a difficult question. So long as the price of cotton is high, it will be very difficult, nay even impossible, to reduce the price of cloth. But I only appeal to the Government that, in view of the abnormal situation that has arisen, some palliative measures ought to be taken to ease the situation. Of course, I frankly confessed at the beginning that I had nothing new to suggest, but I simply wanted to call the attention of Government to the existing state of things, and I shall be thankful if my Hon'ble friend, Mr. Ley, will only advise some palliative measures to ease the situation which need not be permanent.

" Now coming to the main part of the Resolution, Sir, I must in the first place congratulate my Hon'ble friend, Mr. Mant, on the very full, fair and informing statement which he made, and I wish also to thank him and the Government for the very sympathetic attitude that has been adopted on this Resolution of mine. I did not mean to suggest, Sir, that Government had done nothing. Of course, the wording of the Resolution might imply it, but my only object was to ask the Government to take further measures to improve the situation, and in this view I shall be quite prepared to accept the wording which my Hon'ble friend, Mr. Mant, suggested provided he in his turn would be pleased to accept my Resolution as amended. Sir, in view of this I do not think I shall be justified in detaining the Council with any lengthy remarks, but I would ask the indulgence of the Council just for a few moments on one or two points.

" In the first place, my Hon'ble friend, Mr. Mant, has criticised my suggestion about fixing the price of Burma rice and mentioned the orders that were passed under martial-law in Lahore. I may say at once that I am entirely at one with him about the unsoundness of these orders. I only wish he could see eye to eye with us as regards the other orders passed under martial law in Lahore. However, I fully appreciate that it is extremely unsound, nay even dangerous, to have passed orders like those passed under martial law fixing the price at figures much below the prices obtaining in the neighbouring districts. What would be the result of that? Suppose for instance, the price of atta was fixed at 2 annas in Lahore under martial law, while the price of atta in the neighbouring districts was 4 annas. Well, we know what happened. The people in Lahore were under martial law, and for fear of being whipped the shop-keepers were more than anxious to sell the whole quantities they had at the price fixed by Colonel Frank Johnson. But what happened when it was known that the price at Lahore was fixed at 2 annas? Did any body import atta into Lahore? No, the result was inevitable, that in a short time when the stock in Lahore was exhausted there was nothing but starvation. Therefore I could not possibly support these orders, and I did not for a moment suggest that such orders should be passed, but what I said was this, that when you controlled the source of supply as Burma rice, what was the harm in fixing the retail prices when you fixed the wholesale prices. That was my humble suggestion, and I do not think that was very wrong. The merchant was not entitled to import any Burma rice unless he accepted the conditions, and when you fixed wholesale prices I submit you ought to have gone further and fixed retail prices also. That was my first submission.

"In the next place, my Hon'ble friend said that the distress in Bengal and Assam was very recent compared with the other provinces. Well, that is so. We had a bumper crop in Bengal and Assam in 1918, and the result was there was no market for our rice That was the reason why my Hon'ble friend the Maharaja of Kasim Bazar put that question last year on this point, and I might mention to the Council that in my division, which had the benefit, if I can say so without any bad taste in his presence, of the experience of my Hon'ble friend sitting on my right who was the Commissioner of my division would bear me out, the condition was such that I think I had mentioned to him that we might suggest to the Munitions Board to take over our stocks of rice last year. Well, Sir, simply because we had a surplus stock of rice last year, will that appease our hunger to-day when there is no rice to-day? The fact that I had a sumptuous feast on Sunday will not appease my hunger to-day if I do not get food to-day. Therefore it is no consolation to say that we had large stocks of rice last year.

"My Hon'ble friend also compared the condition of India with other countries, and showed that in India the rise in the price of food-stuffs is much less than in other countries. It is about 57 per cent. That is so. But is it any consolation to us that other countries are in a worse condition than ourselves? In the next place, Sir, it would be very fallacious and misleading simply to compare the rise of prices of food-stuffs in India with other countries unless you compare the average income per head in other countries and the rise of wages during war time. Well, Sir, so far as income goes, of course it is well known that India is the poorest country. Well, in an article in the Journal of Indian Economics in December last year, Mr. O'Byrne, I.C.S., Assistant Wheat Commissioner, says that for ten years ending 1916 the average income of India was Rs. 45 to Rs. 50 annually. And the price of food grains was just under Rs. 4 per maund and the expenditure on food grains alone per head absorbed between 42 and 43 per cent. of the annual income. Now that food grains sell for Rs. 10 per maund every pice is taken for food grains if they can get enough and there is nothing left for any other purpose. Similarly, in regard to wages, as has been mentioned by Mr. Sarma, we know that in other countries, especially in England, they have been very much increased. Therefore it would be very fallacious to compare the condition of things in other countries with that in India if you do not compare the income and the increase in the rise of prices. The deaths from starvation in Bengal and suicide due to it were mentioned by me yesterday and we have to-day heard from Hon'ble Members who have spoken to-day. The Hon'ble Maharaja of Kasim Bazar has mentioned not only deaths and suicides due to starvation, but the abandoning of children owing to want of food. Well, that is the position of the country, and I submit, Sir, that abornmal measures will have to be adopted. With these remarks I have much pleasure in amending the Resolution as has been suggested by my friend, Mr. Mant. The Resolution as amended will read thus:—

'This Council recommends to the Governor General in Council to consider whether any further steps can be taken for the reduction of the unprecedented high prices of necessary articles of food and of cloth which obtain in several provinces either by further controlling exports or facilitating imports, or both, and by such other means as may be considered fit and proper.'

"I trust the Resolution will commend itself to the Council."

12-52 P.M. **The Hon'ble Mr. R. A. Mant**:—"Sir, I have very little to add to what I said yesterday on this subject. I explained then the steps that Government were taking to deal with the situation and said that we should be very glad to avail ourselves of non-official advice. I have listened to a debate of about two hours to-day, with, I must say, a feeling of great disappointment, because I did hope that we should have had some more constructive suggestions from Hon'ble Members. We have heard a good deal about the hardships, which are admitted, we have heard a good deal about the poverty of the country. In fact, some Hon'ble Members, certainly the Hon'ble Mr. Sarma and the Hon'ble Pandit Malaviya, seemed to speak to item No. 8* of the Agenda part of the time, discussing whether the people have enough to eat, but of suggestions for remedies I could find very little. The Hon'ble the Maharaja of Kasim Bazar did make a constructive suggestion. I think he said Government should sell Burma rice in every village of India. I do not know how many villages there are in India. If he would consider what an establishment and what an expenditure that would entail, he would surely realise that it is not a feasible suggestion. Then one or two Members suggested the abolition of internal control. I explained yesterday that we hoped shortly to be in a position to do that, but it cannot be done all at once. It has been the experience in Europe, I believe, that demobilization was nearly as difficult a business as mobilization, and we find much the same difficulty in demobilizing control. Two Hon'ble Members, Mr. Sita Nath Ray and I think, Mr. Sarma, suggested that we should abolish the control on Burma rice . . . ."

The Hon'ble Rao Bahadur B. N. Sarma:—"No, I did not."

The Hon'ble Mr. R. A. Mant:—"It was Mr. Sita Nath Ray. I am not sure whether the Hon'ble Member meant that we should withdraw all restrictions on the Burma rice trade, because it is perfectly clear from the figures I gave him yesterday that India would not get a grain of Burma rice in that case; it would all be bought up by countries outside who are willing to pay three times as much as India . . . ."

The Hon'ble Rai Sita Nath Ray Bahadur:—"What I meant was that, so far as Bengal was concerned, the restrictions on the import of rice from Burma should be withdrawn."

The Hon'ble Mr. R. A. Mant:—"I understand the Hon'ble Member to mean that we should maintain our control over exports, but we should maintain no control over the price; that we should not utilize our control for the purpose of bringing down prices. I understand that is his intention. Well, that is a possible course, but it will not help the situation. We have in Calcutta employed as distributing agents for the sale of rice, a few large firms, because we found that the small firms were profiteering and were not helping at all to bring down prices. We found that by using a smaller number of firms it was possible to see that they sold at reasonable rates. However, that is a matter which, as I said yesterday, we left entirely to Local Governments.

"There were really very few other suggestions made. The Hon'ble Mr. Sarma, as I understood him, said we ought to raise wages. Well, I wish we could do it, but I really do not see how we can. I have no doubt wages in time will be raised and will adjust themselves to prices, but I do not see how Government is going to expedite the process . . . . .

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* 'This Council recommends to the Governor General in Council that a Committee be appointed to enquire into and report at an early date :—

(*a*) upon the adequacy of the food production of the country to supply the legitimate needs of the people ;

(*b*) what proportion, if any, of the population in British India is unable to procure sufficient food either owing to lack of food supply or of pecuniary inability to purchase it.'

The Hon'ble Rao Bahadur B. N. Sarma:—"I said the Public Works Department should increase the irrigational activity and other activity."

The Hon'ble Mr. R. A. Mant:—"We do what we can when we get the money to spend, but we cannot certainly pay higher wages above market rates on public works. The only other suggestion that I need notice is that of the Hon'ble Pandit Malaviya. I did not quite catch the accusation that he directed against the Revenue and Agriculture Department, but if he merely means that the Agriculture Department in India is too small, I admit the fact and plead guilty to this extent, but I would point out we have been trying to increase the Agriculture Departments for a long time and we have not been able to get the men. It is thoroughly realised that much greater activity is required, much wider research and stimulation of production, and in so far as the Hon'ble Pandit suggests the increase of production as a cure or partial remedy at any rate for the present evils, I am entirely with him, but when he says, block exports, I thought I disposed of that theory yesterday. I did my best to, but I must have been preaching to deaf ears . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"May I explain? I meant exports should be stopped when prices reach a certain level. When prices go to a certain level, exports should be stopped at least then."

The Hon'ble Mr. R. A. Mant:—"I do not know how the Hon'ble Pandit would work an arrangement like that. It is certain that somebody would make money out of it. But I have not really anything more to say on this subject of exports. I showed clearly yesterday that if you stop exports, you stop production. If the argument is that the production of food-grains of the country is too small, well you are taking the best way to make it smaller. You will not increase production by a single grain. I am afraid therefore the debate has been somewhat fruitless, because when I asked or hoped for suggestions, one of the last speakers, the Hon'ble Sir Dinshaw Wacha says, he hopes that I myself will find a remedy. Well I wish I could. But I think the fact is that a debate in this Council is not really the best way of tackling a problem of this kind. The Hon'ble Sir Dinshaw Wacha has proposed in another Resolution that we should have a Committee, and I hope we may be able to meet him to some extent in that way. I should very much like to take advantage of the presence of members here from all parts of the country to explain to them more informally what our difficulties have been. It is much more difficult to do so in a formal speech, and if we can get a talk round the table, I hope that we shall get more mutual understanding and more mutual benefit."

The motion was put and the Resolution, as amended, was adopted.

The Vice-President:—"I think it will probably conduce to the public business if we take up next Resolution No. 7 which stands in the name of the Hon'ble Sir Dinshaw Wacha. It is a kindred subject, in which the Council is interested, and I understand that an agreement has been arrived at between the Hon'ble Sir Dinshaw Wacha and the Member of Government."

RESOLUTION *re* APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF PROFITEERING.

The Hon'ble Sir Dinshaw Wacha:—"Sir, my Resolution reads as follows:— 1 P.M.

'This Council recommends to the Governor General in Council that a Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Rai Sita Nath Ray Bahadur, the

Hon'ble Sir George Barnes, the Hon'ble Rao Bahadur B. N. Sarma, the Hon'ble Sir William Vincent, the Hon'ble Pandit M. M. Malaviya, the Hon'ble Mr. R. A. Mant, the Hon'ble Major Malik Sir Umar Hayat Khan, the Hon'ble Mr. Shafi, the Hon'ble Mr. W. E. Crum, the Hon'ble Mr. E M. Cook, the Hon'ble Mr. N. F. Paton, the Hon'ble Rai Sahib Seth Nathmal, the Hon'ble Mr. J. P. Thompson and the Hon'ble Sir Dinshaw Wacha be appointed to investigate and report, as soon as possible, on the extent to which profiteering is prevalent in India, with particular reference to the question of clothing and articles of daily consumption; and to suggest such remedies as may be possible to mitigate the hardships from which the poorest and lower middle classes are suffering.'

" Sir, after the discussion that has already taken place on the Resolution of the Hon'ble Mr. Chanda which was just passed, and which, of course, relates to a kindred subject, I have nothing more to say on it, although a good deal might be said on the general question of profiteering. Profiteering, at the present moment, is universal, though to what extent profiteering, particularly in food-grains and in articles of consumption of the poorer classes in India, has taken place, it is very difficult to say. The cry everywhere is ' profiteering, ' ' profiteering, ' ' profiteering. ' There may be profiteering in one commodity and there may be profiteering in another commodity. But, at the present moment, we do not know much about it; we all speak superficially on the subject. I assume that there is some profiteering, and to what extent it may be asked, is it possible to suggest a remedy so far as food and cloth are concerned? There are some factors to which the Hon'ble Mr. Mant referred while speaking on the Hon'ble Mr. Chanda's Resolution. But speaking frankly I was somewhat staggered by that Resolution and I did not know what I could practically suggest. The Hon'ble Mr. Mant in his reply observed that he was disappointed at the absence of any really ' constructive' proposal from the Hon'ble Members who spoke. He is right; I had fully anticipated that it would not be possible to offer a practical suggestion. It is a very difficult problem, and, therefore, Sir, I do say that possibly a large Committee of the character I have proposed in which, perhaps, most of the provinces will be represented and on which there will be some of our friends of the Government, because they are greater experts than ourselves, may be able to arrive at some remedy, whereby the same excellent object which my friend the Hon'ble Mr. Chanda has in view, could be attained. The Hon'ble Member for Commerce and Industry wishes that I might drop the Committee that I have named and that another Committee may be appointed, a small Committee of real experts, who may perhaps sit at a round table, and might, before this Council dissolves, try to suggest and submit to the Council some remedy in the direction we all desire. I hope, Sir, that we may be able to do something in this matter. The public cry is very loud, and the ignorant multitudes do not, of course, know how difficult the situation is. It is a difficult economic phenomenon which is prevalent in England and other countries. India is peculiarly situated in this respect, especially in its economic aspects, to some of which the Hon'ble Pandit Madan Mohan Malaviya and the Hon'ble Mr. Sarma referred. But, whatever that may be, I do earnestly hope that, as far as this immediate question is concerned, we may be able to solve it so as to mitigate the hardship entailed on the poorer classes of people. Therefore, Sir, I propose this Resolution. "

1-6 P.M. **The Honble Sir George Barnes**:—" Sir, I had an opportunity a few minutes ago of discussing this Resolution with the Hon'ble Sir Dinshaw Wacha. Of course when Sir Dinshaw Wacha put down his Resolution, he had not had the opportunity of hearing the very luminous address which the Hon'ble Mr. Mant gave us yesterday . . . .

The Hon'ble Sir Dinshaw Wacha:—" Exactly."

The Hon'ble Sir George Barnes:—" I believe that he agrees with me in thinking that it is hopeless to appoint a Committee of this kind to investigate and report on the extent to which profiteering is prevalent. I was very glad to hear the Hon'ble Mr. Mant's last words on the subject of personal discussion round a table, and I think, if other Hon'ble Members agree, a round table conference on this subject would be very useful. We believe, as a Government, that we have explored every avenue which leads to possible remedies for the present high prices, but it may be that we are wrong, and if we are wrong, we shall be very glad to have a new avenue pointed out to us. I have no wish to suggest any change in the membership of the Committee except to warn my friend, Sir Dinshaw Wacha, that I am afraid that some of the officials will find it practically impossible to attend meetings at the present time, and I think that the Committee might have liberty to add to its members, or that the Government might have liberty to add to the proposed Committee in such a way as they may think fit, because there may be other Hon'ble Members who take a deep interest in the subject whom Sir Dinshaw does not chance to have mentioned. I would, accordingly, suggest that the following words be substituted for the words which stand at present in the Resolution, if the Hon'ble Sir Dinshaw Wacha will agree to them, that a Committee consisting of . . . . be appointed 'to consider the high prices which at present prevail in articles of daily consumption, and to suggest such remedies as may be possible to mitigate the hardships from which the poorest and lower middle classes are suffering.' "

The Hon'ble Sir Dinshaw Wacha:—" Of course, I agree to that."

The motion was put and the Resolution, as amended, was adopted.

RESOLUTION *re* UNIVERSITY AT NAGPUR.

The Hon'ble Rai Sahib Seth Nathmal:—" Sir, I beg to move the following Resolution :— 1-9 P.M.

> 'This Council recommends to the Governor General in Council that a Bill for the establishment and incorporation of a University at Nagpur be introduced into this Council at an early date.'

The question of the establishment and incorporation of a University at Nagpur for the Central Provinces is by no means a new one. During the last few years it has repeatedly attracted the attention both of the public as well as the Government. My object in moving this Resolution is not to raise a discussion on the desirability or otherwise of establishing a University at Nagpur, but in order that it may simply serve as a reminder for early steps being taken towards the execution of a project which is admitted on all hands to be an urgent necessity.

" In view of the happy termination of the world-wide war and the conclusion of the work of the Calcutta University Commission, 1917-19, I think this is the most opportune time to push forward this scheme. The proposals regarding the University were submitted to the Government of India by the Central Provinces Administration long ago, and they held them up pending the report of the Calcutta University Commission. I know, Sir, the Government of India is as anxious as any of us to promote the cause of higher education everywhere as quickly as possible, and I will therefore close this with a very few observations.

"The question to which the Resolution which I have the honour to move relates is one which has a long history behind it. The contemplated University for the Central Provinces was referred to in the Report of the Education Commission of 1882. The Universities Commission of 1902 also adverted to it in paragraph 29 of their Report and bore unequivocal testimony to the fact that the proposal to create a new University at Nagpur had received both official and non-official support. Later on, the Government of India in their Resolution dated the 21st February 1913 while declaring the educational policy said that, with a view to satisfy the aspirations of the people, they contemplated the establishment of a University at Rangoon, Patna and Nagpur. Not long after that the Central Provinces Government by their Resolution No. 682, dated the 8th July 1914, appointed a strong Committee consisting of officials and non-officials to consider a scheme for the creation of the University at Nagpur. The Committee gave a very close and thoughtful consideration and after seven months' labour produced an elaborate report embodying a detailed scheme for the constitution of the proposed University. The Local Government invited public criticism on the said report and gave the people an opportunity to express their own views on the subject. The report was discussed thread-bare at the meetings of the 4th Provincial Conference, Central Provinces and Berar, and a deputation was arranged to wait upon the Hon'ble the Chief Commissioner and placed before His Honor the views of the Conference. This was done and a favourable and sympathetic reply was received from the Government. The Hon'ble Mr. Dixit also interpellated the Local Government on the subject on 18th March 1916 and received the following reply :—

> '(*a*) The Government is not aware that the proposals for the Dacca and Patna Universities and for a University for Burma have reached the advanced stage which is mentioned in part (*a*) of the question.'
>
> (*b*) and (*c*) With regard to parts (*b*) and (*c*) of the question I would refer the Hon'ble Member to the reply which was given by the Chief Commissioner to the deputation which waited on him in January to present the resolution of the Provincial Conference. The reply was published in the Press. The Hon'ble the Chief Commissioner is aware of the interest that is taken on the subject in the Province, that in view of the voluminous criticism received and of the necessity at a time like the present for putting forward proposals which should be as practicable as possible he must await the detailed report on the scheme which is to be furnished by the permanent Director of Public Instruction. Until the report has been received and considered, it is impossible to make a further statement on the subject.'

"Again, Rai Bahadur B. D. Shukul asked the Government of India on the 19th September 1916 if they had received any definite proposal regarding the establishment of a University at Nagpur from the Local Government and the reply received was in the negative. He repeated his question on the 12th September last and further asked the Government as to when a Bill for the establishment of a University at Nagpur was likely to be introduced in the Council. The Hon'ble Member in charge of Education then replied to the effect : 'Proposals have been received from the Local Government for the establishment of a University for the Central Provinces and are now under consideration. It is therefore undesirable to publish the proposals at present and impossible to give a definite reply to the question when a Bill for the establishment of the contemplated University will be introduced.' No provision was, however, made for the establishment of the proposed University in the ensuing year's budget, consequently a Resolution was moved by Rai Bahadur B. D. Shukul in this Council on the 12th March, 1918, to provide a sum of rupees four lakhs as a preliminary measure for the establishment of a University at Nagpur, when he took advantage of the opportunity to give a short review of the whole history . . . . .

The Vice-President:—" I think if the Hon'ble Member would speak a little slower we should all hear him better. "

The Hon'ble Rai Sahib Seth Nathmal:—"To give a short review of the whole history as to how the question of the Central Provinces University has been hanging fire for the last 37 years, *i. e.*, since 1882, when the Education Commission presided over by the late Mr. William Hunter suggested the establishment of a separate University for the Central Provinces at Nagpur. In reply to this the Hon'ble Sir Sankaran Nair was pleased to observe : ' Even with reference to the Patna University the question arose whether it would not be wise to defer the consideration of the Patna University scheme pending the report of the Calcutta Commission who were expected to deal with all these questions. Further, we also hoped that we might be able to submit the Nagpur University scheme if not to all the members of the Calcutta Commission, to some members at least. Therefore we have put it off till the receipt of the report from them. That is the reason of the delay. '

" Sir, the report of the Calcutta Commission to which the Hon'ble Sir Sankaran Nair referred has already seen the light of day and the recommendations made by the Commission are now before the Government of India. Sir Sankaran Nair, I presume, must have consulted all the members of the Commission or at least a few of them as he already expressed in his reply which I have just quoted and in my humble opinion the time has come when the legislation for the establishment and the incorporation of a new University at Nagpur on the lines suggested by the Calcutta University Commission be introduced into this Council. Fortunately, the terrible war has also ceased to the greatest relief of us all and with better financial prospects in future. I do not think any pecuniary considerations would now deter the Government of India from granting to the people of the Central Provinces a boon which has been long overdue. I think it is a very reasonable and modest request and my entire province is looking forward to an announcement on this particular subject. It is in that hope, Sir, that I have ventured to move this Resolution before this Council. "

The Hon'ble Mr. Shafi:—"Sir, in dealing with the Resolution which 1-15 P.M. 1/- has been moved by my Hon'ble friend , I need not detain the Council long. Hon'ble Members are aware that on 21st February, 1913, the Government of India with the previous approval of the Secretary of State issued a Resolution embodying their educational policy. In that Resolution they made a comprehensive survey of the whole field of education, summarised the policy which in regard to almost every branch of education had been followed in the past, and laid down the basic principles upon which the educational system in this country was to be developed in the future. In paragraphs 44 and 45 of that Resolution they dealt with University education and after instituting a comparative analysis of the resulting benefits of affiliating and teaching Universities, they laid it down as a general rule that the Universities of the future should be of the teaching and residential type. Then they went on to say :

> ' At present there are only five Indian Universities for 185 Arts and professional colleges in British India besides several institutions in Native States.
>
> ' The day is probably far distant when India will be able to dispense altogether with the affiliating University, but it is necessary to restrict the area over which the affiliating Universities

have control by securing in the first instance a separate University for each leading province in India and, secondly, to create new local teaching and residential Universities within each province in harmony with the best modern opinion as to the right road to educational efficiency. The Government of India have decided to found a teaching and residential University at Dacca and they are prepared to sanction under certain conditions the establishment of similar Universities at Aligarh and Benares and elsewhere as occasion may demand. They also contemplate the establishment of Universities at Rangoon, Patna and Nagpur.'

"Hon'ble Members are aware that the Universities of Patna and Benares are already accomplished facts and the movement for the establishment of a university at Rangoon, I believe, has reached a fairly satisfactory stage. Had the promoters of the Muslim University acted wisely, I have no doubt that the proposed University at Aligarh would have already been in existence. So far as the proposed University at Nagpur is concerned, the position is a very simple one. I need not enter into the history of this question as my Hon'ble friend has already given us a fairly clear resumé of the whole problem. As he has reminded the Council, when the Hon'ble Mr. Shukul moved his Resolution on the 12th March 1918, advocating the establishment of a University at Nagpur, the Hon'ble Sir Sankaran Nair in his reply, after referring to primary facts, proceeded to observe :—

> 'The result was that we felt that these questions required very careful consideration. At that time the Calcutta Commission was appointed; even with reference to the Patna University the question arose whether it would not be wise to defer the consideration of the Patna University scheme pending the report of the Calcutta Commission . . . . .'
>
> 'In those circumstances the Government felt that it would not be right to go on, pending the report of the Calcutta Commission who were expected to deal with all those questions. . . . Therefore we have to put it off till the receipt of the Report from them. That is the reason of the delay.'

As has been mentioned by my Hon'ble friend, the Calcutta University Commission have now presented their Report. Therefore, Sir, I am in a position to go a step further and on behalf of the Government of India to accept the Resolution which has been moved by my Hon'ble friend with two slight reservations, the reasonableness of which I am sure he will recognise. I am sure he will understand that the bearings of the Calcutta University report on the proposed University at Nagpur have to be decided upon by the Department and those interested in the establishment of this university. In consequence it is impossible to specify any date on which the necessary legislation will be undertaken. There is one further point in this connection, the reasonableness of which also, I am sure, the Hon'ble Member will recognise, *i.e.*, the question whether the necessary legislation ought to be undertaken in this Council or in the Provincial Council to be established under the Reforms Scheme. In all probability the necessary legislation will be undertaken in this Council, but it is a question that requires consideration, and therefore I cannot at this moment give an undertaking on the point. With these slight reservations I have pleasure in accepting on behalf of the Government of India the Resolution moved by my Hon'ble friend. Meanwhile, he may rest assured that the Government of India are in the fullest sympathy with the object which he and the people of Nagpur have in view and will, in so far as circumstances permit, take every reasonable step to bring about the establishment of a University at Nagpur as early as possible."

1-24 P.M. **The Hon'ble Rai Sahib Seth Nathmal** :—"Sir, we quite realise the position of Government which has been given expression to by my Hon'ble friend who is in charge of the Education Department, and I offer my hearty thanks to the Government of India for accepting my Resolution, as pointed out by the Hon'ble Member. With regard to the latter remark that this legislation ought to be undertaken in the Provincial Council, I might point out that we ought not to wait till the new Reforms Scheme has come into operation. We have to consider the time that would be required in the preliminary arrangements as, *e.g.*, construction of buildings and the arrangement of the staff, etc., and the earlier we start the better and so far as the first condition is concerned, I think it has my full sympathy."

The motion was put and the Resolution was adopted.

RESOLUTION *re* REMOVAL OF THE CALCUTTA MINT TO ANOTHER SITE.

The Hon'ble Mr. W. E. Crum :—" Sir, I beg to move :— 1-25 P.M.

'That this Council recommends to the Governor General in Council that the question of removing the Calcutta Mint to another site be taken into consideration.'

Sir, if this Chamber were provided with a black board and chalk I would be able to explain my Resolution to the Council in five minutes. As, however, a good many of the members here are not acquainted with Calcutta, especially with the locality of Burra Bazar, it may take me a little time to enable them to visualise the position. Calcutta may be divided into three parts, that is northern, central and southern. I shall deal with the central portion. Here there are two main roads, Harrison Road running from east to west, from Sealdah station to Howrah station *viâ* the Howrah bridge, and the Strand Road running from north to south, from Chitpore nearly to Kidderpore. The district of Burra Bazar is bounded on the south by Harrison Road, on the west by Strand Road, on the east by the Chitpore Road. Since the part of Burra Bazar that we have to deal with is only the southern part, I propose to take the northern boundary as a street called Darpanarayan Tagore Lane. The frontage of this portion of Burra Bazar on the Strand Road is 750 yards, and it has also got a frontage of 750 yards along Harrison Road. This part of Calcutta, so far as density of population is concerned, is the second most dense. It has got a population of something like 220 to the acre, which is considerably higher than any part of London. It is rather peculiar in its construction. The houses in Burra Bazar have godowns on the ground floors with living premises on the upper floors, and therefore it is probable that the real density of the population per area occupied is equal to, if not more than, that of any other part of Calcutta. Now, Sir, some years ago Dr. Crake, the Health Officer of Calcutta examined very carefully the conditions of the various wards of Calcutta for density of population and for the number of the sanitary and insanitary houses. He divided the houses of Calcutta into three different classes, sanitary, moderately sanitary and insanitary. He found that Ward 5 which is Burra Bazar, with which we have to deal, was the section with the largest number of insanitary houses and the smallest number of sanitary houses of any part of Calcutta. He also found that whereas the average deaths from tuberculosis in Calcutta were 3·2 per thousand, in Ward No. 5 they were 4·2 per thousand making that ward the second worst ward for tuberculosis. He went on to say : 'Still one could not help being struck with the extremely overcrowded condition of many of the large tenement houses in Burra Bazar section. Here one actually finds rooms sub-divided by partitions and whole families occupying the resulting tiny dens. A great deal of the insanitary property is overcrowded simply because a considerable portion of it is so horrible that it is abandoned, the inmates all crowding into two or three upper rooms.' In a letter addressed to the Government of Bengal by the Improvement Trust—I do not know if it has come to the Government of India, if it has not it will come later—it is said that 'the existing roadways are quite insufficient to meet the requirements of the traffic; a large percentage of the buildings, even though of costly construction, are insanitary, and Burra Bazar is a standing menace to the health of Calcutta.'

"Now, Sir, there are at present running east and west in the Burra Bazar about six streets over a frontage of 750 yards. All of these streets go down as low as 15 feet in width in places, and in fact Burra Bazar which as its name implies is one of the most important business centres of Calcutta, is nothing but a rabbit warren. It is absolutely essential for the health of Calcutta that Burra Bazar should be improved by Town Planning Experts as soon as possible. I have told the Council that the frontage of Burra Bazar, or rather of that part of Burra Bazar with which I am dealing, is about 750 yards on the Strand Road. No less than 330 yards of this frontage is occupied by the Mint; and the result is of course that any new roads running east and west through Burra Bazar are stopped in their egress to Strand Road by the Mint.

"A plan for improvement has been drawn up by the Improvement Trust, and slight alterations have been suggested by the Municipality in conjunction with the report drawn up by Professor Geddes, and this plan proposes that eight new roads should be driven from east to west. These roads will vary in width from 70 feet in the case of the broadest road to 35 feet in the case of the narrowest road. No less than three of these suggested roads converge on to the Mint, and therefore they cannot be extended towards the Strand Road which, as I have said, is the main traffic artery running north and south.

"Therefore, I think from the point of view of the health of Calcutta and also the trade of Calcutta, it is most important that the Mint should be removed.

"Now, Sir, the history of the Mint, or rather the history of the question of moving the Mint, as far as I can make out, is as follows. In 1906, Sir Charles Allen, who was then the Chairman of the Corporation, proposed to the Government of India that the Mint should be removed, because it was proposed to go on with the improvement of Burra Bazar as soon as possible, and it was necessary that more space should be given to the people who were turned out of their houses by the improvements. A Committee was appointed, and five conditions were laid down which must be fulfilled by any new site. I will deal with them later. The report of that Committee seems to be shrouded in mystery. The Improvement Trust say that no decision was come to. I understand that the Government of India have told the Improvement Trust that a decision was come to; but unfortunately the Government of India forgot to tell the Government of Bengal or the Improvement Trust as to what that decision was.

"Now, be that as it may, conditions have materially altered since the year 1906, and it does not at all follow that the decision which was come to in 1906 should now be followed. The position at present is that the Improvement Trust have written through the Bengal Government to the Government of India, and the Government of India, I understand, have replied saying that the decision arrived at from 1906 to 1908, which was that the removal of the Mint was impracticable, cannot be reconsidered.

"Now, Sir, I would like to deal with the reply of the Government of India, and they give no reason why they should not reconsider their former decision, so that my only course is to deal with the conditions which were to be fulfilled in 1906, by a new site. The first condition was that the Mint should not be more than three miles from the Comptroller General's office. Well, I must say, Sir, that I do not quite see the reason for this requirement. We have got motor cars in these days, and I really do not think that it matters very much whether the Mint is three miles from the Comptroller General's Office or ten miles.

"Then they go on to say that it must not be less suitable than the present site for the purposes of Government including the import of bullion and the Currency Office work. Well, I entirely agree with the Government as regards the import of bullion, and it is absolutely necessary that the Mint should be on the railway. As regards the question of Currency office work, I understand that that means that when coin is made it has to be removed from the Mint to the Currency Office. In 1906, I think that motor lorries hardly existed and everything, I presume, was then taken by bullock carts moving about two miles an hour. Well, supposing that three miles was suitable then, that is to say, that a bullock cart would take an hour and a half to take coin from the Mint to the Currency Office and *vice versa*, I submit that a motor lorry could do about fifteen miles in that time, as it would run at something like ten miles per hour; so that there is no real objection on that point.

"Then we come to the third condition, that the present site should not be less convenient for the Banks and the commercial public. I think the answer to this is found by studying the personnel of the Calcutta Improvement Trust When this suggestion was made by the Improvement Trust, there were as Members of the Improvement Trust Mr. Dods of the Hongkong and Shanghai Bank, which, I think, is the bank most concerned with movements of bullion in Calcutta; Mr. Murray, the Vice-president of the Chamber; Sir Frank Carter, another member of the Chamber Committee; Raja Rishi Kesh Law of the Bengal National Chamber, and there was also my friend on my right* who, I am sorry to say, told me yesterday that he was going to oppose the Resolution; I have not yet discovered his reason though no doubt we will hear that later. I have spoken to a good many Marwari gentlemen and they are all exceedingly anxious that the Mint should be removed. If then the commercial public of Calcutta as represented by the gentlemen I have mentioned are not opposed to the removal of the Mint, I think that condition No. 3 really falls to the ground.

"Then we come to condition 4, namely, that the proposed site is capable of being at least as efficiently defended in case of disturbance as the present building. Well, Sir, if I were asked to draft a programme for defence for the public buildings in Calcutta, I think I should have to ask somebody else to deal with the Mint. I have the authority of the Commissioner of Police in Calcutta, who says that for this reason he would very much prefer that the Mint should be removed elsewhere.

"Then we come to No. 5, that the cost of removal, both initial and recurring, should not be prohibitive. Well, it is difficult to prophesy and I am not an expert on land values in Calcutta, but the Mint occupies an area of some 50 bighas, that is to say, about 17 acres. It is reckoned that the value of land in that part of Calcutta is something like Rs. 10,000 per kotah, *i.e.*, 1-20th of a bigha, and I leave Members to work out that if they wish; but it comes to this, that the value of the Mint premises is something between 75 lakhs and a crore of rupees. Now I do not think there would be any difficulty in getting a site outside Calcutta, a bit further out, not necessarily outside Calcutta, for a tenth of that cost and a considerably larger site. And then there is this to be considered. The present Mint is a Mint which has been built up gradually and is more or less patchwork. The work it does is extraordinarily efficient, but I cannot help thinking that if a new Mint, a real modern Mint was built elsewhere, the cost, the recurring cost, would be very much less than it is at present; that is to say, that a Mint considerably more thorough than the present one could be built elsewhere. There is one point however, Sir, which has not been mentioned as one of the conditions, and to my mind it is far the most important, I mean the question of labour. As far as the present Mint is concerned, it is admitted at once that it is in a very central position as far as labour is concerned, and of course a Mint has to work to a certain extent spasmodically, and therefore it is very important that a place should be found where casual labour can be easily got. But the present Mint has this disadvantage, that the area is almost entirely occupied by the Mint buildings and that a large number of the staff, the superior staff, the supervising staff, have to live elsewhere. I consider that, if a site could be found somewhere else and a larger site, it would be possible to accommodate not only these officers, but also a large portion of the labour actually on the Mint premises.

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* The Hon'ble Rai Sita Nath Ray Bahadur.

"Now, Sir, that is really all that I have got to say on the subject, but I should like to quote one more paragraph from the letter which the Improvement Trust have sent through the Government of Bengal, to the Government of India. They say this:—

> 'The Board of Trustees for the Improvement of Calcutta are of opinion that it can be shown that the sanitary improvement of Bara Bazar will be greatly facilitated by the removal of the Mint, and that the removal of the Mint would improve the conditions under which the trade of Calcutta is carried on, and that these considerations are of such great importance to Calcutta as a port and centre of commerce that they should outweigh any administrative difficulties which may arise in connection with the removal of the Mint.'

"That is the position, Sir, and I very much hope that Government will see their way to accept this Resolution and have a thorough inquiry afresh into the conditions of Bara Bazar, and the question of removing the Mint."

1-43 P.M. **The Hon'ble Mr. Abdur Raheem :**—"Sir, I have pleasure in supporting this Resolution so ably moved by my Hon'ble friend, Mr. Crum. I am afraid, Sir, Mr. Crum has left almost nothing for me to add to the reasons he has put forward in support of his Resolution. Therefore, instead of recapitulating the whole thing, I beg to endorse every word that has been said by him, and in doing so, I wish to add only this much that as a Commissioner to the Calcutta Corporation, I fully recognise the necessity of removing the Mint to a more suitable site than that on which it now is."

1-44 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi :**—"Sir, I have much pleasure in supporting the Resolution which has just been moved by my Hon'ble friend Mr. Crum recommending the removal of the Mint from its present site. It is well known to every one in this Council that Bara Bazar is a very dense quarter of Calcutta, and it is difficult now for carts to pass through the small streets which exist at present in that locality. The Improvement Trust have contemplated that there should be roads from East to West, and these roads would be 35 feet wide and there would then be no difficulty in the passing of carts and *thalis* and motor vehicles through this quarter. At present it is very difficult, sometimes it is impossible, to pass through the existing roads. People live in that quarter and it is also a business quarter, and, I think, it would be better if the Mint were moved to a different place near Calcutta, where the necessary space for the houses of the guards and other officials would be available. This would lead to an improvement in the condition of Bara Bazar. I, therefore, support this Resolution of my Hon'ble friend, Mr. Crum."

1-45 P.M. **The Hon'ble Rai Sita Nath Ray Bahadur :**—"Sir, I regret that I cannot see eye to eye with Mr. Crum in this matter. It is not that I am very much opposed to the idea of removing the Mint; but I beg to say that the removal of the Mint will not conduce to the health of Calcutta, *i.e.*, to the health of Bara Bazar, as has been suggested by Mr. Crum. The genesis of the Improvement Trust, the reason why it was created, was that congestion in Bara Bazar should be removed, that the dirt and filth from that quarter should be removed and thereby the health of Bara Bazar improved. In the first place, Bara Bazar now-a-days is not confined to the four corners of Harrison Road and Chitpur Road and the Strand Road. It is really expanding.

" Now coming to the point of health, I may mention that the object of the Improvement Trust being to improve the health of Bara Bazar, the removal of the Mint would not conduce to that object. The modern idea of removing the Mint has originated from the fact that the Calcutta Improvement Trust has undertaken to open several roads and to create open spaces, and as a large number of insanitary houses and over-crowded houses would have to be demolished, the site of the Mint should be taken up and Marwari gentlemen permitted to build new houses there, to provide accommodation for the disturbed population of Bara Bazar. If that be so, then instead of removing the congestion and improving the health of Bara Bazar, it would rather promote congestion and endanger the health of that portion of Calcutta. The Mint occupies a very large space; nearly 17 acres of land. It is something like what the Maidan is to Chowringhee. It is the lung of Bara Bazar and if, instead of creating more open spaces, the idea is to fill up that place with large three, four and five-storied houses, then the sooner the idea is abandoned the better. I do not see why sites should be created near Bara Bazar to provide accommodation for the dehoused Marwari gentlemen. They are now-a-days not confined to the four corners of Bara Bazar ; they are expanding ; they have invaded the southern quarters of the town, Kalighat, Bhowanipore and other places. They have been expanding and buying building sites and erecting large houses in every part of Calcutta. Formerly they liked the idea that they should remain very close to one another in Bara Bazar. But that is an exploded idea now, that idea has now been abandoned, and they are now expanding everywhere. In these circumstances, it is not necessary that any attempt should be made to find space—especially near Bara Bazar—to provide accommodation for the dislodged population. As I pointed out before, the object of the Trust is to create more open spaces and they have undertaken to provide several squares in Bara Bazar. It would be disastrous, it would be dangerous, to the health of the people, if this space was filled up by the houses of Marwari gentlemen, which are always three, four and five storeys high.

" Not only from the financial point of view, but also from the political point of view, it is not very safe to have the Mint in an isolated place. From the financial point of view, the cost would be very great indeed. Now-a-days, especially since the last ten years, the price of land in Calcutta has been going up. It has gone up by how many per cent I cannot say; it has been going up by leaps and bounds. Formerly, lands even in my quarter, which used to sell for Rs. 2,000, are now selling for Rs. 10,000 a cottah. In Beadon Street and other places lands which were sold for Rs. 2,000 are now selling for more than Rs. 10,000, and in the area which has been improved by the Improvement Trust, which is known as Soorti Bagan, lands have been selling lately at Rs. 30,000 a cottah. Even in the suburbs this phenomenal rise in prices has taken place. So it would from the financial point of view, from the point of view of the Government, be extremely expensive to find out adequate and necessary space close to Calcutta. Of course, if the Mint is located in an isolated place, the cost would be less. But I doubt very much whether it would be wise to locate the Mint in an isolated place. There is another aspect of the question. However high the authority may be—I bow of course to the authority of the Commissioner of Police—I beg to maintain that it would not be very wise to remove the Mint out of Calcutta. In the case of a disturbance or riot the first object of the mob is to loot the Treasuries. If that is possible, from that point of view, the Mint should be located as close as possible to the headquarters of the Commissioner of Police and the Fort. Now-a-days, the Mint is very conveniently situated. It would be dangerous, I should say, to allow the Mint to be removed to a long distance in the suburbs. I have no particular objection to the removal of the Mint, but my opposition simply arises from the fact that it would be dangerous to the health of Bara Bazar to have the Mint removed and to allow that space to be taken up by our Marwari friends."

1-44 P.M. **The Hon'ble Mr. H. F. Howard** :—" Sir, I need not detain the Council very long over this matter. The Hon'ble Mr. Crum has explained the objects of his proposal very clearly and I do not wish to adopt any *non-possumus* attitude in the matter. I think that, first of all, I had better remove one or two misconceptions. Firstly, I had better state what the history of this previous Committee was. The Committee did sit, as the Hon'ble Mover says, but after holding two or three meetings the Committee seemed somehow or other to have fizzled out and, though they came to no decision on the subject, they met no further, and Sir James Meston, who had been on the Committee, eventually, some time in 1908, wrote the following note about it :

> ' The Committee never met again. The whole scheme was an impracticable one : and none of us could see anything in favour of it, with the exception of its originator the Chairman of the Corporation, who had the somewhat half-hearted support of Mr. Bertram The cost of moving the Mint would have been prohibitive : the reasons for it were feeble, as it provides far more air space than the buildings by which the Corporation would have replaced it ; and before any decision could possibly have been come to, Government had sunk a large amount of additional capital on the site. Finally, there was no evidence that the Calcutta Improvement Trust, when it begins its labours, would have required the Mint site ; or that, if it had, it would have been able to offer Government any compensation for removal. '

As the matter was noted on in this informal way, no communication on the subject was unfortunately made to the Government of Bengal at the time.

" Coming to the recent reference from the Bengal Government, they did not, as we read their letter, ask us to proceed with the matter in any way, but merely put to us an inquiry as to what had been done. We understood that the Bengal Government merely desired to be informed of the previous decision of the Government of India in the matter, and accordingly, proceeding on what Sir James Meston had said at that time, we told them what had been decided and said we did not propose to re-open the question. I do not however wish, as I have said, to resist the Hon'ble Mr. Crum's Resolution, because I recognise that, even from our point of view, the present Mint site is not ideal for all the purposes he has mentioned and the site is in some ways cramped and inconvenient. But, in agreeing to the question being re-opened, I must not be understood in any way to commit the Government of India to agreeing to its final removal, if we are not provided with an equally suitable site for all our purposes or if it is considered on inquiry that there are other obvious weighty objections which prevent the proposal being proceeded with.

" I agree with the Hon'ble Mr. Crum as to the points of importance to be considered in connection with the site of a Mint. The question of the distance of three miles from the Comptroller General's office can now be dismissed as of no importance. The Comptroller General's Department now has nothing to do with the Mints ; they are now under the Controller of Currency. But I attach considerable importance to the Mint being within very easy reach of the Currency Office, as well as of the Banks and of the commercial portions of the town. I think Mr. Cook will confirm my statement when I say that last year, when the currency crisis and the rush for rupees was at its height, it was a matter of minutes whether we could get rupees from the Mint to the Currency Office in time, and there can be no question whatever of having the Mint at a distance where, with a motor car, it would take an hour and a half to get rupees to the Currency Office. I may say that I am rather surprised at the attitude of the Bengal Chamber representative in the matter and of the Banks. I would just like to detain the Council for a few minutes while I read what they said with regard to previous proposals for the removal of the Mint. The Hon'ble Mr. Crum has not gone into that previous history as he might have done. In 1902, there was a proposal to close the Calcutta Mint and to remove the Bombay Mint to another site at or near Bombay. The Bengal Chamber of Commerce, writing on the 9th of July 1902, strongly resisted the proposal for closing the Calcutta Mint and with regard to removing the Bombay Mint outside Bombay said :—

> 'A very strong feeling exists, especially amongst the banking community, against the removal of the Bombay Mint from its present site. The Committee are decidedly of opinion that the risk to banks, merchants and the public generally, of having to convey to or from a Mint situated outside Bombay large amounts of coin and/or bullion is one that they should not be called upon to undertake.'

"The Bombay Chamber of Commerce on similar lines objected to the proposal, and in their letter it was said 'I am to say that it is the unanimous and strong opinion of my Committee and of the Banks consulted that the site of the Mint should be central and close to the Banks. It need scarcely be stated that the transmission of treasure of any kind to a Mint outside or on the outskirts of Bombay would entail grave inconvenience and risk.'

"I do not think I need go beyond the opinion of the commercial communities themselves in this matter.

"There was one argument that Mr. Crum brought forward, and that I cannot think was quite justifiable. He said that some of the Mint supervising staff have to be accommodated elsewhere. But the reason for this is, that in order to improve commercial facilities, we gave up some years ago a considerable portion of our land to the Port Trust thereby displacing many of our staff. Mr. Crum's argument seems to amount to this: that because we have given up some of our land for commercial facilities in Calcutta, we should therefore now remove ourselves bag and baggage from the site.

"There is also the important question of cost. When the question of the removal of the Calcutta Mint was under consideration in 1906 or 1907, it was estimated that this would cost between 25 to 30 lakhs at the least. Sir James Meston, knowing as we do how these estimates are apt to be pitched rather low, estimated that at the lowest the cost would be 35 lakhs. It is certain at the present time that the cost would be considerably more; and though it is true that Government might in time be compensated by the money received from the site made over to the Improvement Trust, it is obvious that in the meantime they would be out of pocket for a very considerable sum.

"In accepting Mr. Crum's Resolution I must be understood to do so with these qualifications, that I am quite prepared to have an inquiry, but we cannot commit ourselves, the whole question will have to be carefully gone into and a decision arrived at when we know what site it is proposed to give us and what the cost is likely to be and so forth."

The Hon'ble Mr. W. E. Crum:— "Sir, I must thank the Finance Minister for the sympathetic way in which he has received my proposal, and I quite understand, of course, that nothing this committee might do would absolutely commit Government. 2-3 P.M.

"There are one or two points, however, to which I should like to refer. I never knew of Sir James Meston's note, and I submit that the position is entirely changed since Sir James Meston wrote that note. That was in 1908, and as I said we are now in the days of motor transport, which entirely alters the position. The same consideration applies to the distance from the Currency office, and as regards the question of distance from the banks which the Hon'ble the Finance Minister alluded to and which was discussed in 1902, I think my comparison between the bullock cart doing two miles an hour and the motor lorry moving at ten miles an hour comes in, because it is evident that it is much more difficult to safeguard a string of bullock carts than it is to safeguard one substantial motor lorry.

"With regard to the remarks of the Hon'ble Member on my right,* he likened the Mint to a maidan, that is to say, he said that the Mint is to Burra Bazar what the maidan is to the rest of Calcutta. Well, I am afraid that I cannot see the similarity. The maidan is an open area without any single building, with green grass and nice clumps of trees. The Mint has a very considerable number of buildings, is almost covered with buildings. The maidan is hardly peopled during the day except for a few people wandering about. During the day the Mint is very fully populated indeed; a very large number of men work very hard. The only similarity that I can see is, that the Mint premises have a tank in the middle of them, and the maidan has several tanks; but the tanks on the maidan are nice clean tanks where you see people fishing, while as regards the tank in the Mint premises, it is dirty and unclean with steam always issuing from it and is a most unsavoury place altogether . . . .

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* The Hon'ble Rai Sita Nath Ray Bahadur.

The Hon'ble Rai Sita Nath Ray Bahadur:—"May I interrupt my Hon'ble friend ?"

The Vice-President:—"The Hon'ble Member will address the Chair."

The Hon'ble Rai Sita Nath Ray Bahadur:—"May I interrupt my Hon'ble friend for a moment ? I said that the western portion of the Mint was quite open."

The Hon'ble Mr. W. E. Crum:—"I think that I may well content myself with leaving my Hon'ble friend to the tender mercies of the other members of the Improvement Trust when he returns to Calcutta. As I say, Sir, I thank the Hon'ble the Finance Member for accepting my Resolution, and I quite understand the terms under which he accepts it."

The motion was put and the Resolution was adopted.

The Council then adjourned till Wednesday, the 17th September, 1919, at 11 A.M.

SIMLA; } (Sd.) H. M. SMITH,
The 24th September, 1919. } *Offg. Secretary to the Government of India,*
Legislative Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday, the 17th September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 52 Members, of whom 44 were Additional Members.

The President :—" Before we commence proceedings to-day I wish to call the attention of Hon'ble Members to the two specimen tablets which have been placed in the entrance hall to the Council Chamber. They have been prepared under the directions of the Indian Soldiers Board and it is intended to erect a replica of one or other of the specimens, with the appropriate numbers inserted, in every village throughout British India which has contributed any considerable number of recruits to the war, leaving it to Local Governments to arrange for the appropriate setting. The two specimen tablets have been made, one in marble and the other in cast iron. They have been exhibited here in the hope that Hon'ble Members will criticise them from the point of view of material, design and inscription, and that any such criticisms will be conveyed to the Secretary of the Indian Soldiers Board. If Hon'ble Members would like to meet and discuss the matter, my Colleague, Sir George Lowndes, will be glad to arrange for this. 11 A.M.

I think there is one matter in connection with the tablets which Hon'ble Members might consider. They will notice that on the tablets the dates are 1914-1919. I would suggest for consideration whether, instead of these dates, we should not insert the actual date of the commencement of hostilities, *i.e.*, August the 4th, 1914, and the date of the Armistice in 1918.

We will now proceed with the business of the day."

[*Mir Asad Ali, Khan Bahadur; Sir Arthur Anderson; Mr. H. F. Howard; Rai Sita Nath Ray Bahadur.*]

QUESTIONS AND ANSWERS.

11-5 A.M.

The Hon'ble Mir Asad Ali, Khan Bahadur asked

Express train service between Madras and Manmad, etc.

1. " Do Government propose—

(*a*) to abolish the Express train service between Madras and Manmad, and (*b*) to add Intermediate class carriages to the G. I. P. mail train between Bombay and Delhi ? "

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) The Express train service between Madras and Manmad was discontinued in 1917. The question of its re-introduction will be considered when the present shortage of engines on the Madras and Southern Mahratta Railway has been made good by replacements from England.

'(*b*) It is not proposed to attach Intermediate class carriages to the Bombay Delhi Mail the load of which is strictly limited. Such accommodation is, however, provided on the fast Express between Bombay and Delhi."

The Hon'ble Mir Asad Ali, Khan Bahadur asked :—

Subordinate Accounts Service (Posts and Telegraphs.)

2. " Do Government propose to consider—

(*a*) whether any reasonable saving in public expenditure cannot be effected by abolishing the present distinction between junior and senior Accountants among the members of the All-India Subordinate Accounts Service (Posts and Telegraphs) ; and

(*b*) whether a proportion of the vacancies on the staff of the Subordinate Accounts Service cannot be reserved for the members of the backward provinces and the depressed classes, and whether such members will be exempted from the operation of the rules for departmental examinations ? "

The Hon'ble Mr. H. F. Howard replied :—

" The answer is in the negative to both portions of the question."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Restoration of train services in India.

3. " Have any steps been taken to restore the train services in India to what they were in pre-war days ? "

The Hon'ble Sir Arthur Anderson replied :—

" The Hon'ble Member's attention is drawn to the reply given on the 1st March last, to a similar question asked by the Hon'ble Rai Sita Nath Ray Bahadur.

Some of the pre-war services have been restored, but a return to the full normal standard can only be gradual, as the replacement of engines and rolling stock from England must necessarily take some time."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Coal supplies.

4. "(*a*) Is it a fact that on the 22nd April last, the Coal Controller declared, with the approval of the Government of India, that no coal special indents would be certified on and from the 1st July, 1919, and all coal special indents

would cease to be valid on and from the 1st August 1919, from which date coal consumers and dealers would have to arrange to draw their coal supplies from collieries by the ordinary methods which were in force prior to the introduction of the special indent system, and that the post of Coal Controller would be abolished early in May, but the work would continue to be carried on by the then Deputy Coal Controller under the designation of 'Coal Transportation Officer,' Railway Board ?

(*b*) Will Government be pleased to lay on the table a statement showing the maintenance charges of the Coal Transportation Officer and his establishment ?

(*c*) Is it a fact that the Coal Controller suggested to Government that the post of the Coal Transportation Officer might be abolished towards September, 1919, if not earlier ?

(*d*) If so, do Government intend to give effect to the suggestion of the Coal Controller ? If not, why not ?

(*e*) Have Government received any scheme or notes from the Coal Transportation Officer with regard to the wagon supply for coal and with regard to the maintenance of his post and his establishment ? If so, will Government be pleased to lay those schemes or notes on the table ? "

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) The facts stated by the Hon'ble Member are substantially correct.

(*b*) A Statement* is laid on the table.

(*c*) The answer is 'yes,' but the Coal Controller recognised the possibility of the continuance of the appointment being necessary should the shortage of rail transport continue.

(*d*) The Government are anxious, and intend to put an end to the control of coal transportation at the earliest moment consistent with safety.

(*e*) Except as regards estimates of cost for which figures are given in reply to (*b*) above the answer is in the negative. "

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Tent accommodation at old Delhi.

5. " (*a*) Is it a fact that in the orders regarding accommodation at old Delhi issued in 1913, it was stated that officers drawing Rs. 1,000 and under and clerks, European and Indian, who were to be accommodated in tents, would have the free use of tents, furniture, water and lighting ; and that hitherto such officers and clerks have not been charged for the use of tents, furniture, water and lighting ?

(*b*) Do Government now propose to revise this order, and are these officers and clerks to be charged for the use of furniture, water and lighting ?

(*c*) Is it not a fact that there has been a tremendous increase in the cost of living and that the officers and clerks mentioned above have memorialised Government for increase of salary, etc. ?

(*d*) If the replies be in the affirmative, will Government be pleased to give the reasons for departure from a definite promise ?

(*e*) Do Government propose to stay the enforcement of the order for payment of rent, etc., so long as the men have to be accommodated in tents ? "

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*Vide Appendix A.

The Hon'ble Mr. R. A. Mant replied :—

" (*a*) The answer is in the affirmative, but the orders issued in 1913 applied only to the cold seasons of 1912-1913 and 1913-1914.

(*b*) The answer is in the affirmative.

(*c*) There has undoubtedly been a great rise in the cost of living since 1914. Memorials from the ministerial establishments of the Government of India, praying for an increase of salary, are now under consideration and it is hoped will be disposed of without delay.

(*d*) No definite promise has ever been made that officers and clerks drawing Rs. 1,000 a month or less accommodated in tents at Delhi will have the free use of the tents, furniture, water and lighting for future seasons. The latest orders on the subject, issued in October 1914, merely continued the concession until further orders. It is now being withdrawn, except as regards the free use of tents, because it is essential that quarters in New Delhi should be occupied as soon as they are completed, and that the amount of tent accommodation provided should be reduced to a minimum. It is considered that officers and clerks will be reluctant to occupy these quarters if they are allowed to occupy tents on unduly favourable terms.

(*e*) The answer is in the negative. "

The Hon'ble Sir Dinshaw Wacha asked :—

Manufacture of cement and importation of spirits in the Punjab.

6. " Will Government be pleased to state who enjoys the privilege of—

(*a*) manufacturing cement in the Punjab ; and

(*b*) importing spirits and industrial alcohol into that province ? "

The Hon'ble Sir George Barnes replied :—

" (*a*) There are no restrictions on the manufacture of cement in the Punjab.

(*b*) The classes of persons who can import spirit into that Province, as laid down in the Punjab Excise Manual, are :—

(*1*) all persons who import it within the limits of private possession,

(*2*) all licensed vendors, and

(*3*) all persons holding passes and permits granted by the authorities concerned.

The Government of India have no information as to the names of persons authorised to import spirits, and if that is the information which the Hon'ble Member requires, he should apply to the Local Government."

The Hon'ble Sir Dinashaw Wacha asked :—

Sale of surplus Military stores.

7. " How do Government propose to sell surplus military stores ? "

The Hon'ble Major-General Sir Alfred Bingley replied :—

" It is understood that the term 'surplus military stores' means engineering and textile stores which were purchased to meet actual or estimated military demands and are now surplus to requirements.

"The Hon'ble Member is referred to the three Press Communiqués* copies of which are laid upon the table."

The Hon'ble Sir Dinshaw Wacha asked :—

8. "Will Government be pleased to state the programme of post-war trade with enemy countries?" **Post-war trade.**

The Hon'ble Sir George Barnes replied :—

"I would invite the Hon'ble Member's attention to the Department of Commerce and Industry Notifications Nos. 2030, 3563, 4207, 5715 and 6403, dated respectively, the 26th April, the 31st May, the 21st June, the 2nd August and 23rd August, 1919, and published in Part I of the Gazette of India of the same dates. Copies of these Notifications have been laid on the table for the Hon'ble Member's convenience. It will be observed that, subject to certain restrictions, trade with the countries which were recently our enemies is now permissible. I cannot at the present moment give any detailed statement explaining in full the policy which may be adopted with regard to trade with the Central powers, but I may say that, while it will be necessary both in our own internal interests and in those of the Empire as a whole to continue to control to some extent and for some period the import or export of certain commodities, we hope that these restrictions may be in course of time removed, so that the trado of the country may resume its normal course."

The Hon'ble Sir Dinshaw Wacha asked :—

9. "(*a*) What was the amount of Savings Banks deposits on 31st March 1919 and the average amount of deposit per head of depositors on that date? **Savings Banks deposits.**

(*b*) Has there not been a marked decline in the average amount per head since 1913 (when it was 141·38) as shown by the following figures?

1914-15	... ...	Rs. 90·58	per head.
1915-16	... ...	" 92·27	"
1916-17	... ...	" 100·73	"
1917-18	... ...	" 101·27	" ".

The Hon'ble Sir George Barnes replied :—

"(*a*) The amount of Savings Banks deposits on the 31st of March 1919, was Rs. 18,82,44,748.

The average amount of deposit per head of depositors on the same date was Rs. 112·22, which as the Hon'ble Member will observe is a marked increase on the figure for the previous year.

(*b*) My Hon'ble friend will have noticed that there is a marked decline in the first two years of the war on the figures for the year immediately preceding the war, and that this decline is gradually being made good. The decline in the first year of the war was very likely due to alarm among the big holders. In later years the comparatively low average of deposits per head is probably due to the fact that some people who would have made deposits in the Savings Bank invested their money in the War Loan and others in like manner invested their money in Post Office Certificates, and some withdrew their money from the Savings Bank for that purpose. The War Loan and the Post Office Certificates both of course offered a higher rate of interest than the Savings Bank."

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* Not included in these proceedings.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Purchase of rails, wagons, etc.

10. "Will Government be pleased to state (*a*) the number of rails, wagons (passenger and goods) and other railway materials purchased or agreed to be purchased with the money sanctioned in this year's budget, (*b*) their pre-war and present costs, and (*c*) the countries in which, and the names of firms with which, orders have been placed ?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) The total purchases of railway rolling stock and materials during the current financial year both on Capital and Revenue accounts are expected to amount to Rs. 4120·98 lakhs, of which 2227·99 lakhs will be in England, 323·05 lakhs in America, and the balance of 1569·94 lakhs in India.

The numbers of rails, wagons, etc., to be purchased with funds allotted in this year's budget are as follows :—

	Miles.
Rails	878
Carriages	1,136
Wagons	17,738
Brake vans	1,267
Engines	670

together with large quantities of miscellaneous railway materials.

(*b*) It is not possible to give exact figures for pre-war and present costs of railway materials, but the rise in prices has been approximately :—

	Per cent
Rails	100
Carriages	120
Wagons	120
Brake vans	120
Engines	125

(*c*) A list* showing the countries in which and the names of firms, so far as known, with whom orders in respect of State-worked railways have been placed, is laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Increase of pension to officers retained on account of the war.

11. "Will officers whose services were continued owing to the exigencies of the war, though they had attained the age of 55, be entitled to an increase of pension on account of such extension of service ?"

The Hon'ble Mr. H. F. Howard replied :—

"In the case of officers whose service before they had reached the age of 55 had entitled them to the maximum pension admissible to officers of the service to which they belong, it is not under contemplation to grant any increase of such pension. In the case of officers who had not qualified for the maximum pension, service during extension will, following the ordinary practice, be taken into account for determining the amount of pension admissible."

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* Not included in these proceedings.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Muhammadan education.

12. " (*a*) What action has been taken by Local Governments on the letters Nos. 585-595, dated 3rd April, 1913, addressed to them on the subject of Muhammadan education ?

(*b*) Have local committees been appointed to consider the question of Muhammadan education as suggested in those letters ? If so, in what Provinces ?

(*c*) What recommendations have been made by these committees ?

(*d*) To what extent have such recommendations been carried out ?

(*e*) Have all the recommendations been carried out yet ? If not, will Government state the reasons ? "

The Hon'ble Mr. Shafi replied :—

" The circular letter referred to by the Hon'ble Member was issued on the 3rd April 1913, commending the whole question of Muhammadan education to the careful attention of Local Governments, and suggesting the advisability of convening local Committees. Local Committees were accordingly convened in some provinces. The Governments of Bengal, Bombay, Bihar and Orissa, and the United Provinces issued resolutions dealing with the recommendations of their respective Committees. The United Provinces' resolution of 25th August 1914 among other things dealt with the position and needs of the Muhammadan community in the matter of primary education. It is not specifically known to what extent these recommendations have been carried out, but for further information the Hon'ble Member is referred to Chapter XVII of the 7th Quinquennial Review which deals with the subject of Muhammadan education and to the heading IV—Education of special classes in the annual narrative 'Indian Education' in 1917-1918."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

The General Provident Fund.

13. " (*a*) Are Government considering the desirability of raising the rate of interest that is at present allowed on the General Provident Fund for State servants ?

(*b*) Is it a fact that higher rates of interest than before are now prevalent in the country and are also allowed on Government loans ? "

The Hon'ble Mr. H. F. Howard replied :—

" The answer to both portions of the question is in the affirmative."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Number of Indians admitted into the Indian Educational Service.

14. " Will Government be pleased to state how many Indians have recently been admitted into the Indian Educational Service in the whole of India and give figures as to the different Provinces and the creeds of the men so admitted ? "

The Hon'ble Mr. Shafi replied

"A Statement* giving the information is laid on the table. It omits certain appointments very recently made whose confirmation is conditional upon medical examination, also the case of three Indians who have recently been appointed in temporary posts on pay analogous to that of the Indian Education Service.

The statement which I am now placing on the table supplies the information asked for for the last 20 months province by province. The net result is that 29 Indians have been appointed, of whom 25 were Hindus, one Muhammadan, one Sikh, one Parsi and one Christian."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Export of food-grains from India.

15. "(*a*) Will Government be pleased to state the exact nature of their understanding with the Royal Commission on wheat supplies, in regard to the export of rice and other food-grains, and how far the same has been carried out?

(*b*) Is it a fact that there has been a rationing arrangement under which India has to send out food-grains to certain foreign countries? If so, will Government be pleased to state full particulars thereof?"

The Hon'ble Mr. R. A. Mant replied :—

"(*a*) The Royal Commission on wheat supplies was appointed in England in October, 1916, to purchase and control the delivery of wheat on behalf of the British Government. Its operations in India were controlled by the Government of India through the Wheat Commissioner in respect of such matters as the quantities of wheat to be purchased in given periods and the prices to be paid for the wheat. This control was exercised both with the object of safeguarding the internal situation in India and also of co-ordinating purchases by different Government departments. The Secretary of State was warned on the 21st of July 1918 that it would probably be necessary still further to cut down the Royal Commission's programme which had already been reduced, and, as was announced at the time, the purchase of wheat for export overseas to all destinations other than Mesopotamia was definitely stopped in the beginning of October 1918. The purchase of lentils and peas by the Royal Commission was continued on a small scale till the middle of November 1918 but was then stopped.

In October 1917 when the price of paddy in Burma had fallen to a very low level the Royal Commission undertook to purchase large quantities of Burma rice at a price considerably above the market rate then ruling, and to provide freight for its carriage to European destinations. Their requirements of Burma rice for 1919 were stated at one million tons, but they were informed in December last that not more than 300,000 tons could be spared, and subsequently the offer of this quantity was also withdrawn by the Government of India. As a result no rice of the 1918-19 crop has been exported by or to the order of the Royal Commission on Wheat Supplies. The Government of India's understanding with the Commission does not extend, so far as rice is concerned, beyond permitting the export of rice of the 1917-18 crop purchased prior to December 1918, of this 66,321 tons have been shipped since the 1st January 1919 and a balance of 18,829 tons remains to be shipped.

(*b*) It is a fact that in restricting exports of food-grains from India the Government of India have recognised their obligation not to withhold supplies altogether from certain territories normally dependent on India for food. Strictly limited allotments have, therefore, been made to these territories, and in framing these allotments the chief consideration has been the extent to which supplies were required for the consumption of Indian pilgrims and Indians resident abroad. By far the greater part of the territories benefiting by this scheme have been British. A Statement* is placed on the table showing how far foreign countries have participated."

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*Vide Appendix B.

The Hon'ble Sardar Sundar Singh Majithia asked :—

Increase of pay in the Provincial Services on account of rise in prices.

16. " (*a*) Is it a fact that Government servants in the Provincial services have been hard hit by the rise in prices? If the reply be in the affirmative, will Government be pleased to say when they propose to consider the question of increase of pay of those services?

(*b*) Has necessary relief by increase of pay been afforded in the case of certain other services on the recommendation of the Public Services Commission?"

The Hon'ble Sir William Vincent replied :—

"Members of the provincial services have doubtless been seriously affected by the rise in prices, like all other persons on fixed incomes. In regard to the remaining portions of the question the Hon'ble Member is referred to the answer given on the 15th instant to a similar question by the Hon'ble Rai Sahib Seth Nathmal."

THE SEA CUSTOMS (AMENDMENT) BILL.

The Hon'ble Mr. Shafi :—" My Lord, I beg to move that the Bill further to amend the Sea Customs Act, 1878, be taken into consideration." 11-20 A.M.

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—" My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE PROVIDENT FUNDS (AMENDMENT) BILL.

The Hon'ble Mr. Shafi :—" My Lord, I beg to move that the Bill further to amend the Provident Funds Act, 1897, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—" My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE CALCUTTA HIGH COURT (JURISDICTIONAL LIMITS) BILL.

The Hon'ble Sir William Vincent :—" My Lord, I move that the Bill to declare and prescribe the limits of the ordinary original Civil 11-22 A.M.

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* *Vide* Appendix C.

jurisdiction of the High Court of Judicature at Fort William in Bengal be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

11-24 A.M. **The Hon'ble Sir William Vincent**:—"My Lord, I move that the Bill further to amend the Indian Naturalization Act, 1852, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE LAND ACQUISITION (AMENDMENT) BILL.

11-26 A.M. **The Hon'ble Mr. R. A. Mant**:—"My Lord, I beg to move that the Bill further to amend the Land Acquisition Act, 1894, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. R. A. Mant:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

THE REPEALING AND AMENDING BILL.

11-28 A.M. **The Hon'ble Sir George Lowndes**:—"My Lord, I beg to move that the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was put and agreed to

The Hon'ble Sir George Lowndes:—"My Lord, I beg to move that the Bill be passed. We have received no amendments and no suggestions with regard to this Bill, which consists of but a number of small amendments. I may mention that nearly half the amendments embodied in the Bill are owing to the establishment of a High Court of Judicature in the Punjab, and I am quite sure that some of my Hon'ble friends who represent that Province will be gratified with the leading part that their Province has played even in so innocent a Bill as this."

The motion was put and agreed to.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, be taken into consideration." 11-30 A.M.

The motion was put and agreed to.

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, I beg to move :— 11-31 A.M.

'that in column 4 in clause 3 for the words and figures '15 per cent' the words and figures '20 per cent' be substituted.'

"My Lord, we agreed to the introduction of this Bill with great alacrity because we were assured that the object of the Bill was to protect the Indian tanning industry, and the Indian leather industry, and that the Government felt it incumbent upon them to bring forward the present Bill in order to effect that purpose. We were also told that the imposition of this duty would not in any manner be calculated to prevent or hamper the export trade of India in hides and skins, and it was on that assurance that we consented gladly to the introduction of this Bill. There were certain clauses which we felt would operate in the direction of giving India a favourable position. Even prior to the war there was a steadily growing increase in the quantity and value of the exports of raw hides and skins. The war makes a certain difference also, because a large number of cattle have, I believe, been slaughtered for the purpose of furnishing food to the population and to the soldiers in Europe and elsewhere, and the demands for hides and skins from India is not likely to diminish therefore in the future. On that assurance and basis the question would be as to whether we should have a duty of 15 per cent or 20 per cent. I remember reading recently in books dealing with war finance and trade that a duty of 20 per cent could be levied without the duty being of a protectionist character, merely as a revenue duty, and I believe some of the recommendations of the London Chamber of Commerce are in partial support of this view. Therefore, even looking at the question from the revenue standpoint, I do not think that 20 per cent is likely to hamper trade. If I am told that the result of levying a duty of 20 per cent would be to prevent any countries from taking the raw hides and skins of India, or that it would prejudicially affect the trade by reason of a large reduction of the trade, certainly I shall not press this amendment, but I think having regard to the manufacturing profits in other countries, and having regard to the remarks made by the Hon'ble Member for Commerce as regards the world requirements it would not have that effect and even from the strictly revenue point of view, it would be justifiable to levy a duty of 20 per cent provided it would not be a hardship upon the agriculturist and other exporters of these hides and skins. During recent years no doubt on account of reduced shipping facilities and prohibition orders, the price of raw hides fell considerably, but having regard to the enormous inflation of currency and the growth of prices in almost every country, I think that the exporter of hides and skins would get, and has been getting, a very large increase over his pre-war profits and pre-war prices, and that is so notably in the case of skins, and consequently an export duty of 20 per cent would not unduly diminish the price to the exporter and the agriculturist.

"Then, my Lord, there was another point to which I wish to allude, and it is this. The object of this duty is, if possible, to divert the trade in raw hides and skins from the enemy countries, Germany and Austria-Hungary, which have in the past largely taken our raw hides and skins, in favour of the British Empire and possibly the Allies. Well, I think, I am justified in saying that the Government have thought that the measures that they are bringing forward will be able to effectuate that purpose. If they are able to effectuate that purpose by the proposals of the Government, Hon'ble Members will see that we shall collect an export duty of only 5 per cent, because every one of the countries from which the trade is intended to be diverted is either a country foreign to the British Empire or an Allied country for which, I am sure, the League of Nations would ask for favourable treatment, and, consequently, the net result of the proposals of the Government might be —I hope I shall be shown to be wrong—if they really divert the trade from foreign countries, to impose a duty of only 5 per cent in favour of India. Well, from the revenue point of view, a 5 per cent duty would certainly be an extremely small duty having regard to the enormous growth of prices in raw hides and skins. We must remember that we pay an export duty on several articles, that we have an *ad valorem* import duty of 7½ per cent. on other articles, and a third of 20 per cent which would be collected from the rest of the Empire would give us only 6⅔ per cent . . . ."

The Hon'ble Sir George Barnes:—"I think the Hon'ble Member is under the impression that the rebate is to extend to the Allies as well as to the Empire. That is not the case; that is not proposed by the Bill."

The Hon'ble Rao Bahadur B. N. Sarma:—"I was under that impression. Column 4 of clause 3 says 'or of any territories under the protection of His Majesty or in respect of which a mandate of the League of Nations is exercised by the Government of any part of His Majesty's dominions.' I am wrong, but that does not make any very great difference in respect of my argument for the simple reason that, excepting in the case of skins to America, I will not say the whole, but a large portion, of the trade is confined to the United Kingdom. On an analysis of the figures, Hon'ble Members will find that the enemy countries were taking in 1913-14 nearly 5 million pounds worth of raw hides and skins, and other countries, in so far as that portion of the trade is concerned, were not taking very large quantities. Now, I take it that the object is really to divert the trade, as I have said, if possible, from foreign countries to the British Empire and to the other countries forming the British Empire, and I shall proceed upon that supposition. If that object is achieved, and, I think, it is an object which ought to be achieved, then, from the point of view which I have suggested, the duty on exports to the rest of the Empire would be only really 5 per cent—⅓ of the general rate 15 per cent. If the general rate be 20 per cent, the duty would be only 6⅔ per cent and cannot by any means be said to be protectionist. For the reasons that I have mentioned the agriculturists would not be hit hard by reason of the enormous growth in prices. There is also another point which I also had in mind when I brought forward this amendment, which would be more pertinent really in speaking on the other amendment, but which has some bearing upon this, and, therefore, I shall mention it, Hon'ble Members will find, if they turn to page 72 of the Review of Trade for India for 1917-18, that on dressed and tanned skins the United States of America imposes an import duty of 15 per cent and Japan 51 per cent. Therefore, the United States have felt that a duty of 15 per cent was necessary to protect their tanning trade against the Indian industry, because almost all the skins imported are, I believe, from India. They have got no import duty whatever on raw hides and skins; they have got an import duty on dressed hides and skins. And Hon'ble Members will find, turning to the figures for the United States' revenue, that this duty was not levied for revenue purposes, because the revenue has been steadily decreasing up to the year 1915, and the total revenue also is about 2·6 million dollars on manufactured leather and about a few thousand dollars (97,004) in respect of raw hides and skins. The duty was levied therefore for the purpose of protection, and that the protection was effectual is seen from the fact that the revenue was decreasing from year to year. I took it therefore that, in order that protection may be effectual, the duty would range somewhere between 15 and 51, and, therefore, inasmuch as we have started with the assumption that the Indian tanning merchants would have to be protected in order that the trade may not disappear, we must make our duty run betwen 15 and 51 per cent in respect of all countries whether belonging to the Empire or not. I hope I shall be shown to be wrong and that a smaller duty would effectuate the object of protecting India against other countries. There is a larger question raised upon the other amendment, but I will take it that the object of the Government is to protect India as against other parts of the Empire, showing a preference to the other parts of the Empire no doubt *some preference,* but at the same time so as not to defeat the object in view. If that be so, I would ask how an export duty of 5 per cent in favour of the rest of the British Empire would effectuate that object. I therefore thought that a slight increase might do the work a little more effectually than the 5 per cent that has been suggested, and, so far as the present . . . .

The Hon'ble Sir George Barnes :—" My Lord, the Hon'ble Member is speaking to the second of his amendments. If he could take his amendments separately, it would be a great convenience. "

The Hon'ble Rao Bahadur B. N. Sarma :—" If my second amendment is not carried I have suggested a rebate of one-third in favour of the rest of the British Empire. I find from the report of the proceedings of the House of Commons of the 30th April at page 126, that the Empire Preference is stated to be one-third. Assuming a 20 per cent duty and one-third rebate, the net duty 13⅔ would be the duty as against the rest of the Empire. It would be nearer the 15 per cent which has been imposed by the United States. Therefore, if there be a rebate of ⅓ unless you raise the duty from 15 per cent to 20 per cent, you would not effectuate the object which the Indian Government and all of us have at heart, namely, the protection of Indian industries. Mr. Austen Chamberlain speaking on the British Budget said :—

> ' As I have said, the range of our existing duties is small. It falls mainly into three classes. (1) There are the new Customs duties imposed . . which carry with them no corresponding Excise duty on cinematograph films, clocks and watches, motor cars and musical instruments. On these duties I propose to fix the preference at one-third, which is what I may call the general Empire rate, in so far as a general Empire rate exists.'

Then he goes on and cuts it down to ⅙th in case of tea. Therefore, taking the Empire rate to be one-third, if my amendment be accepted the duty would be 20 per cent and the rest of the Empire would pay 13⅓ per cent; that is not much. It will not cause any hardship to the Colonies or the rest of the Empire. When we are told that we have a practical monopoly and when 20 per cent may be levied as a revenue duty, I think that there is no harm whatsoever in accepting my amendment asking for an increase to 20 per cent. I may also invite the attention of Hon'ble Members to the fact that for purely revenue purposes the United Kingdom as well as other countries are imposing duties to a very much larger extent than I have proposed in my amendment. For instance the duty imposed by the United Kingdom on coffee is 18 per cent and on tea it is 60 per cent ; on sugar it is equivalent to 18 per cent. We know that England was a free-trade country until recently, and these duties were imposed purely for purposes of revenue, and therefore a 20 per cent export duty cannot be complained against by any countries, whether included in the British Empire or not on the ground that it is excessive or prohibitive in its incidence. "

The Hon'ble Mr. W. E. Crum :—" My Lord, I beg to oppose this amendment. It is very difficult to say what would be the effect of this amendment to increase the export duty. But the position is that at present it is admitted that India cannot tan all her own hides and skins. Therefore, I consider it very important that any duty of this sort should be imposed gradually. I may say that I have telegrams from several raw hides and 11-43 A.M.

skins export associations asking that the duty may be considerably reduced. Well, I do not propose to support that. I think that probably this 15 per cent duty is a fair duty, and I do not think that the Hon'ble Member is right when he suggests that the net result would be a protective duty of very much less than 15 per cent, if I understood him rightly. Certainly other countries like America, and, probably as soon as we trade with the Central Empires, they also, will continue to take our hides and skins, probably in decreasing quantities, but at any rate in very considerable quantities for a number of years. As regards what the Hon'ble Member said about the American import duty on tanned hides and skins, I would just like to say that the duty was removed in 1914. There is no duty into America now on tanned hides and skins. I suggest that what America did was, as I said when the motion was first made to introduce the Bill, to build up her industry by a protective duty on leather, but as soon as she fairly well established her position she then removed the duty."

The Hon'ble Sir George Barnes :—" My Lord, this amendment proposes directly to increase the proposed duty from 15 to 20 per cent. We fixed the figure of 15 per cent after making inquiries in every possible direction, and after taking the advice of the best expert advisers that we could find in India. We believe that this figure of 15 per cent is the right figure as between the various interests concerned. Yesterday I listened with great interest to the speech of the Hon'ble Mover of this amendment when he pleaded for an all-India view. That was in relation to Burma rice. He wanted to get cheap Burma rice into Madras. I would ask him whether he is taking an all-India view to-day. He is now, I take it, looking at the case through Madras spectacles, and through the spectacles of the Madras tanners. I have in my hands a telegram from Rangoon asking that no duty be imposed at all. Surely, we have the exact reverse of yesterday's picture. Yesterday the Hon'ble Member wanted to get cheap rice into Madras ; accordingly he then said 'I am all for the unity of India '. To-day he wants to enlarge the duty in a way that may prejudice the hide producers of Rangoon and Burma. Here apparently the Hon'ble Member is for the interests of Madras as against the interests of Burma and is consequently opposed to view that India is one. I regret, My Lord, that I cannot accept the Hon'ble Mover's amendment. "

The Hon'ble Sir Dinshaw Wacha :—" My Lord, it is certainly time when we are on the threshold of a new industrial evolution to protect the young industries of India, particularly leather. But while we attempt to impose duties for the protection of these young industries, let the duty be neither too exorbitant so as to arrest the rate of progress of the industry nor too small as not to be worth our while at all to impose. Therefore, in a matter of this kind, when India is just entering upon a new industry of great promise which has to be temporarily protected though not against the sound principles of free trade, it is far better that we go by the golden mean. That golden mean is the one suggested by the Hon'ble Sir George Barnes, and I consider it to be very good. In fact it conforms to the principle of how young industries should be started as recommended by free trade experts, of whom Professor Tanssig is not the least ; and at the same time is one which will heartily commend itself to all members of this Council. I therefore oppose this amendment of Mr. Sarma."

11-47 A.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—" My Lord, I can assure the Hon'ble the Commerce Member, whom I thank for the policy underlying this Bill, that I have not in the least the Madras interest or any sectional interest in view in putting forward this amendment. I have no interest in it except as part of the general trade problem of the whole of India. I am not concerned with the Madras trade as such. If the Commerce Member had shown that in this respect the interests of Madras are opposed to the rest of India, I would certainly have nothing more to say; the interests of Madras cannot have any consideration whatsoever at the hands of this Council as against all-India interests. But the only argument which the Hon'ble Sir George Barnes has advanced as to this being a peculiarly Madras view is, that he has received a telegram that the Rangoon people object to it. Is it the Rangoon tanners who object to it, or is it the Rangoon raw hides and skins merchants? I am sure that the raw hides and skins merchants will always object to it, as the Hon'ble Mr. Crum has told us, whether they belong to Madras, Bengal, Rangoon or elsewhere. Therefore, if we are to look to their profits as such, then certainly this Bill may be unsound. The fact that Rangoon objects does not convince me that the interests of the rest of India are opposed to the particular amendment which I seek to bring forward. Then the Hon'ble Sir Dinshaw Wacha said that we should adopt the golden mean. There is no question of a golden mean here. The question is one of the practical effect of the duty. Are we giving effect to our policy? Hon'ble Members will remember that we are here beginning to wage an economic war against particular countries, which may retaliate against us; it is a very large question. We have begun the war in hides and skins; we do not know exactly what effect this war which we have commenced would have upon our other export trade and upon our import trade. It may lead to monopolist concerns which would reduce the prices of our export articles. Therefore when we are risking that, we shall have to see that the object with which we have set out is effectuated, namely, protecting the Indian tanning industry.

"If the United States felt it necessary to fix the rate at 15 per cent and Japan at 51 per cent, I do not see how I am wrong in the suggestion put forward in my proposal. The Hon'ble Mr. Crum said we must remember that we cannot tan all the hides, and the rest of the Empire will take them, exactly, but how does my proposition prevent that? If it can be shown that a 20 per cent duty would restrict the export trade, the opposition to my amendment would have some force, but I maintain that no valid reasons have been urged against my proposition.

The motion was put and negatived.

The Hon'ble Rao Bahadur B. N. Sarma:—" My Lord, I beg to 11-52 A.M. move that :—

'in col. 4 in clause 3, the proviso be omitted.'

"My Lord, this relates to the question of rebate or preference between the various parts of the Empire. It is a very large and important question. It has been raised indirectly by this proviso which was introduced by the Government. The Hon'ble Pandit Madan Mohan Malaviya objected to this clause when the Bill was introduced. I made no statement on that date and even now I am of opinion that it is just and right that we should do whatever we can to consolidate the Empire and the conditions of trade within it, and if this is the only way in which we can do so, certainly we should not interpose any obstacle in achieving that object unless Indian interests should grievously suffer. Now, my Lord, as I said a little while ago by introducing this clause we have thrown out a challenge to other countries, allies as well as enemy countries. We have by the imposition of 15 per cent duty expressed our determination to effectuate our object, the protection of our industries against other countries. Other countries have been doing the same and cannot complain, neither the Allies nor Germany and Austria-Hungary can complain against the action of India protecting her own interests. But we go further and give preference to countries which form no doubt part of the British Empire, but which have hitherto always been treated for financial and commercial purposes as distinctly separate. We have thrown out a challenge and we cannot complain if other countries, enemies as well as allies, discriminate in their markets and in their tariff policies against us in favour of other countries. They may have been doing that in the past, perhaps some have, and we shall have to be prepared for more of that in the future. The question is whether the relations between India and the rest of the Empire have been so arranged as to enable us to work on a common policy and with a common goal. There is no assurance whatever that the United Kingdom, Canada, Australia, South Africa or any other part of the Empire would not resort to protective duties or heavy revenue duties as against India. There is no inter-allied programme as to the rest of the Empire as to what the future policy should be as to trade and commerce. There has been a suggestion that India should be treated for fiscal purposes on exactly the same footing as the dominions and the United Kingdom, and it has been recommended to His Majesty's Government that where the Government of India and the Legislative Council are agreed upon any common policy, upon a definite line of action no obstacle should be placed in its way. I have every confidence that the Government of India, if left to itself, will do justice to the Indian people and I know as a matter of fact that several of my European colleagues, especially members of the Indian Civil Service, would fight for Indian commercial interests as against the rest of the Empire. I have every confidence that the Indian Government would act in this manner. We are all working to attain this end that India should have fiscal freedom to adopt its own policy when such a policy is not opposed to Imperial policy. There has been no pronouncement on this question as to whether India should be allowed to treat itself commercially, industrially on exactly the same footing as the rest of the Empire, and until that question is solved by the Empire or the League of Nations, it would be wrong to throw out a challenge to the rest of the world. My Lord, a good many of us have been characterised as protectionists; we are no doubt that in a sense, we believe that, where there is an industry which is peculiarly Indian and suited to India, requiring encouragement and help, it should be protected against being killed in its infant stages. But in all other respects we are free traders. The question is whether in throwing out this challenge to the rest of the world we are wise without taking adequate steps to protect our own interests. If there is any trade which is of extreme importance to India and which can be encouraged in India, it is the cotton industry, and recent events have shown how important that industry is to us, and how depending upon other industries many people had to go half naked. Therefore, if there is any industry in India which requires to be encouraged, it is the cotton industry. But the Indian Government and His Majesty's Government alike have met with very hostile criticism in the British Parliament, and we must be thankful to the Indian Government and the British Parliament for the courageous way in which they have taken up our cause to the extent they have done. Well, we find that it would be impossible even for His Majesty's Government much less the Indian Government to protect India as against the United Kingdom. I am not now considering the question whether it is right or wrong, but as a practical proposition it would be an absolutely impossible thing. Therefore, in respect of the largest imports into India, namely cotton, there can be no question of protection.

"Another large item which figures in the import trade is sugar. That is an essential food of the people, and some of us will be very slow indeed to impose any duty on sugar unless we are clearly convinced that we can start the industry here without detriment to the people. Well, if we go through the other articles of the import trade, we find that there are very few articles which could be taxed without our coming into conflict with either the Allies or the British Empire. Therefore, my submission is, that this question should not be tackled in a piece-meal fashion. Of course it is always open to the Imperial Government, once the Imperial policy is settled, to bring in a proposition like that, but I submit at the present stage it would be very inconvenient to do so, having regard to the effects which it would have with regard to jute, cotton, and several other things in respect of which the Committee on

Industries in England has made specific recommendations. There is no use of taking a leap in the dark. The Committee on Commercial and Industrial Policy after the War which submitted its recommendations to His Majesty's Government, say at page 18 of their Report, paragraphs 77 and 78 :—

'Jute. The value of the exports of jute yarns in 1913 was £ 781,000, of piece-goods and other manufactures of jute 3 3 million £ and of bags and sacks something over one million £. . . .

The Hon'ble Sir George Barnes:—" I do not quite follow the Hon'ble Member. We do not propose this duty as part of any general scheme of Imperial Preference, but we propose it because we believe that this particular duty is in the interests of India. It is in the interests of India, that the hides and skins produced in India should be tanned in India, if possible, or within the British Empire, if it is not possible to tan them in India. No general scheme of Imperial Preference in which India is to join is at present suggested."

The Hon'ble Rao Bahadur B. N. Sarma:—"I am thankful for the assurance that any acceptance by this Legislative Council of the principle involved in this Bill would not commit them to any large policy in respect of other articles either of import or export, and that it is open to take up each question on its merits and discuss as to whether it is for the convenience of India or not.

"Then the sole point would be, whether we should ask for this rebate duty to be omitted from the provisions of the Bill. Well, I start with this proposition, either a 15 per cent duty is necessary in the interests of the Indian tanner or it is not. If it is necessary in the Indian tanning trade interest, then if we impose an export duty of only 5 per cent in respect of the other countries in the British Empire, how would it affect us? There would be no real protection. Hon'ble Members will see that there is a large tanning industry in Great Britain, and I hope it will grow, because it is not from India alone that raw hides and skins are imported, but from various other parts of the world as well. The value of the trade in raw hides and skins of the United Kingdom was between £5·9 millions in 1914 and £11·9 millions in 1918. But Indian export up to 1913-14 ranged in value only £166 thousand. It was only during the period of the war when there was a limitation of freight and when there were several other restrictions and a large demand that they went up to £857 thousand, whereas other countries were taking to the extent of £3·6 millions. Therefore the United Kingdom up till now has not been taking very large quantities of raw hides and skins from India. She has been taking raw skins to the extent of £149,000 before the war, and the value was £136,000 in 1914-15, £130,000 in 1915-16, £287,000 in 1916-17 and £387,000 in 1917-18 during the course of the war out of a total for 1917-18 of £3·2 millions. Therefore raw hides and skins from India were not largely tanned in the United Kingdom—as a matter of fact the United Kingdom has been actually exporting a portion of the hides which she has been importing. In 1914, she exported again to the value of £6 millions; in 1915, £4·8 millions, in 1916 £6·1, in 1917 £3·7 and in 1918 £2 millions. Therefore, the United Kingdom exported a larger quantity of raw hides than she imported from British India. Of course this argument of mine is a double-edged weapon. It shows that we need not at present . . . .

The Hon'ble Sir George Barnes:—"I think I can help the Hon'ble Member if I explain the position. He is under the impression that rebate is to be payable in respect of re-exports. I tried to explain, as clearly as possible, that our proposal is that no rebate shall be granted in respect of re-exports of raw hides and skins."

The Hon'ble Rao Bahadur B. N. Sarma :—"I knew, my Lord, that no rebate would be granted on re-exports. My point is that the skin and tanning trade of Great Britain would not be hit at present by our export duty, because the exports to the United Kingdom have been very small, and as a matter of fact there has been a large re-export trade in the United Kingdom. That was the way how I introduced that subject. My point is that we would not in any way prejudicially affect the existing condition of things by the imposition of this export duty of 15 per cent all round, and therefore we shall not be interfering with vested interests.

"Now with regard to the future, I think we have as much right to take effectual measures here which will protect our industries against new industries in the United Kingdom as elsewhere. In respect of new tanning industries which may grow up in the United Kingdom, we should not discourage them, but my contention is, if 15 per cent be necessary to protect our industries, why not have it all round? If 15 per cent is not necessary to protect our industries, reduce the rate, unless it be required for revenue purposes. As a matter of revenue policy we may fix a duty of 5 per cent, but for protectionist purposes a duty of 15 per cent would be necessary. What does it matter from where the competition comes so long as the Indian tanning trade is concerned? Therefore the argument is that we shall have to be protected against everybody if we adopt a protectionist policy. We shall not be hitting any one in the United Kingdom at present; we will be encouraging the Indian trade, and every country can take hides and skins from us equally paying the 15 per cent export duty. It is on these grounds, my Lord, that I advocate the acceptance of my amendment. I know full well that the United Kingdom have been so gracious as to give us a 2*d.* rebate in respect of tea, 2*d.* out of a pound, 1-6th, but whereas, it is necessary that we should have 15 per cent protectionist duty there was no question of protection involved but only revenue when the United Kingdom granted a rebate on tea. The reduction also helped the British tea drinker. If it was only a question of revenue, I would certainly not object to this 10 per cent reduction, or even a larger reduction, but when it is a question of protection, my Lord, let us secure our object and not reduce the duty by granting a rebate."

12-14 P.M. **The Hon'ble Mr. W. E. Crum** :—"My Lord, I must oppose this amendment. I think the Hon'ble Member has wandered somewhat from the reasons for which this Bill was brought in. It was brought in for two reasons, first, because the tanning of hides was a key industry, that is to say it is an industry which must be protected because tanned hides are required during war. It is therefore absolutely necessary that we should try to conserve the tanning of hides within the Empire.

"Secondly, it was brought in because it was considered that India is particularly suitable for the tanning of hides, and therefore that the tanning of hides should be protected as far as India is concerned. It seems to me perfectly clear that since, as I said before, India cannot at present tan all her hides, we must go back to the other reason for which we impose this duty, namely that it is a key industry, and try and arrange that all those hides, or as large a number as possible of those hides which India cannot tan are tanned within the Empire."

12-15 P.M. **The Hon'ble Sir George Barnes** :—"My Lord, Mr. Crum has left very little for me to add. The Hon'ble Member's amendment is to the effect that the 10 per cent rebate which we proposed shall not be given. In my opening speech and again just now I tried to make it clear why we imposed this duty and why we gave the rebate. The rebate is given primarily in the interests of India. Only a small proportion of our hides and skins can be tanned in India, and it is entirely in the interests of India that the hides and skins should be tanned within the Empire. If war should again unfortunately break out in future years, it is of the highest possible importance to us that we should not be again in the same position that we were in at the beginning of this war. At the beginning of this war a large proportion of the tanneries which were capable of dealing with the hides which were necessary for army equipment were unfortunately situated in Germany. If war should break out again in future, we must not again be found unprepared in this respect. We must be able in one part or another of the Empire to make the leather which is needed for the equipment of our army.

"Now the greater part, certainly all the first part of the Hon'ble Member's speech I should like to claim as a speech in favour of the rebate, for he expressed himself as proud of belonging to the Empire, and of believing that we ought to do all that we can to bind the Empire together. All that part of his speech I welcome with all my heart. The latter part of his speech I confess that I did not follow altogether, and I was unable to gather from it any arguments which need a reply. My Lord, I cannot accept this amendment."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, there are two points which are involved in the amendment proposed by the Hon'ble Mr. Sarma. One is the question whether India will be better benefited by the proposal in the Bill or by the proposal of Mr. Sarma. The second is, are we so well off that we can share our benefits with the other parts of the Empire? The Hon'ble Sir George Barnes has said that we should consider the situation which would arise if another war breaks out. We ought to hope that another war is not going to break out very soon. But if it should unfortunately break out, then I doubt not India will do as it did on the recent occasion and better, and the British Empire will do as it did on the recent occasion and better. We were able during the war to utilise a lot of our hides and skins, and I think that with the advance in the tanning trade which she will have made within the time, however unfortunately soon that time may come, when another war will break out, India will be immensely better prepared to utilise its own hides and skins for the purpose of the war, and the British Empire will be even better helped by it than it was during the last war. 12-18 P.M.

"There is one question which I wish to ask and which is to me of the deepest concern. Is it in the interests of India that you propose to make the sacrifice involved in the grant of a rebate of 10 per cent on hides and skins? If India were rich, I should be delighted to share some of its superfluous riches with the other members of the Empire, though unfortunately they have not yet set an example to us in that direction. But what I say is, accepting what was said about tea, which I consider to be a matter of small importance, what I say is that India needs every pie of the money she can raise by her export duties. If you can levy an export duty of 15 per cent on hides and skins, I say let the whole of it come to India. If other parts of the Empire find it to their advantage to take in Indian hides and skins, let us find out whether they do not find it profitable to do so even with the export duty that is proposed. Are we sure that even after taking Indian hides and skins with the export duty of 15 per cent they will not be making a good profit on the business? If it is proved that, even with the export duty proposed, our hides and skins which will be imported into the United Kingdom will bring those who deal with them a fair profit, then I say no case is made out for asking India to make this sacrifice. If the experience of a year or two should show that 15 per cent is too much to ask tanners of other parts of the Empire to pay, and that it affects India's export trade, that hides have to rot, as one Hon'ble Member suggested they will if we did not encourage their export, it will be time enough for the Government to reconsider the question.

"As I said the other day, unfortunately India does have a large quantity of hides and skins to export. Well, then let us make all that we can out of it for the benefit of those who are injured by such a large quantity of hides and skins being produced in the country. For these reasons I say that the proposal of my friend is a reasonable one and that the Government should accept it for the present. We ought to remember that there are not many other parts of the British Empire which produce as many hides and skins as we do, and as every part of the British Empire does generally take all that it can out of other parts of the Empire for its products and manufactures, I do not see why India should be deprived of the money which it so badly needs for promoting the welfare of its people in so many directions. I remember the correspondence that took place between some British tanners and the Secretary of State, which was forwarded to the Government of India. As a Member of the Industrial Commission I was privileged to see that correspondence. And I do not at all feel doubtful that, even with the export duty which it is proposed to impose upon our hides and skins, the British tanners will be able to make a good profit out of the business, and, therefore, I say there is no occasion to start with granting them a rebate. There is no justification for the sacrifice of India's interests, no overpowering reasons in the interests of the Empire, why that sacrifice should be made for the benefit of other parts of the Empire.

"For these reasons I wish that the Government would see their way to reconsider their position. I support the Hon'ble Mr. Sarma's amendment."

12-23 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, practically the sole reason that was given in favour of the Government view is that we shall have to tan the hides somewhere in the British Empire in Imperial interests. India is unable to tan all her hides and skins, and, therefore this policy has to be embarked upon. The Hon'ble Sir George Barnes forgets that my argument was that the United Kingdom is equally unprepared at present to tan all the additional hides that would be diverted to it, from the fact that although its tanneries take a certain number of hides and skins, it re-exports some. I quite grant that the tanneries can be expanded enormously, but, as things stand, the tanners in the United Kingdom are in the same position as the tanners in India, namely, neither can meet the additional demand. Therefore, I do not see any reason why we should not start all the tanneries that are required in India for tanning the rest. Why cannot you do it to-day? Is it that you have not got experts? Is it that you have not got the money for it? I submit there is no reason whatsoever why our tanneries cannot be so expanded as to meet the additional requirements. Well, assuming for the sake of argument, that India cannot tan all her hides, we estimate that even a 5 per cent duty would divert the trade to the Empire. Well, if it does, the United Kingdom would start her tanneries on a favourable footing. We are not placing her in any disadvantageous position as against others—India and the United Kingdom—because the others do not count for much in this matter—can do the work between them equally. I, therefore, submit that, in carrying out the protectionist policy in favour of India, you will encourage the tanning industry equally in India and in England by giving only 5 per cent rebate instead of 10 per cent, having regard to the difference in the conditions."

The motion was put and negatived.

The Hon'ble Rao Bahadur B. N. Sarma:—"The next amendment which I wish to move, my Lord, is that in column 4 in clause 3 the following further proviso be added:—

'Provided further that no rebate shall be granted to any dominion, state or territory . .

The President:—"The Hon'ble Member has got another amendment down before that. I have no doubt the Hon'ble Sir George Barnes will be grateful to him if he does not move it."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, my next amendment is that in column 4 in clause 3 for the words 'two-thirds' the words 'one-third' be substituted. 12-25 P.M.

"I hope I shall have better luck on this amendment than on the previous two amendments. I shall try to be as clear as I can. My Lord, I said I was in favour of encouraging the Imperial connection, and that is the reason why I will take it that some sort of preference would be shown to the Empire as against the rest of the world. Now the question is whether the preference is to be 10 per cent or 5 per cent. That is the only question. Here, following the analogy of Great Britain, I think we would be justified in making it 2½ per cent, because the rebate granted in favour of Indian tea so far has been two pence in every shilling or one-sixth. I think that is not controverted. Mr. Austen Chamberlain in his speech on the Financial Statement on the 30th April last said :

> 'On a consideration of the facts I have come to the conclusion that one-sixth would be an effective preference on these articles, and I hope it will be satisfactory to those concerned'

"I have suggested one-third for the reason that in the earlier paragraph Mr. Chamberlain seems to suggest that, as at present advised, the general Empire rate of preference would be one-third. I have read that passage on a previous occasion. 'On these duties I propose to fix the preference at one-third which is what I may call the general Empire rate, in so far as a general Empire rate exists.' I submit that there is no reason why the Government of India should go further than what His Majesty's Government have proposed to do, namely, to give a preference to the extent of one-third.

"Then, the only other point would be as to whether one-third would not be effectual for the purposes which the Government have in view, namely, diverting the trade to the United Kingdom, I mean to the rest of the Empire, and encouraging tanneries there. I have already argued, my Lord, that we have very great difficulties in respect of this general rebate policy, and that the Government hoped that by means of this they would be able effectually to divert the enemy trade into Great Britain. I think they can do that with 5 per cent preference as well as 10 per cent preference. I have already shown that even a 10 per cent duty would hardly help the Indian tanneries to struggle with their small resources as against the capitalist countries both within the British Empire as well as elsewhere.' I hope the Government and Hon'ble Members will not forget that our concerns are very small, that they are struggling, and that they are slowly rising in importance, and the Government have felt it incumbent upon them to protect them. If they are to be protected, by all means protect them properly, give them effectual protection, and not merely nominal protection. That is my prayer. We would not be transgressing the policy of His Majesty's Government, we shall be effectually protecting our industries, while at the same time diverting trade to the rest of the Empire and giving some preference to the United Kingdom. All these objects would, I submit, be met by a one-third rebate duty and I, therefore, press my amendment upon the attention of Government and the Council."

The Hon'ble Sir George Barnes :—"My free-trade friend, my Lord the Mover of the amendment has apparently no difficulty in accepting the measure of protection offered to him by the Bill ; in fact he asks for a bit more. He reminds me of a constituent of Sir Robert Peel, a story concerning whom is recorded in the life of Sir Robert Peel. Sir Robert when he was sitting for a seaside constituency received a letter from a constituent who was a fisherman stating that he was a strong free-trader, but that he thought there ought to be a small duty on herrings. I think that is the view the Hon'ble Member really takes. He feels that the Madras tanner is not sufficiently protected if the 10 per cent rebate is conceded, and he wants to reduce that rebate to 5 per cent. Let us go therefore into the protection which we are giving to him. 12-31 P.M.

With regard to foreign countries the protection by the export-duty is 15 per cent. With regard to countries within the Empire the protection afforded by export duty alone is 5 per cent. Apart from the protection afforded by the export duty there is in each case the natural protection afforded by the cost of the freight, insurance in sending the hides and skins from India to the country where they are to be tanned; then there is further protection in the cost of freight and insurance on the manufactured article,—that is the leather; then on entry of the leather into India there is an import duty of 7½ per cent. Now that surely is sufficient protection for anybody. We do not want to make it impossible that foreign leather shall be sold in India. We do want to set the Indian tanners on their feet and to give them a fair chance; but we do not want to make it impossible that any foreign leather shall be sold at all in India. If we did this the result would presumably be that the price of leather would be raised unduly, and the consumer would suffer accordingly. For these reasons, my Lord, I cannot accept this amendment."

12-33 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, if I were the first to advocate a slight departure in favour of India from the free-trade principle, the Hon'ble Sir George Barnes' remarks would be very weighty; but I am afraid that he stands in exactly the same position as myself. Both of us wish to depart and do depart from the strict free-trade principles and try to give some protection in favour of India. The only difference is as to the measure of protection that shall be afforded, and I think that my suggestion is reasonable. I quote the precedent of the United States which thinks 15 per cent is necessary; I quote the precedent of Japan which thinks 51 per cent is necessary, after taking into account the insurance freight and other charges mentioned by the Hon'ble Member; if in addition to these charges other States consider 51 per cent to be necessary, and it is also granted that the United Kingdom and the other countries forming the Empire are capitalist countries, much richer than India, I do not think I shall be pleading wrongly in favour of the reduction of the rebate."

The motion was put and negatived.

12-35 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, before Mr. Sarma rises I should like to make an appeal to him not to move his amendment. It may do us infinite harm if he does move it. We are at the present time sending a deputation to South Africa, and the moving of this amendment cannot do us any good. It will embarrass Sir Benjamin Robertson on his mission, and I do appeal to the Hon'ble Member not to move it for that reason. Pin-pricks are doubtless amusing to the person who handles the pin, but a pin is not a good instrument of diplomacy. I do appeal to the Hon'ble Member not to move the amendment."

12-36 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, I understand the spirit in which the Hon'ble Sir George Barnes has made these remarks and I appreciate them. But I find this difficulty that we can move no amendment whatever at a later stage without the permission of Government. If the efforts of Government are unsuccessful and India should be treated exactly as at present, if your Excellency would permit me to move this amendment to the Act at the Delhi Session after the negotiations are completed, I have not the slightest objection to dropping it now in the interests of harmony. But if it is not permissible for me to do so at a later stage I shall have to press it."

The Hon'ble Sir George Lowndes:—"My Lord, may I point out something which might help the Hon'ble Member to drop his amendment? Under the wording of the proviso we have powers as a Government to grant this rebate only to such parts of the Empire as we wish and to refuse it to any part of the Empire. The amendment would only make compulsory the powers which are to be given to the Government. The Hon'ble Member has perhaps not discovered that."

The Hon'ble Rao Bahadur B. N. Sarma :—" I want that this should be provided for by the Legislature. It is one thing for the Government to have discretion to grant or refuse rebate; it is another thing altogether for the Legislature to lay down that rebate shall not be granted to certain parts of the Empire. It is the united voice of the people of India that pleads that the policy should be laid down clearly. I know that Government have already got these powers; but I think there is greater force in the Legislature of India, acting on behalf of the people of India, giving expression to that view. Therefore, I have not the slightest objection to dropping this amendment now and bringing it up again at a later date if the Government will permit me to do so. But if they do not, if they cannot give me permission at any stage, then I shall have to move this amendment. The motion is only conditional. If any country should treat Indians in the way I have described in the amendment, it is incumbent on the Government to grant no rebate. If, on the other hand, as a result of these negotiations the other countries should treat us fairly, then the proviso would be inoperative. It would have no application whatever. Therefore, I shall not be prejudicing the progress of the negotiations in this case. It is only optional, conditional. But I am willing to drop it if the Government would permit me to move this in case of necessity, of course after due notice to the Government."

The Hon'ble Sir George Lowndes :—" It would be possible for the Hon'ble Member to move a Resolution in this Council that the Government do put these powers in force against any particular country he likes or the Legislative Assembly might do so."

The Hon'ble Pandit Madan Mohan Malaviya :—" May I draw attention ? "

The President :—" On a point of order ? "

The Hon'ble Pandit Madan Mohan Malaviya :—" No, my Lord; but the point has to be considered."

The President :—" I do not really see how the Hon'ble Member can. We do not know yet whether the amendment is going to be moved or not. Until that question is settled there is no point for the Hon'ble Member. He may later on when this Bill is to be passed address the Council."

The Hon'ble Pandit Madan Mohan Malaviya :—" May I submit my point for your Lordship's consideration ? "

The President :—" On a point of order."

The Hon'ble Pandit Madan Mohan Malaviya :—" The language used in the Bill is 'shall'—'rebate shall be granted.' I would invite the attention of the Council to this because the Hon'ble the Law Member has said that the Government will have the option to grant a rebate or not to do so; it will not have the option. The language is 'Provided that subject to such conditions as the Governor General in Council may . . . prescribe, a rebate *shall* be granted.'

The President :—" The Hon'ble Member reads rather fast and that is why perhaps he has passed over the words there referred to—'subject to such conditions as the Governor General in Council may by notification in the Gazette of India, prescribe.' Those are the governing words."

The Hon'ble Pandit Madan Mohan Malviya :—" Do they take away the force of the word 'shall'—'the rebate shall be granted'? "

The Hon'ble Rao Bahadur B. N. Sarma:—"If His Excellency would give me an assurance that I may bring it up next Session, if necessary, I shall drop the second portion of my amendment; the first portion will stand, it is inoffensive."

The Hon'ble Sir George Barnes:—"The position is that Government will have full powers under the Act when the Bill has become law, and it will be open to the Hon'ble Member at any time in the future, if circumstances necessitate it, to move a Resolution asking the Government of the day to use the powers but I really think that that meets the Hon'ble Member entirely."

The Hon'ble Rao Bahadur B. N. Sarma:—"Resolution, but not legislation. No Revenue Bill can be modified by a private member without the sanction of Government."

The Hon'ble Sir George Barnes:—"The powers are here; the Resolution will be to put those powers into effect."

The Hon'ble Rao Bahadur B. N. Sarma:—"I shall not press that portion, my Lord, under these circumstances. But I may be permitted to move the first portion, namely, 'that no rebate shall be granted to any dominion, state or territory which discriminates against Indian tariff policy.' That has nothing to do with this inconvenient question."

The Hon'ble Sir George Barnes:—"Will not the Hon'ble Member drop it altogether?"

The Hon'ble Rao Bahadur B. N. Sarma:—"It is perfectly harmless; it merely says any state, etc., which discriminates against our tariff policy."

The President:—"If the Hon'ble Member wishes to move his amendment, let him move it. I understand that he does not wish to move the latter part, but that he wishes to move the former part. I think we shall get on quicker if he does move it."

The Hon'ble Rao Bahadur B. N. Sarma:—"I cannot move it without your Excellency's permission to omit the second part."

The President:—"But I have given you permission to omit the second part."

12-40 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Then I move that in clause 3, column 4 to the proviso the following be added;

> 'Provided further that no rebate shall be granted to any dominion, state or territory which discriminates against Indian tariff policy.'

"My Lord, I think many words are not needed to support this amendment of mine. All I desire to say is that if any country acts unfairly then the Government of India *shall* act in the manner suggested. It is only fair that when we grant a concession we should be treated in the same way by other countries. Therefore I submit that if any country adopts a policy of discrimination against India, then this clause which I propose should be applied to that country in regard to its tariff policy."

12-41 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, the Bill already gives full powers to the Government of India in the direction desired by the Hon'ble Mr. Sarma. Should any part of the British Empire discriminate against the Indian Tariff policy, which I hope will never occur, and of which there is not the slightest sign at present, I hope the Council will leave the Government of India of that day to deal with the question."

The Hon'ble Sir Dinshaw Wacha:—"My Lord, the question raised by the Hon'ble Mr. Sarma seems to relate to that of a retaliatory policy. Is this Council at present discussing the general question of tariff policies? If this were a general question then the Hon'ble Mr. Sarma would be in order in raising it, but we are not discussing at present the merits of the whole tariff system but simply a minor point. Therefore, I think, the Hon'ble Member's point is superfluous. He is simply wasting the time of the Council." 12-42 P.M.

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, there is the possibility that a discriminating policy against India might be adopted by Australia, South Africa or any other country. Why therefore should not the Legislature say that no rebate shall be granted. What is the objection to that? I do not see any reason why the Legislature should not lay down clearly what should be done in certain circumstances; this action can only be taken if other parts of the British Empire do not behave rightly. It is the direction of the Legislature which must be obeyed by the Executive Government. It would not leave any option in the matter." 12-43 P.M.

The motion was put and negatived.

The Hon'ble Sir George Barnes:—"My Lord, I move that the Bill be passed." 12-45 P.M.

The motion was put and agreed to.

THE WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move for leave to introduce a Bill further to amend the Workman's Breach of Contract Act, 1859. I do not know how far Hon'ble Members of this Council are familiar with this law. I may say very shortly that it is an old Act of 1859, which originally applied to Presidency-towns only and was intended to penalise fraudulent breaches of contract by artificers and workmen. It has, however, since been extended to other parts of India outside Presidency-towns. Under the Act labourers and artificers who take advances from their employers on certain undertakings and wilfully neglect to perform their contracts are liable to imprisonment. 12-46 P.M.

"In February, 1917, the Hon'ble Mr. Malaviya gave notice to the Government of his intention to introduce a Bill repealing this Act, and the Government were prepared to allow his motion to be carried and his proposal submitted to public criticism. He, however, postponed introducing the Bill because he wished to secure certain information which was not readily available. Local Governments were addressed in order to obtain this information and at the same time the Government of India, which had some reason for thinking that the Act was misused in certain places, took the opportunity of consulting Local Governments as to whether the Act should be repealed altogether and, if not, what amendments, if any, should be made in it. On the 22nd March, 1918, the information called for by the Hon'ble Mr. Malaviya was laid on the table, but, so far as I am aware, no further action was taken by him in the matter of his Bill. The replies to our inquiries from Local Governments indicated that the majority of them thought that the total repeal of the Act was inadvisable, but that it required modification in certain respects to prevent abuse or misuse of its provisions. In order to meet the defects brought to our notice by different Local Governments, this Bill has been introduced. I think I can explain it best by taking clause by clause, dealing of course only with important clauses.

"Clause 2 makes a modification in section 1 of the Act and limits its application to cases in which the money advanced does not exceed Rs. 300. That was the sum fixed roughly after inquiry as to what was a reasonable maximum for cases of this kind. The clause makes also another important change in the law by providing that before issuing a process on the artificer or labourer, the Magistrate shall examine the complainant and that the Magistrate may if in his opinion there are no grounds for proceeding further dismiss the application altogether. Under the existing law, I think, I am right, once a complaint is made, the Magistrate has at once to issue process on the workman or labourer.

"Clause 3 makes another important change. Under the present Act, if a Magistrate to whom an application is made is satisfied that the labourer has received an advance and is wilfully refusing to perform the contract, the Magistrate has no discretion, but at the option of the employer must either order the labourer to refund the money or perform the work. Under the Bill the discretion is vested not in the employer but in the Magistrate. Further, where an order is made for repayment of an advance the Magistrate will have power to order that the return should be made in instalments. Finally, there is an obligation cast on an employer who wishes to make a complaint under the Act that he must do so within a reasonable time; three months has been provisionally chosen as a suitable period within which such complaints should be made. There is no such limitation in the Act at present.

"I now come to sub-clause (*2*) of this clause. At present for refusal either to repay an advance or perform his contract a Magistrate has to sentence a man to rigorous imprisonment. We propose to leave it to the Magistrate to decide whether imprisonment should be simple or rigorous. There is one other small provision. In making an order of repayment of money a Magistrate has power to extend the period or vary the instalments, and in no case can an order under the Act operate to force an employé to work for a longer period than one year. That is a very important change, because under the present law there is no limitation at all for the period for which a man may be ordered to work, and in my own province I have known of cases in which agricultural labourers are bound for very long periods who might come within the scope of this Act. I am referring to what Members from Bihar are familiar with, the *Kamiouti* system.

"Then comes another provision in the Bill which allows a Magistrate the option to refuse to enforce any contract which he thinks is unfair. That is also a clause which, I think, will commend itself to Council on general principles.

"Finally, the Magistrate is given power to award compensation to any labourer against whom a false or frivolous or vexatious complaint has been made under the Act. Well, these are, I think, all the important provisions of the Bill, and I need not explain them any further at present. I only want to make one thing clear, and it is this, that the whole principle of this Bill is to make the provisions of the Act less stringent as regards labourers and artificers than at present, and the Bill is directed to prevent any possible abuse of the existing law. I am aware that the Bill may not go as far as some Hon'ble Members of this Council may wish. I can only say that the Government have gone as far as they consider that the opinions which they have received from the Local Governments justify. If, however, the Hon'ble Mr. Malaviya will after this Session send me a copy of the Bill which he at one time proposed to introduce for the total repeal of this Act, I shall be very glad to have it circulated for opinion, together with the present Bill. In regard to this Bill all that the Government seek to do at present is, to obtain leave to introduce it in the hope that it will be effective in preventing the abuse or misuse of the Act. If the views of Local Governments and other persons interested in this matter are that we ought to go further, the Government of India will have to consider the question again."

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I thank the Hon'ble the Home Member for the sympathetic manner in which he has put forward the motion for leave to introduce the Bill to amend the Workman's Breach of Contract Act. My Lord, I frankly say at once that while I welcome the advance which the Government propose to make, in my opinion the total repeal of the Act is what is necessary. The reason why I did not take action is very simple. My Lord, I regret to say that, constituted as the Council is at present, I have given up all hope of carrying any important legislative proposal or even an important Resolution in this Council unless I was sure that I would have the support of the Government, and I was waiting for the time to which we are all eagerly looking forward when the Legislative Assembly will contain a majority of the elected representatives of the people, for I thought I would have a better chance then. I therefore welcome the attitude which the Hon'ble the Home Member has indicated in the matter of this Bill. 12-55 P.M.

" Now, my Lord, the reasons why I suggested a total repeal, and why I still suggest a total repeal of the Act are very simple. My attention was drawn to this Act when I toured about the country as a member of the Industrial Commission. I found that in several places the Act was in force, and it seemed to me from all that I heard that this Act had outlived its period. The Act was passed in 1859, when railways had not come into existence—the first railway was constructed, I think, in 1854—and communications were very difficult. Conditions of life in the principal cities of Calcutta, Madras and Bombay, the towns which are mentioned here, were very different from what they are now. People did not find it so easy to go to Calcutta, Madras or Bombay from the mofussil; they did not find the conditions of life quite so satisfactory as now. In 1859, it might have been found necessary to empower Magistrates to enforce contracts against artificers or labourers in certain circumstances, but the tremendous changes which have taken place since then clearly point out that this legislation has outlived its utility, even if it was found necessary at the time it was enacted. My Lord, we are now in the 20th century. We are in the post-war period. A great International Labour Conference is going to sit at Washington. Labour problems are to the fore. The welfare of labour is engaging the attention of British and other Statesmen in all parts of the Empire. Even in this country the Industrial Commission has recommended that in towns in which industries are more predominant than in others more attention should be paid to the welfare of labour. I am surprised, therefore, that while the Government recognised the desirability of amending this Act, they did not decide upon its total abolition. What will those gentlemen, representatives of various Governments including our own, who are going to meet shortly in the interests of labour at Washington, think of a proposal like this when it goes before them, that in a matter of a purely social contract,—a man should be liable to be sentenced to imprisonment if he fails to perform the contract? I am sure they would decline to accord their support to such a proposal. Hitherto it has been understood that failure to carry out a simple agreement can be compensated by certain recognised processes. It is not a case of failure to perform a specific contract. We are not dealing with the case of individuals or men who are experts or who possess great technical skill and who fail to perform some work which they alone can do. It is the case of ordinary artificers, workmen and labourers. If one man does not do it, another man may easily be found to do it, it may be at a little higher cost; the rule which governs the enforcement of specific performance of contracts does not come at all into play here. In this case, if a man fails to perform his contract . . . . . .

The Hon'ble Sir William Vincent:—"May I interrupt the Hon'ble Member for one minute ? I did not say for failure to perform a contract, but a fraudulent breach of contract."

The Hon'ble Pandit Madan Mohan Malaviya:—"I beg your pardon. I did not hear the Hon'ble Member. Will the Hon'ble Member speak to this side. I could not hear him, my Lord."

The Hon'ble Sir William Vincent:—"I thought it was customary to address the Chair in this Council."

The Hon'ble Pandit Madan Mohan Malaviya:—"If the Hon'ble Member had spoken clearly I could have understood him."

The Hon'ble Sir William Vincent:—"I said that the Act does not apply to all failures to perform contracts, but to fraudulent breaches of contracts."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you."

"My Lord, the preamble to the old Act which it is proposed to amend says:—

> 'Whereas much loss and inconvenience are sustained by manufacturers, tradesmen, and others in the several Presidency-towns of Calcutta, Madras and Bombay, and in other places from fraudulent breach of contract on the part of artificers, workmen and labourers who have received money in advance on account of work which they have contracted to perform.'

"Now, my Lord, that preamble is retained. It is left to the Magistrate to decide whether the breach was a fraudulent breach or not, and then he is to pass judgment either that the person defrauded should be compensated, or that the labourer should perform the contract, or if he fails to do so, that he should suffer rigorous imprisonment for a term which used to be three months before but which the Bill now proposes to reduce.

"My Lord, in section II of the old Act it was laid down that:—

> 'If it shall be proved to the satisfaction of the Magistrate that such artificer, workman, or labourer has received money in advance from the complainant on account of any work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate shall at the option of the complainant, either order such artificer, workman, or labourer to repay the money advanced, or such part thereof as may seem to the Magistrate just and proper, or order him to perform, or get performed, such work according to the terms of his contract.'

I am glad that in the amending Bill that objectionable clause 'at the option of the complainant' is omitted and that the matter is left to the discretion of the Magistrate. I am glad also that it is proposed to do away with rigorous imprisonment. For the amending Bill says: 'If an artificer, workman, or labourer who has been ordered to perform the contract or repay the money advanced, shall fail to comply with such an order, the Magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the repayment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter.'

"Now, I submit, my Lord, that it is not right at this time of day to enact a provision like this. It is bad enough that the Act of 1859 was allowed to remain so long on the Statute-book, but when the attention of the Government has been drawn to it and Government have decided to deal with it, they ought to deal with it in a healthy way, in the way which will appeal to all those who are interested in the welfare of labour, and repeal this Act altogether. My Lord, we must not ignore the changes that have taken place. I have seen what facilities have been provided for labour in the important towns of Calcutta and Bombay. Bombay has to do more. It is unfortunately true that Bombay has not done as much as Calcutta has done; but I have seen that the Jute mills round Calcutta, and the Buckingham Mills in Madras and the Nagpur Mills have made most excellent provision for the accommodation of their labour. At Jamshedpur too, at the Tata Iron Works, they have made very satisfactory provision for such accommodation and it is going to be improved still further. Labourers willingly go to these places. There are thousands upon thousands of persons willingly working at Calcutta, Madras, Bombay, Jamshedpur and Nagpur. I have seen the very excellent provision made for the accommodation of labour at Cawnpore by the Elgin Mills and the Muir Mills. Now I am certain that if the state of things which exist to-day existed in 1859, nobody would have thought of enacting Act XIII of 1859. Therefore taking the reverse of it, now that such a state of things does exist, the Government ought to repeal that Act. With the advantages that have been created, it seems to me such a pity to present the spectacle to the labour world and to the rest of the world interested in labour, ~~that~~ of proposing that if an artificer, workman or labourer fails to perform a contract for labour, according to the terms which are preserved in the Act, he may be sentenced to imprisonment. My Lord, as I have said before, I quite recognise the liberalising elements which have been introduced into the Bill. I note that the Government recognise that in its present form Act XIII of 1859 is unsuited in many respects to modern conditions. They also recognise that it has been found capable of abuse by employers. I have not got before me the statement which the Government was good enough to supply to me in answer to a question of mine, but that showed that there are many places in this country where workmen are sentenced to imprisonment under Act XIII of 1859, and that this Act is abused. It is necessary therefore that it should be done away with altogether.

"Another modification which has been introduced is, that it will be only in cases where the advance does not exceed Rs. 300, that the Magistrate will interfere, but this will not to my mind very much alter the situation, though it slightly will. Why should a person who has received something less than Rs. 300 as an advance, be liable to be sentenced to imprisonment, when a person who has received Rs. 400 in advance is not liable to such imprisonment? I fail to see any reason for it. The suffering which the one may be subjected to will be felt by him quite as keenly as the suffering which might have been undergone by the man who contracted for larger wages would have been.

"My Lord, the modification that 'the Magistrate may in his discretion refuse to make an order under section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair' is a good provision and I have nothing to say against it. If the Act must continue, this is a provision which I welcome. As regards the change proposed in the nature of imprisonment, whereas the old Act provides that wherever imprisonment is inflicted it must be with hard labour, the present Bill proposes to give the Magistrate the discretion to inflict imprisonment of either description, simple or rigorous. I submit it is a pity that the Government should still think of retaining rigorous imprisonment even as an alternative punishment. In any event the very least the Government might have done was to cut out rigorous imprisonment altogether, and to say that if any imprisonment must be inflicted, it must be simple. My Lord, if a man fails to pay his debt, he is subjected to simple imprisonment only; I do not see why a person who fails to perform a civil contract should be put in a worse position. These are my reasons, my Lord, for the view which I have submitted. I recognise that the Bill makes an advance and a welcome advance, to the extent that it goes, on Act XIII of 1859; but it does not go far enough, and at this time of day the welfare of the labourer, and fairness to him demand that this Act should be obliterated from the Statute-book. The labourer, my Lord, has suffered a great deal in the past owing to the operation of this Act and of some other enactments and practices which have prevailed in different parts of the country, out of which the capitalists have made much at his expense. I hope the Government will now take the step which is demanded, which is dictated by the interests of the labourer and help him to live and breathe as a free fellow subject."

1-9 P.M. **The Hon'ble Mr. W. E. Crum** :—"My Lord, I am not conversant with the workings of this Act and I do not know to what extent any of the amendments may affect the interests of the members of the Bengal Chamber of Commerce. Am I right in understanding that this Bill will not be proceeded with at present, but that it will be circulated to all bodies concerned through the Local Governments ?"

The Hon'ble Sir William Vincent :—"Certainly."

1-10 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"My Lord, I rise to give my support to the principle of this Bill. It is certainly an improvement on the Act which it seeks to amend. As the Hon'ble the Home Member has said, the old Act is out-of-date and relates to conditions of life which are obsolete and, therefore, it requires amendment. The Hon'ble the Home Member has explained very lucidly the conditions which this Bill seeks to introduce, and the five important points in which it tries to amend the old Act are, to my mind, very important and of a, on the whole, liberalising character.

"The limitation of three months now introduced for bringing a complaint against an offender; the limitation of the amount involved to Rs. 300; the option given to the Magistrate to refuse to proceed on a complaint, if he thinks the contract unfair; the option conferred upon him to throw out a complaint if he finds, after examining the complainant on oath, that no case is made out; and lastly, the power now vested in him to award the workman compensation, if the complaint is found to be false or frivolous—all these, my Lord, are to my mind great and useful improvements. I am glad to give my support to this Bill, particularly because it is of a humanitarian character. The Government of India, during the last ten years, have had to pass so much of coercive legislation, that I am gratified to find that they are in a position to-day to bring in a measure before this Council which is of a humanitarian character. At the same time, I regret that the Hon'ble the Home Member has not seen his way to go a little further. I am not asking him at present to repeal the old Act, but to take one more step forward in the direction of liberalising the Bill still more by abolishing imprisonment for the offences which this Statute maintains.

"My Lord, the infliction of imprisonment, whether simple or rigorous, for breach of contract, goes against my grain, and I hope in this particular matter the Hon'ble the Home Member—who, I understand, is open to conviction so far as this Bill is concerned—will be pleased to consider our suggestion when it comes before the Select Committee in due course. I shall be very happy if he can see his way to abolishing imprisonment altogether, both rigorous and simple, for the offences specified. But if, unfortunately, he cannot do that, I shall be happy if he will meet us half-way, at any rate, by abolishing rigorous imprisonment and keeping in only simple. With these words, I give my support to the provisions of this Bill."

1-12 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I have endeavoured to be as fair as possible to the Hon'ble Pandit Madan Mohan Malaviya in connection with this Bill. I have invited him to put in his proposed Bill to repeal the Act, and I have said that I would circulate it for opinion with the present measure. That is feasible even now, because a Bill may, as Hon'ble Members will remember from last year, be published before introduction. I must, however, object to the statement that the Bill was not introduced before by the Hon'ble Mr. Malaviya because he knew that such a motion would not be accepted. I put it to the Council that he had no reason whatever to suppose that the Government would oppose the introduction of his Bill, and he never took the trouble, as far as I am aware, either by letter or personal communication, to ascertain what the views of the Government on this question were. The Government were quite prepared to allow his Bill to be introduced and to be circulated, and I am more than a little sceptical as to whether the reason given was the real reason why he did not introduce his Bill.

"My Lord, it has been said that there is a considerable volume of opinion in favour of a total repeal of this Act, but there is also a great volume of opinion in favour of it, and we must move carefully in this matter. The Hon'ble Mr. Crum said that he did not know whether it affected the Bengal Chamber of Commerce. Well, my Lord, this Bill will affect the tea industry and the labour employed by the tea industry very considerably. Before considering the question of repealing the Act, various important interests will have to be very carefully consulted. The Hon'ble Mr. Malaviya went on to say that this Bill penalised any breach of contract. I think that is an impression which should be corrected at once. What it does penalise is not a mere breach of contract, but a fraudulent breach of contract, which is a very different matter. His omission to make this point clear and another mistake he made indeed created a suspicion in my mind that he was getting up his brief as he went along and that he had not read the Bill or the Act recently . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I had read the Bill this morning before I came to Council."

The President:—"Order, order."

The Hon'ble Sir William Vincent:—"Then the Hon'ble Member must have read the Bill very carelessly, because one of the things he said was that the Bill reduced the period of imprisonment that could be awarded under the Act . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"That was a mistake."

The Hon'ble Sir William Vincent:—"The Bill does nothing of the kind. It may be advisable for us to do that, but the point I wish to make is that these mistakes created in my mind what was apparently a mistaken impression that he did not know much about the subject on which he was speaking.

"We were then attacked because of the restriction of the application of the Act to advances of a certain amount. My Lord, the sole object of Government in making this proposal was to restrict the application of this Act as much as possible. People to whom larger sums are advanced are generally men of some substance, and it is the cases of persons to whom small advances are made and who fraudulently fail to perform their contracts which afford the only justification for an Act of the present character.

"There is one other question, which I was asked in a written communication received from one Member of this Council, namely, whether there is a right of appeal against an order of imprisonment. My Lord, I am afraid I can only say that I am not certain whether this is an appeal or not, but I will have the point examined and, if necessary, referred to Local Governments."

The motion was put and agreed to.

The Hon'ble Sir William Vincent :—"My Lord, I now introduce the Bill, and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

The President :—"The Council will now adjourn until 11 o'clock to-morrow.

"I think it may be for the convenience of Members if I state what I propose to do to-morrow. I propose to sit till half past one. We shall then have an adjournment until 3 o'clock. As regards Friday, until to-morrow's sittings are ended, I will not make any announcement, but it may be necessary perhaps to sit longer on Friday."

The Hon'ble Pandit Madan Mohan Malaviya :—"May I submit that it will be convenient not to have two sittings for this important discussion on the Indemnifying Bill."

The President :—"I am afraid that is a matter which I must decide. I have decided the other way."

The Hon'ble Pandit Madan Mohan Malaviya :—"I have only submitted the reasons for your Lordship's consideration."

The Council then adjourned till Thursday, the 18th September, 1919 at 11 A.M.

H. M. SMITH,

Offg. Secretary to the Government of India,
Legislative Department.

SIMLA :
The 25th September, 1919.

APPENDIX A.

[Referred to in answer to question No. 4.]

Statement showing the monthly cost of the staff and officers of the Coal Transportation and Certifying Officers.

	Rs.
Sanctioned (i) Coal Transportation Officer, Calcutta, and establishment	4,903
Estimated (ii) Bombay	1,671
Sanctioned (iii) Ahmedabad, Karachi, Lahore, and Khost	1,500
Total	8,074

APPENDIX B.

[Referred to in answer to question No. 14.]

Statement showing the provincial distribution of the Indians permanently admitted to the Indian Educational Service during the last twenty months together with the creeds to which they prima facie *belong.*

Province.	Number of officers.	Creed of officers.
Madras Presidency	2	Hindus.
Bombay Presidency	4	3 Hindus. 1 Parsi.
Bengal Presidency	10	9 Hindus. 1 Muhammadan.
United Provinces	2	Hindus.
Punjab	4	2 Hindus. 1 Sikh. 1 Christian.
Burma	1	Hindu.
Bihar and Orissa	5	Hindus.
Central Provinces	1	Hindu.
Total ...	29	25 Hindus. 1 Muhammadan. 1 Sikh. 1 Parsi. 1 Christian.

APPENDIX C.

[Referred to in answer to question No. 15.]

Statement showing the quantities of food-grains of which export during 1919 to certain foreign countries has been sanctioned.

RICE.

Destination.	Quantity allotted. 1919. (Tons).
Persia	3,600
Portuguese East Africa	1,600
Italian East Africa	300
French Somaliland	50
Turkey Red Sea (Jeddah for pilgrims)	22,000
Turkey Persian Gulf (Basrah)	5,550
Muscat and Oman	10,300
Other Arabian States	4,800
Bahrein Islands	6,800
Total	55,000

WHEAT AND WHEAT FLOUR.

Persian Gulf Ports	Quantities certified to be essential by Political Officers at these ports.
Turkey Red Sea (Jeddah for pilgrims)	Monthly shipments up to normal.
Shehr and Mokalla	Quantities certified as urgently required by the Resident, Aden.
Siam	Quantities certified as urgently required by His Britannic Majesty's Consul, Bangkok.

Total of jowar, bajra, barley, gram, maize and pulse.

Destination.	Quantity allotted. (Tons).
Turkey Persian Gulf (Basrah)	*20 monthly.
Muscat and Oman	100 „
Other States in Arabia	125 „
Persia	75 „
Bahrein Islands	10 „
Turkey Red Sea (Jeddah for pilgrims)	100 „
Italian East Africa	5 „

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* No jowar, bajra, or barley is allowed to go to Basrah.

352LD—750—27-9-19—GCPS

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 18th September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 52 Members, of whom 44 were Additional Members.

THE IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

The Hon'ble Sir George Barnes :—" My Lord, I move for leave to introduce a Bill to extend the operation of, and otherwise to amend, the Import and Export of Goods Act, 1916. The Bill proposes to extend the operation of this small Act by two years and six months. Under the Sea Customs Act considerable powers already exist, but further powers are needed in order to continue our rationing of food-stuffs and for other purposes. It is accordingly necessary to continue the Import and Export of Goods Act in force a short time longer. I need not say that it is the policy of your Excellency' Government to put an end to all forms of control as soon as we possibly can. "

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—" My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English. "

The motion was put and agreed to.

11-7 A.M. **The President** :—"We now come to the introduction of the Indemnity Bill, and on the introduction of the Bill there is an amendment proposed to be moved by Mr. Chanda. I think it will be convenient if I outline the course which I propose to take with regard to the motion to introduce the Bill and with regard to the amendment. I think it will be the sense of the Council that they would prefer one debate only on the amendment and the motion for introduction of the Bill, but I do not, by suggesting this, propose to exclude Mr. Chanda from the right to reply, which the mover of every amendment would have when he moves his amendment ; and therefore I would suggest that we take the motion to introduce the Bill and the amendment as one debate ; otherwise I should be under the necessity of keeping Hon'ble Members strictly to the discussion of Mr. Chanda's amendment. I think some Hon'ble Members might wish to discuss the matter more broadly. But of course if I give them that indulgence and do not keep them strictly to the discussion of Mr. Chanda's amendment, it must be on the understanding that there is only one debate on the motion to introduce the Bill and on Mr. Chanda's amendment. I think Mr. Chanda will probably agree to that."

THE INDEMNITY BILL.

11-10 A.M. **The Hon'ble Sir William Vincent** :—" My Lord, I move for leave to introduce a Bill to indemnify officers of Government and other persons in respect of certain acts done under martial law, and to provide for other matters in connection therewith. This measure, my Lord, has been the subject of so much discussion both in the Press and by other competent authorities, that I think I ought to set out to the Council in some detail the reasons that have led the Government to introduce the Bill at this moment and to explain *seriatim* the effect of, at any rate, the more important clauses of the Bill ; and I will ask Hon'ble Members to listen to me as carefully as they can, to follow in particular the detailed statement of the effect of the clauses, to view this matter without any kind of bias and to get rid of any misapprehension as to the intentions of Government or as to the meaning of the Act, which may have been created by writings or speeches outside this Council.

" My Lord, wherever martial law is declared, as it was recently in the Punjab, it inevitably follows that speedy and decisive action has to be taken by the executive officers of Government for the restoration of order. Not only does this responsibility lie directly on the supreme military commander, but also on those who are subordinate to him ; that is, he gives orders which he thinks necessary, and it is their bounden duty to carry out those orders. It follows that frequently action which is just and proper, though not necessarily legal, is taken by these authorities.

" They cannot possibly wait in such circumstances to examine the law and see whether what they propose to do is strictly legal or not ; delay at such a time is fatal. The authorities and the officers concerned have to act at once. Indeed, the very meaning of martial law is, that it confers powers to maintain order at any cost that may be necessary of life or property. That is the essence, as I understand it, of martial law. Such conduct will in some cases necessarily involve an infringement of the personal rights of individuals, either of their liberty or their rights in regard to property ; and when martial law expires, an Indemnity Act of some character is the inevitable consequence. I think members in this Council will realise that if such an Indemnity Act is not passed, no officer charged with the very irksome and responsible duty of restoring order will ever act with the confidence that is really essential for the effective handling of the situation. If he has to wait, to hesitate, to examine the law, to consult legal authorities here and there, the time for action may be gone, and the very mischief he seeks to stop develop to a dangerous degree. That such an Indemnity Act is the normal consequence of any period of martial law is, I believe, accepted by all constitutional writers. I do not wish to weary the Council by citations from a number of these, but I will content myself with one :—

> 'If at a period of national danger a breach of the law is demanded, if not by absolute necessity yet by stress of political expediency, the law breaker whether he be a General or other servant of the Crown who acts *bonâ fide* solely with a view to public interest may confidently count on protection by an Act of Indemnity . . . .
>
> 'Statutes of this description have been invariably, or almost invariably, passed after the determination of a period of civil war or disturbance and the very object is to protect officers and others who in the interests of their country have in time of common danger pursued an illegal course of conduct.'

These quotations are from one of the greatest writers on Constitutional Law, Dicey. In fact, we know that whenever there has been an insurrection or civil war, or invasion by a foreign power, Acts of this character have invariably been passed. There was one in England after the insurrection of 1715, again after 1745; we had one in this country after 1857, and more than one instance of such Acts is to be found in the various Colonial Legislatures, including the Legislature of South Africa. Further than this, when a military officer is acting under the stress of such circumstances, in a crisis of great magnitude, it is essential that he must have behind him some sanction to enforce his orders; reference to ordinary Courts in such cases is impracticable. It would involve delay which would be fatal to the very object he has in view. Consequently summary measures, often stern and always of a very speedy character, are necessary if order is to be restored. There are some who think that these summary orders necessarily connote injustice and an undue degree of harshness, but it is not correct to think that this is either the practice or the intention of many commanders. I should like to cite from the Martial Law Regulations passed in Lahore on this point. This is an order by Col. Frank Johnson, a somewhat well-known name.

> 'In order to prevent the occurrence of regrettable incidents it must be clearly understood that the institution of summary law neither necessitates nor justifies the committal of excesses, either in the maintenance of order or in enforcing obedience of martial regulations or the infliction of punishment. It cannot be too clearly impressed upon all ranks that temporary supersession of the ordinary process of civil law by the introduction of summary law does not mean that justice ceases to be administered ; on the contrary, the suspension of the usual safeguards make it doubly imperative that all concerned should bear in mind that it is up to them to see that justice and not irresponsible violence is administered.'

"It is however essential that the military authorities in such cases should have power to come to swift decisions of a most important character; power to take prompt action on all matters affecting the State; power to punish summarily and effectively those who endanger the peace.

"My Lord, it may be said that martial law was not necessary in the Punjab and that the Government made a mistake in proclaiming it. I do not seek to argue that point now. I believe that any such course would be unfair to those concerned, primarily or indirectly concerned, until the evidence of the facts has been recorded by the Committee of Inquiry. The decision on that matter must rest with the Committee in a great measure and after their report has been received, with other authorities. But, irrespective of this question, the position of our officers must be protected. I do not know if I make myself clear on that point. What I wish to say is this, whether martial law was necessary or not, our officers, our subordinate officers were bound to carry out their duties, and to give effect to the orders given them and they cannot be penalised on that account. I think the case has been very clearly put on this point by a writer in, I think, the 'Civil and Military Gazette' recently. He called himself 'An Indian Student of constitutional law' or by some such title. I commend that article to the consideration of Members of this Council.

It appears to me to put the case for an Indemnifying Act both impartially and fairly.

"So far I have been dealing with the part of this Bill which deals with indemnifying officers of Government. The second part deals with the validating to a certain extent of a number of sentences which have been passed. I shall explain this in detail later, but it is clear, as I said before, that where military officers are given power to issue certain orders, it is essential that they should also have authority to enforce those orders. There must be some sanction behind them, some power of enforcing order speedily and effectively and in many cases—in fact I believe this is the normal course—summary Courts are appointed to administer justice in such circumstances. They do not deal normally with all criminal cases, but only with cases arising out of a breach of military regulations or cases connected with the disturbances, and I believe I am right, so far as the Punjab is concerned, in saying that the duties of the summary Courts were confined to this class of cases; but I speak subject to correction on this matter. It is sometimes supposed that these summary Courts, however, dealt only with petty offences, such as breaches of military law regulations. That, is an entirely incorrect assumption, and if Hon'ble Members will see the Statement that, I think, was laid on the table here recently, if not I will have it so placed, they will see that the summary Courts dealt with many offences of great gravity, such as arson, theft, rioting, breaches of the Railway Act—and they are really very serious—and offences under the Telegraph Act, which really meant the endangering of all communications both between the Local Government and their officers and between the Government of India and the Local Government. Many of these men are now under confinement, and I want to make it clear to the Council that, unless their confinement is now ratified in some manner, then the continued detention of these men in jail is illegal. In fact from the date on which martial law expired our only justification for retaining these men in custody was our intention to introduce an Act of this character at the earliest opportunity.

"My Lord, I will now, if I may, proceed to explain the Bill clause by clause. I will not deal with clause 1, which is of no great importance, but proceed at once to clause 2. That clause indemnifies any officer of Government, whether civil or military, from any action, civil or criminal, in respect of any matter or thing done for the purpose of maintaining or restoring order. But I want Hon'ble Members to read and fully consider the effect of the proviso to that clause 'provided that such officer or person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes.' Those are really the governing words of the clause. I think I have already said, or at any rate I say now, that this Bill will in no way forestall the inquiry by the Committee, and I will proceed to justify that statement. I do not think that any member of this Council will for a moment suppose that the Committee of Inquiry, which assesses the blame for these disturbances, will recommend any form of punishment for any officer of Government who has acted *bona fide* and in a reasonable belief that what he did was necessary. Further, in any case the report of the Committee is not affected by this Bill. This Bill protects officers against proceedings in the Courts of justice. The report of this Committee, whatever be its value, will in no sense be evidence for the purposes of any such case; that is a matter which can only be decided on evidence in the Courts. The Government of India have decided, for the satisfaction of their own conscience and to meet the public demand, to appoint a Committee to inquire into these disturbances, and their action on the report of that Committee will not be limited or barred by this Act in any way. This Bill simply deals with suits and legal proceedings, and really all that it seeks to do is to protect from legal proceedings *bona fide* action taken with a reasonable belief that it was necessary to suppress disorder, and not any action taken *mala fide* or without good reason. We make no attempt by this Bill at any rate to protect officers who have been guilty of excesses which cannot be justified by the terms of this proviso. Now I myself shall be much surprised and disappointed if the

Council will not give protection to officers for actions of this character, actions which are morally right though they may be legally wrong, that is, actions for which no strict legal justification can be made out. If this Council says that in a time of this character when the country was in great disorder,—and I put it very mildly,—officers who acting on the understanding that martial law had been proclaimed by an authority which is superior to them, over whose actions they have no control, if officers acting on that assumption and acting *bona fide* and perfectly reasonably are not to be protected by Government, then the future prospects of Government officers is very serious. How can any member of this Council expect an officer to act confidently, firmly and decisively if he knows that this Legislative Council and the Government will repudiate his action at the first opportunity? Is he not entitled to come down here and say 'I have done what I was told. I have acted perfectly reasonably, I have acted fairly, I have acted *bona fide*; now give me that protection which I am entitled to by all constitutional practice.' My Lord, in a Resolution published by this Government some time ago, I think during the period of the disturbances, we solemnly promised that we would afford all those charged with the onerous duty of restoring order our full countenance and support, and it is in fulfilment of that promise that I now come to this Council and ask Hon'ble Members to ratify what we then promised, believing that that is a just and honourable course which must commend itself to all Members here. As I said before, I conceive it to be impossible that the Committee should censure any one who is not guilty, who has acted *bona fide* and in a reasonable belief, that his action was necessary, and the report of the Committee will not and cannot affect the liability of officers of Government in the Courts of law. That is the reason, my Lord, why I say that this Bill, which merely seeks to protect those who have done their duty, in no way forestalls the report of inquiry by this Committee.

"I now come on to section 3, and this is a section which, I am afraid, I shall have to explain at some length, because there exists considerable misapprehension about it. Section 3 says:

> 'For the purposes of section 2 a certificate of a Secretary to Government that any act was done under the orders of an officer of Government shall be conclusive proof thereof, and all action taken for the aforesaid purposes shall be deemed to have been taken in good faith and in a reasonable belief that it was necessary therefor unless the contrary is proved.'

"Now a certificate of a Secretary to Government only proves, and the Hon'ble the Law Member will bear me out here, that the act was done under the orders of an officer of Government Many private individuals during these recent disturbances have assisted Government in various ways, many indeed have been of the greatest assistance to the authorities; and all that this portion of the clause says is; that if any man acted under the orders of an officer of Government and can get a certificate to that effect, thus far and no further is that certificate conclusive proof of that fact. The question of *bona fides*, as I understand the Bill, is a matter for the Court entirely. That is, a man will go to the Court and it will be for the Court to say, whether his action was *bona fide* and reasonable, and what fairer proposition could be put to this Council? When a man goes down the Court shall have power to say, 'yes, you did so and so, whether it was reasonable or not, that shall be judged by one of the Government judges acting in his judicial capacity.' My Lord, if there is any cause of complaint in this matter, it might well be on the side of Government officers, that the Bill does not go far enough, and if Hon'ble Members will look to the Act of 1860, which was passed after the Mutiny, they will see that the provisions of that Act went very much further than this, and that when a Secretary to Government there ratified the conduct of an officer, this ratification absolved the man altogether from any possibility of a suit; that is the kind of certificate which apparently some Hon'ble Members think that this Bill provides. It does not. If this Bill had come on for consideration after the Commission of Inquiry, after the whole of these matters had been investigated, it might have been possible to frame it in that way. It is true, however, that this clause does go thus far, that it provides that, 'all action taken for the aforesaid purposes,' that is for restoring order, 'shall be deemed to have been taken in good faith and in a reasonable belief that it was necessary therefor, unless the contrary is proved.'

"My Lord, is a Government officer to be denied even that protection, that he shall be presumed to have acted in good faith, that he shall be presumed to be innocent until he is proved to be guilty! Is that much to ask from this Council? Is that a reasonable request, or is it not? I believe also that a clause of this kind is a normal condition—I speak again subject to correction—of many Indemnity Bills of this character.

"My Lord, I now pass on to clause 4, which sanctions the retention in custody of persons convicted by summary Courts. I have explained to this Council that many of these men have been convicted of serious offences; that they are in reality dangerous criminals whom it would be most unsafe to release wholesale upon the countryside. I believe—I have been told this by the Punjab Government also—that any such release would not be compatible with the public safety. But I ask Members of Council to read this clause again with clause 6. Clause 4 says: that every person confined under or by virtue of a sentence passed by a Court, or any other officer acting in a judicial capacity, shall be deemed to have been lawfully confined and shall continue so until discharged by lawful order or released by order of the Governor General in Council.' Clause 6, however, again limits that and restricts the operation of that clause. First of all it says:—

'Nothing in this Act shall apply to any sentence passed or punishment inflicted by or under the orders of any Commission appointed under the Martial Law Ordinance, 1919.'

"Members of this Council are aware that various persons who have been convicted by the Commissioners appointed under this Ordinance have appealed to the Privy Council. It would obviously be improper for us to attempt in any way by an Act now to invalidate the actions of those Commissioners. The sentences depend for their validity upon Ordinances already passed. I do not propose to discuss the question of these Ordinances here for one moment, nor would it be relevant to this discussion. All I wish to point out is, that this Bill in no way affects sentences by Commissioners appointed under the Ordinances. Then there is a second limitation, that the Bill in no way prejudices the right of any person who thinks he has been dealt with unjustly to appeal to the Privy Council from sentences of these summary Courts. There is no intention, even if there were the power, of which there may be some doubt, of interfering with that right. Any man who has been convicted by one of these summary Courts is at liberty to go and seek for leave to appeal to the Privy Council just as if this Bill had not been passed. I tried to make that clear because it has been suggested that in some way the action of this Government, in introducing this Bill, is intended to prejudice the authority and power of the Judicial Committee. It is quite clear to my mind that it is not so. It has been our deliberate intention to make that abundantly manifest to every reasonable man. At the same time, my Lord, I do admit that there are many men in this country, perfectly loyal citizens, men of weight and authority, who have grave apprehensions and felt great uneasiness as to many of these convictions. We believe that many of those apprehensions are ill-founded, but still there is no getting over the fact that there is this sense of uneasiness as to the correctness of all these convictions. That apprehension has been alleviated to a considerable extent, but not removed, by the admitted clemency of His Honour the Lieutenant-Governor and the debate on the Resolution to appoint a Committee to investigate these occurrences indicated—I think, on the part of many Members of this Council, Members not hostile to this Government, not unreasonably opposed to everything we do, but Members who are ready to co-operate with Government in this matter, in all matters, and who really seek to do what is right—uneasiness in the mind of many Members of this Council and a feeling that some of these sentences had not been examined with sufficient care; and there was further indication of that feeling in the proposal made for revising the terms of reference to the Committee. I think Hon'ble Members will remember the various suggestions. Well, to meet these apprehensions the Government of India have decided to have all these cases examined and revised by two Judges of the High Court, one being an Indian and one being a European, in order that they may recommend to His Excellency the Viceroy or the Governor General in Council, as the case may be, through the Local Government, such action as they think fit, either in the direction of remitting or commuting sentences, or any other course they may think desirable, having regard to the circumstances of the case. My Lord, it is the desire of the Government of India that full justice should be done in this matter. They are as anxious as any Member of this Council that innocent men should not be detained in jail. One point, however, I have not made clear, and that is, that our intention is that only the cases of those men who remain under sentence should normally be inquired into by these Judges, though they will also deal with any other cases which may specifically be referred to them by His Excellency or the Government of India.

"Now, I do hope that this will meet the approval of Council and indicate the desire of Government to prevent injustice. I believe that such a Tribunal as we propose, being composed of judicial officers, will be far more effective for the purpose of seeing that justice is done than any Committee of Inquiry which may be appointed to investigate the general occurrences. For, not only will the officers have the advantage of judicial experience, but, by reason of their being on the spot, they can be not to work immediately and directly. So that I hope the matter will be dealt with with reasonable expedition.

"There is only one other clause in the Bill, clause 5, to which I need draw attention, and that provides for the payment of compensation where the property of any person has been commandeered by the military authorities. Members of this Council are aware that when martial law is declared and when the military authorities take over control, they frequently have to, and frequently do, commandeer property for their own use, if such action is in the public interests necessary. All that this clause proposes is, that the Government should pay compensation for such commandeering and provides the means by which the compensation may be assessed.

"My Lord, summarising what I have said, I want to make one or two points quite clear. First, this Bill is the inevitable consequence of martial law. Whether martial law was necessary or not, we must at least protect our officers. The Bill will not in any way forestall the decision of the Committee of Inquiry. The indemnity of officers is limited, and reasonably limited, to those who have acted *bona fide*, the question of *bona fides* will be decided by the Courts, and the validating clause, to which I have referred already, does not affect either any case tried by the Commissions or any right of appeal to the Privy Council. Further, in order to prevent any injustice, and, so far as we are able, to enable us to exercise clemency, so far as is compatible with the public safety, we will have the cases of the men convicted by these summary Courts and still in jail revised by two of the best judicial authorities that we can procure. My Lord, I contend that this is a reasonable Bill, a Bill of the most moderate character, and that it only affords such protection as it is essential for us to give to our officers, which they have a right to demand of us and which it is our paramount duty to give them. I may be asked, why the Bill is introduced at this season. Indeed, I promised the Council to explain this, and, having regard to what your Excellency said, if I am only to speak once both on the Bill and the amendment, save for my right of reply, I ought to explain now why the Bill is introduced at the present juncture. The reason is very simple. If it is not passed now, if it is not brought into effect now, then our officers, officers who, *ex hypothesi*, have behaved fairly and properly, will be left liable to suits at the instigation of any malicious person. Is that reasonable, is that fair? I may be told that no suits will be brought in the immediate future. My Lord, suits might be brought, might even be decreed against them before any Bill was brought forward in this Council, not against men who have acted *mala fide*, but against those who have merely done their duty with the greatest care and in the most reasonable manner. I say to this Council that that is a position to which no reasonable man here can ask us to submit our officers. Many of the men against whom suits might be brought, against whom action might be taken, may have gone from this country. Should they be left with this sword of Damocles hanging over them although they have done nothing to deserve it? Is that fair? Then, there is another point. If this Council does not validate the detention in jail of these criminals, to whom I referred just now, then we shall have at once to release the whole number of these dangerous offenders on the world. I have told you that we have consulted the Punjab Government on this matter, and they were definitely of opinion that such a release was not compatible with the public safety. The men are not convicted of minor petty offences at all; they are men who were engaged in the burning and looting of stations, in the attacks on railway lines and in the cutting of telegraph wires, guilty of theft and very many of them of arson. They are a class of men who cannot be released with safety at present, and I submit that this Council will be well advised if they do not ask us to release them. My Lord, looking round the Council here, I see many members, who have large vested interests in the country. I should like to know how long they would retain their property, their wealth or even their lives if the forces of disorder were once to break loose in this country. I ask the Members of this Council to look at the question in that light. Is it not their bounden duty to afford protection to those who have undertaken terrible responsibilities in times of difficulty and done their duty *bona fide* and honestly? That is the question that I put to each Member here. I want them to visualise what the position of an officer of Government in such circumstances is. Take the case of a young military officer. He does not know whether martial law has been rightly or wrongly proclaimed. His one object is to perform his duty, to do it fairly and honestly. He is told that the country is in disorder and that his duty is to suppress it. He tries in a reasonable and fair way to carry out what he believes to be his duty, and then, when he comes to this Council for protection, my Lord, are we to say, 'No, we cannot give it to you until an inquiry has taken place', or 'Postpone it till some other day.' I do hope and trust that this Council will not endorse any such monstrous proposition. It is often assumed that it is only Europeans and Government that are interested in the maintenance of order. Hon'ble Members know that that is not so. Once rioting breaks out, who are the people who suffer? At least some Hon'ble Members of this Council know that they would be the first—their whole existence depends on the maintenance of law and order in this country. And how can they expect, how can any Member of this Council expect, military officers of Government to do their duty unless they receive reasonable support? A military officer is in a position of peculiar difficulty. If he does not suppress disorders, he is liable to censure, blame and punishment at the hands of his superior officers. If he does not take adequate measures, he may be removed from his office. Why, even civil officers in England have been held to blame for action of that kind. Take the case of the Mayor of Bristol. After the Bristol riots he was accused of failing to do his duty in not having taken adequate measures to quell the disorders and he was prosecuted. But, apart from his personal responsibility, every officer of Government in this country is responsible under the system of administration for the lives and property of many hundreds and thousands living under his charge. Let each Member visualise to himself what his position would be faced with these difficulties, often with insufficient forces at his disposal to cope with disorders, doing what he thinks to be his duty, acting according as God gives him to see the right, and then being penalised and held liable to prosecution and persecution afterwards for no reason whatsoever.

"My Lord, I have spoken with some heat because I want to make it plain that I conceive that refusal to grant the limited protection which we ask for our officers would be a gross injustice to those whom we have solemnly undertaken to protect.

"My Lord, I have attempted throughout my speech to say nothing that can in any way prejudice the result of the inquiry by the Commission. I have dealt solely with principles, not with particular actions. Whether any particular action was reprehensible, whether it was right or whether it was wrong, is not a matter which comes within the scope of this Bill. That is a matter either for the Committee of Inquiry and subsequent action by Government or for decision by the Courts. I have endeavoured throughout my speech to avoid saying anything which may prejudice the inquiry. I have also endeavoured, and I hope successfully, to avoid saying anything which might promote racial ill-feeling, and I would ask Hon'ble Members who follow me, so far as they are able, to follow the same course, remembering always how far the deliberate promotion of racial feeling—no, I will cancel that word 'deliberate,' for I do not wish to excite any bitterness myself—I will say ill-feeling has been responsible for the deplorable loss of life, and for the terrible happenings in this country. I would ask each Member of this Council, in speaking to this motion, to realise that any intemperate language of his which may revive or promote such ill-feeling is a great danger, and to remember that the man who uses it is rendering a real disservice to this country and is pursuing a course of conduct the dangers of which, in present circumstances, it is difficult to overestimate."

The Hon'ble Mr. Kamini Kumar Chanda :—"My Lord, may 11-53 A.M. I respectfully inquire of the Hon'ble the Home Member if this committee of judges will go into the question of conviction also and not only of the sentences?"

The President :—"I certainly did not catch what the Hon'ble Member was saying."

The Hon'ble Mr. Kamini Kumar Chanda :—"I beg to inquire, my Lord, whether this committee . . . . ."

The President :—"More slowly, please.'

The Hon'ble Mr. Kamini Kumar Chanda :—"Whether this committee of judges will go into the question of convictions or only of sentences?'

The Hon'ble Sir William Vincent :—"If it will make any difference to the Hon'ble Member's amendment, I shall be very glad to give this information."

The Hon'ble Mr. Kamini Kumar Chanda :—"My Lord, I beg to move this amendment which stands in my name and it reads as follows :—

'That the consideration of the motion do stand over till after the submission of the report of the Committee of Inquiry into the Punjab affairs.'

"My Lord, I wish at the outset to assure your Excellency and the Council that I have not taken upon myself to move this amendment with a light heart. I have listened to the very impressive and very weighty utterance of the Hon'ble the Home Member, and I am aware that your Excellency's Government is convinced of the imperative necessity, according to their information, of this legislation; and if I move this amendment, not to oppose the passing of this Bill, but for the purpose of postponing its consideration now, I can assure the Council that it is due to an impelling sense of duty. I have given the matter my most serious and, I may add, anxious consideration, and I felt it to be my duty to place this amendment before the Council. In doing so, regard being had to the considerations which the Hon'ble the Home Member has so impressively and eloquently pleaded for, in proposing my amendment in view of the circumstances, I propose to avoid, as far as possible, all debatable matters. Of course a certain amount of controversy and dispute is inevitable; I shall try to minimise it. There are so many matters to speak about and there is no time limit, and there might be a temptation to go on for a long time, but, my Lord, I shall try to be very brief; and for this purpose I do not propose to go into any individual cases about which it is charged that the administration of martial law has been guilty of excesses. There is one other remark which I wish to submit before I go into my motion. My Lord, it is a matter of great regret to us, I consider it almost as an irony of fate, that this painful episode in the administration of the Punjab Government should have to be discussed after His Honour Sir Edward Maclagan has assumed charge of the province. We know that in the short time he has been in charge of the province he has endeared himself not only to the province but to the country as a whole. It is well-known that every one heaved a sigh of relief when His Honour was able to take charge of the province. I am sure His Honour will understand that in bringing this matter at this stage, after His Honour has been in charge of the province, it is only from a painful sense of duty that we do so.

"Now, coming to the amendment, I may say at once that I agree to the general proposition which has been stated by the Hon'ble the Home Member, and which is also mentioned in the Statement of Objects and Reasons of the Bill, namely, that after a period of martial law such legislation is inevitable. In fact, I think the Hon'ble Member might go further and say with Professor Dicey whom he has quoted that in England such legislation is undertaken before the suspension of the Habeas Corpus Acts runs out. That is so in England; but, my Lord, my submission is this that the cases are not really analogous; the conditions obtaining in England are not the same as in this country. In England, it is well-known that it is the British Parliament with whom rests the question of the suspension of the Habeas Corpus Acts. Here under the Statute, it is your Excellency in Council who have to declare martial law. Therefore, the necessity which might exist in England for an Act of this kind does not necessarily exist in this country. Now, that apart, if we inquire as to why it is usual that in England suspensions of the Habeas Corpus Acts are always as a matter of course followed by a Validating Act, we shall see that that is because there has been up to now no case where the question of the necessity of the suspension of the Habeas Corpus Acts has been raised. It has always been accepted that there was clear necessity. Where there is undisputed necessity for the declaration of martial law or suspension of the Habeas Corpus Acts, of course the Validating or Indemnity Bill will follow as a matter of course. But, my Lord, here the case is different. Here it has been denied, it has been disputed that there was any necessity for this declaration of martial law. The public have complained that martial law was declared on insufficient, inadequate grounds; that there are grave doubts whether under the existing conditions it could be legally done, and that there have been excesses under that declaration. In view of all this that differentiates the case of India from that of England, I say, my Lord, that the question as to why while I do admit that a validating or indemnity Bill follows as a matter of course the declaration of martial law or suspension of the Habeas Corpus Acts, I oppose this motion or rather move that this motion do stand over does not arise. If the question can arise, my Lord, I submit the answer has been given to this by the Government themselves. I do not think there has been any case anywhere where there has been an inquiry about the necessity of martial law. I do not think there has been any case in India where a Committee of Inquiry was appointed to discuss and to investigate the necessity or legality of a declaration of martial law, but here the question was raised and the Government of India accepted straightaway the challenge as it were, and appointed a Committee of Inquiry to go into these matters. I submit, my Lord, that that has made all the difference. No doubt the composition of the Committee and the terms of reference do not fully satisfy the public demand; but that is another matter. Now, my Lord, what are the scope and the functions of this Committee of Inquiry? We learned from your Excellency's speech on the 3rd that the Committee of Inquiry was to inquire into and report about, among other things, the measures taken to cope with the disorders in the Punjab. What were the measures that were adopted in the Punjab? It is no other than the declaration of martial law. The question that arises is, whether there was any necessity for that declaration, whether it was proper to declare martial law, whether under the conditions obtaining at the time there was legal power to declare martial law, and whether it has been carried out properly. These are questions, my Lord, that this Committee will have to decide. Now what is the reason, the justice, the necessity for this Bill? If we look to the Preamble of the Bill we see it is stated :—

> 'Whereas owing to the recent disorders in certain districts in the Punjab and in other parts of India, it has been necessary for the purpose of maintaining or restoring order to resort to martial law'.

'Resort to martial law.' These, my Lord, are the very matters which this Committee of Inquiry will have to go into and report on; that is the basis of this Bill. I submit that that can hardly be fair. I submit that having referred this matter for inquiry by this Committee, the Government of India have divested themselves for the moment of the power of going into this matter. If you go on with this Bill then what is there remaining for the Committee to go into? What will remain, if you now assume that there was necessity for martial law, what would remain for the Committee to inquire into? Whether there was any necessity for martial law? But we are told by the passing of this Bill that there was a necessity, for the declaration of martial law. This is surely prejudging the question, it is tying the hands of the Committee, it is not fair. My submission is that on this ground you are prejudging the question. The Committee are in possession of the seizin as lawyers call it of this matter. This Council has no jurisdiction to go into the matter at this stage. Of course as the matter has been referred to the Committee, it would not be right for the Council now to go into the question, as to whether the declaration was necessary or legal, or whether it was properly carried out. My submission is this that, in view of this and in view of the complaint that martial law was improperly and illegally declared, I think we ought to state the case on which this demand is made. My Lord, what is the law under which this martial law has been declared? It is the Bengal State Offences Regulation, X of 1804. What are the conditions under which this Regulation can be enforced? The Preamble says that there are two conditions, in the first place, it must appear that the British Government is at war with any other power, or that there was a state of open rebellion in the country. These are the two conditions which give jurisdiction to the Government to enforce this Regulation in any place it wishes. Nobody will contend for a moment that at the time this declaration was made the British Government was at war with any other power. Then we have to fall back upon the second condition, namely, that there was a state of open rebellion in the country. On what is this condition based? What is the proof that there was open rebellion in the country at the time? My Lord, it is well known that after the Rowlatt Bill was passed in the teeth of opposition from the Indian members of this Council and the country, Mr. Gandhi, as a last resort, declared Satyagraha or passive resistance. We need not go into the question whether it was wise or not; it is a fact that he did so and the 6th of April was appointed as the Satyagraha day to be observed in the country as a day of humiliation and prayer on which all business was to be suspended. We know that that was done in the country and that there was no disturbance anywhere. Now what about the Punjab? Was there any response in the Punjab to this appeal of Mr. Gandhi's? Now before going into the question I may tell the Council that on the 7th April His Honour the Lieutenant-Governor, Sir Michael O'Dwyer, held a Durbar and delivered a speech in the course of which he said 'From the Prince's palace down to the peasant's hut I find I can meet Punjabis of whatever class or condition without any suspicion or mischief'. That was on the 7th April. Surely this language could not have been used by the ruler of the Province if there was anything like rebellion there. It is inconceivable that such language could have been employed if there was anything indicating in the remotest degree that there was rebellion in the province, not only at that time but even a week after when martial law was declared. But what happened when this appeal of Mr. Gandhi was published, how was it received in the province? There is an account published in the 'Civil and Military Gazette', a newspaper which is not as a rule friendly to Indian aspirations and public movements. It is there stated that between 1 and 2 P.M., crowds had collected in the city and moved towards the Town hall where a meeting took place to protest against the Rowlatt Bills. This meeting was held between 5 and 6 P.M., the proceedings were orderly and no disturbances occurred in the city or outside the hall. Then what took place at Lahore on the 6th of April?

"We find, moreover, my Lord, that it was not only at Lahore, but at Ferozepore, Gurdaspore, Hissar, Jullundur, Mooltan, Muzzaferpore, Rohtak, Sialkot and Simla, demonstrations and *hartals* were observed but there were no disturbances. Is that the sign of open rebellion which somebody seems to have discovered in the Punjab? I think, my Lord, in a sense it might be said to be rebellion. We know that Sir Michael O'Dwyer was in the habit, both in season and out of season, somewhat aggressively, of priding himself that his province was the quietest, the most loyal and the most well-behaved of all the provinces in India and from which he was able to drive out the disease known as political agitation. Now these demonstrations in their intensity and widespread character must have shocked His Honour, awakened to a grim and unpalatable reality and forced the realisation to him most unwelcome, that his province was going to be infected, converted to the evil ways of the other and vicious provinces. We get an insight, we get some glimpse into his inner thoughts, if we turn to the speech of His Honour which he delivered at the Durbar the following morning when he said this: 'that the British Government which has crushed foreign foes and quelled internal rebellion could afford to despise political agitators.' Now what was the occasion for this remark, my Lord? I say that explains the psychology of the subsequent orders and proceedings. Well, I might point out that there were not only these demonstrations in utter defiance of his wishes, almost as a challenge to him, but what is more, the horror of horrors, there was at the time going to grow up what is called the Hindu-Moslem fraternisation. We read in the 'Civil and Military Gazette' on the 9th April: 'At Lahore there was a procession held accompanied by extraordinary scenes of Hindu-Moslem fraternisation. In Amritsar, the procession showed similar scenes of Hindu-Moslem fraternisation, speeches were delivered and votes of sympathy were passed with the Delhi martyrs.' It is exceedingly significant that that was placed as a piece of evidence in a case before the Martial Law Courts as evidence of rebellion. My Lord, this state of things, these demonstrations and *hartals*, and these scenes of Hindu-Moslem fraternization certainly were very uncomfortable, and it was felt that something must be done, some steps should be taken to nip in the bud the incipient rebellion in the Province, and we find that the first overt act in this campaign against political agitation was that on that very night Mr. Gandhi who was then on his way to Delhi on a peaceful mission was obstructed under the orders of His Honour the Lieutenant Governor at a small station called Kosi, which is in the Punjab territory, and turned back and was escorted to Mr. Gandhi's province, Bombay. Well, that was wired all over the country as the arrest of Mr. Gandhi. What was the result? We know there have been very unfortunate happenings throughout the country. Now, my Lord, it is usual for the Anglo-Indian papers to put down these happenings to agitation against the Rowlatt Act. My submission is, my Lord, that the Rowlatt Act can no more be held responsible for these happenings than the action of Sir Michael O'Dwyer, which was described by Mr. Kali Nath Roy as an act of blazing indiscretion for which he was sent to jail for three years. Well, my Lord, let us see what happened in the Punjab. I say the news of the arrest of Mr. Gandhi was received at Lahore on the afternoon of the 10th. Let us see what happened there. But there is a difficulty here to find out what happened. On the following morning, the 11th, Sir Michael O'Dwyer acting under the Defence of India Rules, passed an order muzzling the Indian press, prohibiting the publication of any account that took place on the previous day. Now why this anxiety to keep the outside world in the dark as to the happenings at Lahore on the 10th? Therefore, the public outside Lahore, we, had to rely on the Government Communiques and the accounts given in the Anglo-Indian press, for the events that took place at Lahore and other places on the 10th. Of course the Anglo-Indian press were evidently able to be above the orders of Government with regard to the publication of accounts of any events. The Government Communique is this: This is dated the 12th April:

'Lahore. The shops in the city and its vicinity were closed and a noisy crowd endeavoured to force its way towards the Civil Lines. This crowd was met with a small police detachment near the High Court, and on its refusal to abandon its progress was dispersed, under the orders of the District Magistrate by musket fire. At a later hour in the evening, the police were again compelled to fire on a disorderly crowd which attacked them with missiles in the vicinity of the Lahori Gate. Two persons were killed in the day's firing and about four others wounded.'

These are the words of the Government Communique, and the account that was published in the 'Civil and Military Gazette' was this :—

'A crowd collected in the bazar which rapidly grew and started coming down Anarkali. Then the mob which had assumed a very threatening attitude proceeded down the Mall. By this time the police were out in force, and a party of them stopped the mob. The Deputy Commissioner then arrived, and seeing the seriousness of the situation and the impossibility of stopping the mob by any other means, gave the order to fire. This produced some result, for the crowd went back and were forced up Anarkali Bazaar. Then they formed at the top of the Bazaar where they had to be dispersed again by fire. . . . The arrangements throughout were in the hands of the civil authorities as, thanks to their immediate and effective action, the necessity did not arise to ask the military to take charge.'

"But the 'Pioneer' went one better and in its account on the 13th it says :—

'The European residents, already disturbed by the news from Amritsar, had to face a serious situation created by an infuriated mob which was bent on mischief. *Large forces of military and the police promptly dealt with the outbreak, and on more than one occasion had to fire on the mobs.* Strong action resulted in the restoration of order and the city is now being patrolled. . .'. Buckshot cartridges were used.'

"But on the following day it says :—

'Buckshot was supplied to the police, *except for 5 rounds of ball issued by mistake.*'

"On the 20th there was another Government Communique to contradict what appeared in the 'Leader' about this, and this is what it said :—

'The facts are that despite orders previously promulgated forbidding processions, a large crowd, probably of some thousands, marched from the city up the Mall, forcing back a small body of police which tried to bar their progress. The crowd consisted of city rif-raff and students, but the latter were grown up and not boys. The crowd was making its way to the civil station and would undoubtedly have committed excesses such as marked the Amritsar occurrences, had it been allowed access to the European quarters.'

"These are all the accounts published by Government and the Anglo-Indian papers of the occurrences in Lahore on the 10th. What do they say? Never mind for the present that there are serious contradictions. Take the account substantially as it stands. I ought to mention, my Lord, that there is another fact. The 'Civil and Military Gazette' on the 16th of May stated that the Deputy Superintendent of Police was struck on his head which had to be bandaged. Now it is remarkable that this incident is not mentioned in the Government Communiques nor in the Associated Press telegram. As a matter of fact, this police officer was struck, his head was broken, there was a split. How is it that this incident does not find a place in the Government Communiques? The fact of the matter is that, as was discovered by the 'Civil and Military Gazette' later, it was 'caused by a policeman by mistake' and not by the mob, that is why it was not mentioned by the Government Communique. Now take the accounts as they stand, what do we find? That a mob, unarmed, it must be remembered, unarmed, 'of city rif-raff and students,' to quote the words of the Government Communique, were making their way from the city towards the Mall. What happened? It does not appear that any serious attempt was made to persuade the mob to go back, that civil force was attempted. But from a sense of panic the order to fire was given and there were casualties. What did they do? It is not stated anywhere that they did any injury to any one or destroyed any property on their journey from the city to the Mall. It was asserted in the latest Government Communique that they would have done mischief, but why is this assumed, it is not stated that up to then anything was done by that mob. Well, what were the objectives of the mob? Was an inquiry made to find out why this mob was proceeding towards the Mall? It was unarmed it must be remembered. Well if the object was to do any wrong, to break the law, is it conceivable that 'this rif-raff and students' would go unarmed,' or would refrain from doing anything in the city or in their journey up the Mall? No inquiry was made as to why they were journeying to the Civil lines. If an inquiry had been made it would have been found that their object was nothing more than to interview His Honour himself and to intercede with him and ask him to withdraw that order against Mr. Gandhi. But what happened? This march of the unarmed mob of city riff-raffs and students was the first overt act of rebellion. Anyhow, my Lord, whatever happened then, it was put down in the course of an hour if it was a rebellion, it was quieted in an hour's time. We read in the Government Communique 'that by 8 P.M., the city was quiet; after that time no further disturbance occurred.' Thus in an hour's time this rebellion was put down.

"Then what happened on the following day, on the 11th? We find again from the Government Communique that on the 11th everything was quiet. Well, is that a sign, my Lord, of any rebellion at Lahore at the time? The solitary instance mentioned is that a mob of some three or four hundred people, unarmed, 'city rif-raff and students', were proceeding towards the Mall, and assuming that they were rioters, they met with their deserts because they were fired on by the armed police and there were some casualties, but after that everything was quiet and there was nothing on the following day. Then, on the 12th, what happened? On the 12th the Government Communique says:—

'On the morning of the 12th troops passed through Lahore city and occupied certain commanding points. At one point only the crowed *obstructed the passage* of the troops and brickbats were thrown. The police accompanying the march, under the orders of the District Magistrate, dispersed the crowd, two being killed and as many were wounded.'

"And the 'Civil and Military Gazette' on the 13th says;—

'The rendezvous for the march of troops and police through the Lahore city was the cross roads outside the railway station at 9-15 A.M. The crowd in front of the fort in Minto Park had to be forced back and the cavalry dispersed it without using their lances. The crowd, however, came in again behind *in rear of the cavalry* and the Deputy Commissioner ordered a detachment of police to get behind the cavalry and fire.'

"And there was an Associated Press telegram which says that 'more than a dozen had been wounded, some of them having received serious wounds. One of them who received 9 wounds on the chest died this afternoon. Nearly 10,000 people attended his funeral. The deceased was a student of the 4th year class and had come here to sit for the University examination.'

"Now, my Lord, as to the assumption that brickbats were thrown at the military, as stated in this Communiqué, it will be seen, neither the 'Civil and Military Gazette' nor the Associated Press telegram corroborates this. However, assuming that this was done, would that constitute rebellion, or would that make it a clear sign or proof that there was rebellion in the city so that you would have to declare martial law? Has it been inquired into by whom and under what circumstances these brickbats were thrown? There is a discrepancy again. One account says the cavalry were obstructed in front and brickbats were thrown, whereas another account says that when they passed through the city the mob came behind and threw brickbats? However, leave that alone. Does that alone constitute a state of rebellion in the city?

"My Lord, I have tried my best to see if there was any other case of rowdysm. I said there was no account published in the Indian papers or any other information than the Government Communiqués and the accounts in the Anglo-Indian papers and there is no allegation of any of this unlawful act anywhere.

"My Lord, beyond these two incidents, one on the 10th and one on the 12th, I have not come across anything mentioned in the papers as having taken place in Lahore. Well, I should feel grateful if the Hon'ble the Home Member will inform the Council if there was any other occurrence in Lahore, which justified the Government in declaring martial law. After this, my Lord, on the 14th, martial law was declared. We do not find on what grounds this order was based. Of course, attempts were made by interpellations in this Council to find out the grounds in justification of martial law, but they have not been answered. Martial law came into force at midnight between the 15th and 16th. Several days later, by another Ordinance, No. IV, this martial law was given retrospective effect so as to cover everything that was done from the 30th of March. My Lord, it is a serious question as to whether this can be done under the law. The matter has been placed before the Privy Council in the appeals which have been admitted, and we shall know the decision of their Lordships. Another question, my Lord, in this connection is, whether this could legally be done. We find, my Lord, that Lord Wellesley, in whose time this State Offences Regulation of 1804 was passed, issued instructions for the guidance of the Local Governments and therein it was stated (Circular of the Marquis of Wellesley, dated the 11th April 1805) 'Even if a person or persons charged with any overt acts of rebellion specified in Regulation X of 1804 shall be apprehended by any military officer, when not in the actual commission of offences of that description, they are to be delivered by the military to the civil power.' That was laid down in the Instrument of Instructions regarding this Regulation, and the Regulation itself shows that only charges against persons caught in *flagrante delicto*, that is red-handed, could be tried by martial law, and that was expressly declared in the Instrument of Instructions. Furthermore, my Lord, it appears that the Government of Bengal consulted the Advocate General, Mr. Spankie, at the time, and his opinion was to the same effect. Now, my Lord, this question becomes a serious one as to whether retrospective effect could be given to this Regulation by Ordinance No. IV. My submission is that here also the matter is before the Privy Council which has got seisin of the matter, and if you ask this Council now to decide, it would be wrong; you cannot go into this before their Lordships have decided the question as to whether martial law was rightly or lawfully given retrospective effect to by Ordinance No. IV. And this Bill is based upon the assumption that the order was legal, because it is stated in the Bill that anything done between the 30th of March and the date of the passing of this Bill will be protected. Therefore, my Lord, taking all these questions into account, it would not be right to ask this Council to pass this Bill at this time. We must wait for the finding of the Committee, we must wait for the decision of the Privy Council on the questions raised as to the legality of the promulgation of martial law and the giving of retrospective effect to it. Well, let this Committee have a free hand to go into the matter, sift out facts, find out what was done, and then it will be time enough to go into the question of protecting the officers of Government who had carried out the instructions under martial law. The Hon'ble the Home Member has raised the point that, even assuming that martial law was not properly or legally promulgated, the question of protecting the officers of Government remains because it is no fault of theirs that they were called upon to carry out these orders. Now, my Lord, everything depends upon what the orders were and how they were carried out. You cannot say beforehand that you will pass a general law that every officer is protected for anything he did under any order given. Well, so far as that matter goes, that is already provided for under the existing law. Under the Penal Code if a public servant carries out an order given by a superior, whether legal or illegal, how far he is bound to carry it out is provided for in the general law. If the Committee finds out any specific instances not covered by the existing law, then it will be time enough to consider how far that law has to be supplemented. My submission is that at present we have got a general law. Then, my Lord, even in England instances have occurred where officers commanding the military have had to undergo prosecution for excess of zeal in discharging their duty when their services were requisitioned. In connection with the riots in County Claré in Ireland in 1852, a jury brought in a verdict of guilty of murder against the soldiers who had fired on a mob, but for which they would have lost their own lives. So, I submit, my Lord, that it is premature now to consider this point. The whole thing will depend upon what orders were given, how those orders were carried out. At present all that we need consider is provided for in the general law.

"Then, the other point raised by the Hon'ble Sir William Vincent is that, if you are to wait, there will be actions brought against Government officers and they may be decreed. My submission on this is that it is purely imaginary. If any action is to be brought by any man for damages against any officer of Government for anything done during the time martial law was in force, we know that probably at first notice will be given to Government or the Government officer concerned, and after the expiry of the statutory period only can a suit be filed. Then, assuming that no notice is given but suit filed, the mere fact that a suit is filed need not frighten us. Civil suits, it is well known, are not disposed of as expeditiously as criminal cases. Well, a plaint is filed, then a date will be fixed for the defendant to enter appearance and file his written statement. I do not know what the practice in the Punjab is, but I know in Bengal and Assam no date is fixed earlier than three weeks' time. Well, my Lord, if the defendant has to enter appearance before the Council meets the next time, surely the Courts concerned would be bound to grant postponement for filing written statements in such contingencies. Usually, you find in civil cases, two or four months, or even one year has been given for filing written statements in complicated cases. And in a case of this kind no Court will refuse to grant time for adjournment till the next Session of this Council at any rate. From now till the Delhi Session there is only time. First notice will have to be given two months before any suit is filed, and even after the suit is filed, you will get ample time to have the case adjourned till the meeting of the Delhi session of this Council. Even if that is not enough you can easily provide for it in various other ways. You can pass the Bill in the Delhi Session and give it a retrospective effect so that it will cover any suit or action that may have been filed already. You can do more; you can have some provision suspending all these actions in the meantime, till the Council meets at Delhi. Apart from the questions arising from the fact that a Committee of Inquiry has been appointed, I think we should consider that public discussions of the happenings in the Punjab are bound to create some bad blood and should, if possible, be avoided, and that can be avoided if the Council does not rush through with this Bill now. Let the Committee inquire, find out the facts, sift out the facts, and then we can see how far officers ought to be protected, and how far there ought to be an Indemnifying Act. These are my submissions on which I respectfully venture to think that this Bill ought not to be passed at this stage. I spoke only of Lahore, but the same considerations apply as regards other places. With these remarks I place the amendment before the Council."

The Hon'ble Sardar Sundar Singh Majithia:—"My Lord, 12-42 P.M. I must confess that some of us, non-official Members, who are not well versed in legal technicalities—being laymen so far as law is concerned—are placed in a very awkward position when they are required to assent to a measure like the one we are discussing to-day and for the introduction of which leave has been asked by the Hon'ble the Home Member. Persons like myself feel the weight of responsibility very heavy; I cannot say for others but for myself I have felt very keenly. We have, as dutiful subjects of the King-Emperor, a duty to His Majesty the King-Emperor and to the Government established under law in this country; but, on the other hand, being representatives on this Council of the people we owe a duty to our fellow subjects which we have to discharge to the best of our abilities. I can assure your Lordship that I have been feeling this responsibility very keenly and the tension on my feelings for the past few days has been very very great. Under such circumstances one could only bow before the All Omnipotent for light being granted for guidance in the path which may be the right path.

"When I first heard of the Indemnity Bill I was under the impression that we were to be asked to indemnify all actions of Government officers, whether they were done in good faith or not. Till I had seen the Bill, I was under this impression and as such I felt that I could not give support to such a measure, knowing as I do some of the inconveniences and indignities that some of my countrymen have suffered during the currency of the martial law in my province. I have not the remotest inclination to defend those who have broken the law, and I have no hesitation in saying that no Government can afford to let such actions go unpunished. No man who loves peace and order could possibly side with such people who break law and commit atrocities which cause feelings of horror and contempt in the minds of right-thinking and law-abiding persons. But, on the other hand, one cannot shut one's eyes to some of the doings in my province. My Lord, this, however, is not the place to talk of those things. So I would not touch that point at all, as I believe and as I think that they are to be sifted into by the Committee of Inquiry that has been appointed by your Excellency. On the other hand, I would not withhold protection to those officers of Government who have done their duty during these trying times conscientiously, and whose actions have been taken in good faith and in a reasonable belief that they were necessary for the maintenance of law and order in the country. I understand that after martial law an indemnifying measure has always been enacted. Such a measure was passed in 1860 in India. I am not a lawyer, but I am told that that measure was of a more severe nature and went much further than the one introduced to-day. I am also told that indemnifying measures have been passed in other countries also, such as South Africa and nearer home at Ceylon. I would therefore be prepared to give my assent to the measure before us to-day but I want to be assured fully that Government has no intention to afford protection to those who have acted against the strictest sense of justice and against good faith. Though personally I have no doubt on this point and I am sanguine that Government have no intention of that sort, but an assurance of this nature will satisfy public opinion in the country. One thing more, before I give my assent to the measure before the Council. I would like Government to agree and concede that all cases tried under martial law will further be examined and that wherever injustice is found to have been done, those who are detained in jails will be given their liberty. I am glad that the point has been conceded and that two High Court Judges will revise these judgments and I thank Government for this. I have no wish to ask any clemency for those who have committed atrocities ; but on the report of the Committee of Inquiry I would suggest that amnesty be granted, as I think that many of these unfortunate persons have in the heat of the roused feelings been led astray from paths of righteousness and of their duty as law-abiding citizens of the Empire. With this assurance that the Act does not white-wash all actions done in bad faith as against good faith and with the promise of a further reconsideration of the cases tried by martial law courts, I would give my assent to the measure before the Council. I have avoided making any mention of the unfortunate happenings in my province as this Council Chamber is not now the right place for these to be ventilated. They are in a way sub-judice and till the report of the Committee of Inquiry is published, we must suspend our judgments. The other day I asked for an assurance for the protection of persons who come to tender evidence before this Committee of Inquiry. I understand that the Home Member is willing to give that assurance and that steps will be taken to duly proclaim this to the people. I would, therefore, beg my Hon'ble friends and colleagues to refrain from bringing in matters which are now in the province of the Committee of Inquiry to inquire into and sift."

12-50 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—"My Lord, the measure which the Hon'ble the Home Member has asked for leave to introduce is one of the most important measures which have ever been proposed by the British Government in this country, and it calls for very careful consideration. My Lord, the Hon'ble the Home Member has said that where there is disorder and it has been found necessary to proclaim martial law, certain acts have had to be done which may not be strictly justified in law, but may be morally defensible, and that an Indemnity Act almost as a natural consequence followed. Now, my Lord, the Hon'ble Member having raised the question, as it was necessary for him to raise, under what circumstances martial law should be introduced and under what circumstances an Indemnifying Bill or Act is permissible or justifiable, it is necessary for us to go somewhat into this question. I am not going far into the earlier Acts ; I shall start with the period mentioned by the Hon'ble the Home Member, the year 1715. Members of this Council will remember that that was the year in which James the Pretender came over to England, and wanted to wrest the throne of England. 6,000 Highlanders from Scotland joined his forces and there was a regular invasion, an invasion in which there was regular warfare, there were not merely riots and tumults, but actual war waged against the Crown of England. The Pretender was defeated and it was necessary to justify the acts which had been committed in the suppression of that rebellion ; it was in these circumstances that Parliament passed an enactment, like this, Chapter 39 of George I, says :—

> 'An Act to indemnify such persons who have acted in defence of his Majesty's person and Government and for the preservation of the public peace of this Kingdom in and about the time of the late unnatural rebellion from vexatious suits and prosecutions. ~~And~~ Whereas in the year of our Lord 1715 as well as in the time of, as before the unnatural rebellion, which begun in or about the months of September or October in the same ~~your.~~ And whereas
> year

divers Lord Lieutenants, Deputy Lieutenants, Justices of the Peace, Mayors, Bailiffs of Corporations, Constables and other officers and persons well affected to His Majesty and his Government in order to preserve our present happy establishment and the peace of this Kingdom and to suppress and to put an end to the said rebellion apprehended and put into custody and imprisoned several criminals and several persons who they suspected might disturb the publick peace or foment or promote riots, tumults, rebellions or evil designs against the Government; and also seized and used several horses, arms and other things and also pressed divers, horses, carts and carriages for the services of the publick; and did for the purposes aforesaid enter into the houses and possessions of several persons and did quarter and cause to be quartered divers soldiers and others in the houses of divers persons; and did divers acts which could not be justified by the strict forms of law *and yet were necessary and so much for the service of the publick that they ought to be justified* by Act of Parliament and the persons by whom they were transacted ought to be indemnified.

'Be it therefore enacted,' etc.

"Now my Lord, your Lordship will see and the Council will see that the essential point of this enactment is that there was a rebellion which had to be suppressed and put an end to. Secondly, that Parliament expresses itself satisfied that the acts which had been done and which could not be justified by the strict forms of law were yet necessary and that they ought to be justified by an Act of Parliament, and that the persons who committed them ought to be indemnified. That establishes the cardinal principle which underlies legislation of the character which is now before the Council. It is a principle which was re-enacted in 1745. There was a second Pretender, the late Pretender's son, Charles Edward. He tried to invade England—that was in 1745. This time again 6,000 Highlanders joined his forces and later on the number rose to 9,000. There were regular pitched battles fought. Several members of the Scottish peerage and others joined the rebellion. There was regular war and the King's loyal subjects fought against the enemies of the King and defeated them. That was in 1745. It was necessary after the rebellion had been suppressed to introduce an Act of Indemnity. This Act, Chapter 20 of George II, ran as follows:—

'An Act to indemnify persons who have acted in defence of His Majesty's person and Government and for the preservation of the publick peace during the time of the late unnatural rebellion and sheriffs and others who have suffered escapes occasioned thereby from vexatious suits and prosecutions.

'Whereas during the unnatural rebellion which begun in or about the months of July or August in 1745 and still continues, divers Lieutenants, deputy lieutenants, justices of the peace, mayors, bailiffs of corporations, constables, and other officers and persons well affected to His Majesty and his Government in order to preserve our present happy establishment and the peace of this Kingdom and to suppress and to put an end to the said rebellion apprehended and put in custody and imprisoned or caused to be apprehended, put into custody and imprisoned several criminals and several persons who they suspected might disturb the publick peace or foment or promote riots, tumults rebellions or evil designs against the Government and also seized and used several horses, arms and other things and also pressed divers horses, carts and carriages for the services of the publick and did for the purposes aforesaid enter into the houses and possessions of several persons and did quarter and cause to be quartered divers soldiers and others in the houses of divers persons and did divers acts which could not be justified by the strict forms of law *and yet were necessary and so much for the service of the publick* that they ought to be justified by Act of Parliament and the persons by whom they were transacted and ought to be indemnified.

'And whereas divers sheriffs gaolers and other persons may be or are in danger of being sued, indicted prosecuted or proceeded against by reason of escapes of prisoners let out or discharged by the persons engaged in the said rebellion.

'Be it therefore enacted.'

"Here again the Council will note that the essential point in the preamble is that it was necessary to suppress and put an end to the rebellion and Parliament was satisfied that acts had been performed that were not strictly according to law acts which were not only necessary but it was necessary that the servants of the public ought to be justified by an Act of Parliament. Now, my Lord, the third time that the English Parliament passed an Indemnity Act was in 1780; that was in connection with the Lord George Gordon riots. This was not a rebellion against the King by enemies of Great Britain, but this time the Catholic Relief Bill having been passed a certain section of Protestants in England could not bear the idea that it should be on the Statute-book, and they constituted a strong party and presented a petition to Parliament signed by 120,000 persons asking for the repeal of the Act. They went and invaded the Houses of Parliament. Sixty thousand persons were there, and the riot had to be suppressed. After the riot had been suppressed, Lord George Gordon escaped, but others got the punishment which the law considered fit for them, but after the riots had been suppressed an Act of Indemnity was passed. That was in the year 1780. The Act ran as follows :—

'Chap. LXIII, Geo. III. An Act to indemnify such persons as have acted in the suppression of the late Riots and Tumults in and about the Cities of London and Westminster, and Borough of Southwark and for the Preservation of the public peace.'

" Now the preamble recited :—

' Whereas on the second day of June, in the year one thousand seven hundred and eighty a great number of disorderly persons assembled themselves together, in a riotous and tumultuous manner, near to both Houses of Parliament, and possessed themselves of the Avenues leading to the same, the said Houses being then sitting, and there committed great Acts of Outrage and Violence to many of His Majesty's subjects; and afterwards proceeded to attack the Houses of some of the Publick Ministers, of Foreign Princes and States, residing at His Majesty's Court, and to break into the Chapels belonging to such Publick Ministers, and to set Fire thereto, and continued riotously and tumultuously assembled for several Days and Nights; and during that Time attacked and set Fire to the Gaol of Newgate, the King's Bench Prison, the Prison of the Fleet, and set at liberty the prisoners therein respectively confined, and broke other Gaols and Prisons, and set at liberty the prisoners confined therein, and set fire to, and pulled down, the Dwelling houses of divers of His Majesty's peaceable subjects, in several Parts in and about the Cities of London and Westminster, and Borough of Southwark, and burnt and consumed the Materials and Furniture of the same, and did other Acts of Outrage and Violence; and whereas divers Magistrates and others have exerted themselves for the suppression of the said riots and Tumults, and for putting an End to the said Outrages, and for restoring and preserving the Publick Peace, and on the Occasions, and for the Purposes aforesaid, have done divers Acts which cannot be justified by the strict Forms of Law, and yet, were necessary, and so much for the Preservation of the Lives and Properties of His Majesty's Subjects, and the Publick Safety and peace, that they ought to be justified by Act of Parliament, and the Persons by whom they were transacted ought to be indemnified; be it therefore enacted . . .'

" Now, my Lord, these enactments clearly lay down that the legislative body which is to give its sanction to the acts which were performed during a time of trouble were necessary for the suppression of a rebellion or riot which amounted to rebellion and that they were so very necessary that the legislative body ought to justify them and indemnify those who had taken part in them. It is not every ordinary riot which would come in the category of the riots mentioned there. It must be a riot which, as Lord Halsbury points out in his article on the Laws of England, must be a riot or rebellion amounting to war. This is what he says in Volume VI of the Laws of England :—

' As the source and fountain of justice, the Crown may issue such Commissions to administer the law as are warranted by the common or statute law. But it may not, without authority, establish Courts to administer any but the common law, and it may not, it is said, grant the right to hold a court of equity. The Crown may not issue Commissions in time of peace to try civilians by martial law; but when a state of actual war, or of insurrection, riot or rebellion amounting to war exists, the Crown and its officers may use the amount of force necessary in the circumstances to restore order, and this use of force is sometimes termed martial law. When once this state of actual war exists, the Civil Courts have no authority to call in question the actions of the military authorities, but the powers of the military authorities cease and those of the Civil Courts are resumed *ipso facto* with the termination of the disorder.'

" My Lord, the point on which I wish to lay stress is that there must be either a rebellion or insurrection or a riot amounting to war to justify resort to martial law. These are the general principles which the laws of England have laid down. So far as India is concerned, the matter rests on a more definite footing. The Government of India had empowered under Regulation X of 1804 to establish martial law in certain circumstances. Now it is essential to draw attention to the language of that Regulation, because your Lordship professedly acted under that Regulation in declaring martial law in the Punjab. My Lord, that Regulation was passed in 1810, and it ought to be remembered that it was passed at a time when the British Government was trying to establish its power in this country, when there were many small States trying to prevent its establishment or power in this country. That was the period during which this Regulation was passed. Little did I think, my Lord, I venture to say, that the authors of this Regulation had imagined that this Regulation would be resorted to in the Year of Grace 1919 after the great war had been won. However, the Regulation is as follows :—

> ' WHEREAS during wars in which the British Government has been engaged against certain of the native powers of India certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same and have abetted and aided the enemy and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient that during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government in any part of the British territories subject to the Government of the presidency of Fort William, the Governor General in Council shall declare and establish Martial Law within any part of the territories aforesaid for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms in open hostility to the said Government or the actual commission of any overt act or rebellion against the authority of the same or in the act of openly aiding or abetting the enemies of the British Government within any part of the territories specified above, the following Regulation has been enacted by the Governor General in Council to be in force throughout the British territories immediately subject to the Government of the presidency of Fort William from the date of its proclamation."

" Now, my Lord, it is clear that this Regulation can only be justly put into force when there is either a war or open rebellion against the authority of the Government. Your Lordship in establishing martial law by the notification, dated Simla, the 14th April 1919, consequently said that :—

> ' Whereas the Governor General is satisfied that a state of open rebellion against the authority of the Government exists in certain parts of the province of the Punjab; now, therefore, in exercise of the power conferred on him he is pleased to make and promulgate the following Ordinance.'

" Now, my Lord, section 2 of the Bengal State Regulation provided that where the Governor General was so satisfied it was open to him to establish martial law, and that section also repeated that it was during the existence of open rebellion against the authority of the Government, or who may have borne arms in open hostility to Government that martial law should be established. In the notification dated the 14th April 1919 your Lordship was satisfied that a state of open rebellion against the authority of the Government existed in certain parts of the province of the Punjab. Now, my Lord, the public have not been told what were the circumstances which constituted a state of open rebellion in Lahore. I gave notice of certain questions and I wanted to find out what it was that constituted a state of open rebellion. But unfortunately the Government told me that the questions could not be answered in view of the fact that an inquiry had been ordered and that it would not be in the interests of the public that these questions should be answered. Now, my Lord, I submit that it was essential, and it is still essential, first to inform the Council, when the Executive Government have come to the Legislative Council to ask for their support to ratify acts which are done under an Ordinance promulgated by the Governor General or the Governor General in Council, what were the circumstances under which martial law was proclaimed. I asked whether the Government would be pleased to lay on the table the correspondence which passed between them and the Punjab Government leading to the declaration of martial law in the Punjab. I also asked whether the Government would be pleased to state the facts and circumstances which, in its opinion, constituted a state of open rebellion against the authority of the Government in certain parts of the Province of the Punjab within the meaning of Regulation X of 1804 between the date on which the Ordinance was promulgated by the Governor-General and the date on which open rebellion was declared to exist in the part of the Punjab to which the Ordinance had been applied. I am sure your Excellency will recognise that these questions sought to do nothing except what was right in the circumstances: I had heard that the 'Pioneer' had proclaimed that an Indemnifying Bill was going to be introduced in this Council, and I gave notice of a question an answer to which it would be necessary to have in order that I should be able . . .

The Hon'ble Sir William Vincent:—"My Lord, may I rise to a point of order? Is it in accordance with the practice in this Council for an Hon'ble Member to refer in public to a question which has been disallowed? Is it not a fact that the Hon'ble Member has been reprimanded for doing this on a previous occasion?"

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I do not know of a reprimand and I do not recognise any such reprimand. I am entitled on a Bill before the Council to draw attention to every fact in the Council. I was perfectly right, I submit, to do what I did.

"Now, my Lord, I asked for information, and, as I said before, in answer to my question I was informed that the Government could not answer these questions and numerous other questions of which I had given notice, as a Committee of Inquiry had been constituted or was going to be constituted and these matters would be dealt with by it. Now, my Lord, I would not complain of these questions not being answered if the Government also recognised the fairness, the wisdom of staying its hand until these facts had been placed before the Committee of Inquiry, and until the public had come to know of them. Your Lordship will kindly remember that since this unfortunate declaration of open rebellion in the Punjab, which among other evils contributed to the Afghan war, since the declaration of this open rebellion and the establishment of martial law in the Punjab, the Punjab Government shut the rest of India and the world out from all knowledge of the events which were happening in the Punjab. My Lord, not only were individuals not permitted to go in and expose the events that were taking place there to the light of day, but even the representatives of many respectable well-established leading papers in the country, and a man, himself a man of peace and of humanity, Mr. C. F. Andrews, when he asked permission—I hear a little laughter. My Lord, I do not know what the laughter is about. If it is to say that Mr. Andrews is not a man of peace and humanity, I am sorry for those who think so. Now, my Lord, I say a man of Mr. Hume's antecedents and character, devoted to the service of his fellow men, who goes to different parts of the world in order to serve his fellow men; who was appointed as the representative of several leading papers, who sought permission to go to the Punjab, even after he had paid a visit to Simla and was on his way to Lahore, was stopped at Amritsar and disgracefully dealt with and turned back from the Punjab. Now, my Lord, other papers were not allowed to send their representatives to the Province and other public men were not allowed to go there. The result was that we did not know what had happened. From the information that we had, the All-India Congress Committee met and sent a long cablegram to His Majesty's Secretary of State in which they drew attention to the seriousness of the situation.

"Now, my Lord, in that cablegram the All-India Congress Committee, which met on the 20th and 21st of April at Bombay, passed among others the following resolutions:—

'Resolved that the All-India Congress Committee deplores and condemns all acts of violence against person and property, which were recently committed at Amritsar, Ahmedabad, Viramgaum and other places and appeals to the people to maintain law and order and to help in the restoration of public tranquillity; and it urges upon the Government to deal with the situation in a sympathetic and conciliatory manner immediately reversing the present policy of repression.

'Resolved that the All-India Congress Committee places on record its strong condemnation of orders passed under the Defence of India Act by the Government of the Punjab, Administrator of Delhi and by the Government of India against a person of such well known noble character and antecedents as Mr. M. K. Gandhi. The Committee cannot help feeling that, if these orders had not been passed, some of the regrettable events which followed them, may not have happened. The Committee requests the Government of India to withdraw its own order and to ask the Local Governments in question to do the same.'

"Then, my Lord, there was a cablegram which I sent to His Majesty's Premier and to the Secretary of State for India. I will read it as it stands without articles, etc.

'All India Congress Committee desire most earnestly to represent to His Majesty's Government intense gravity of present situation in India, real causes and need for change of policy pursued at present While deploring and condemning popular excesses which have occurred in some parts of country and which popular leaders have everywhere used their influence not unsuccessfully to restrain, Committee urge impartial consideration of circumstances which have so aggravated and embittered feelings of people throughout country as to make such outbreaks possible. Resolution of Government of India, dated 14th instant, describing present situation as arising out of Rowlatt Act agitation makes only partial statement of case. Undoubtedly intense universal bitterness of opposition to Rowlatt Act forced through legislature by official votes against unanimous protest of all non official Indian members and in face of unparalleled opposition throughout country was immediate cause of recent popular peaceful demonstrations but subsequent excesses were provoked by needless and unjustifiable action of Government of India, and Punjab and Delhi Governments against so revered a personality as that of Mr. Gandhi and against other popular leaders. For complete understanding, however, of present discontent and its causes other important factors must be considered.'

"Then, my Lord, after dealing with the causes which included India's services during the war, and the attitude of European and Anglo-Indian officials towards the Reforms and the fate of Turkey and the Rowlatt Bills, the Committee went on to say:—

'In such circumstances the two Rowlatt Bills were introduced and the principal one forced through Council in spite of unanimous opposition of non-official Indian Members, appeal for postponements and reconsideration and warnings of agitation that would inevitably follow throughout country which was stirred by this measure and uncompromising attitude of Government in degree unparalleled in history of country. Committee here cannot enter in detail as to justifiable apprehensions caused by passing into law of this Act.

'They are content to represent that it is total distortion of facts that an agitation against a measure placed on Statute-book in time of peace depriving subjects under any circumstances of sacred right of free and open trial and otherwise restricting fundamental liberties and depriving accused persons of normal and essential safeguards designed for protection of innocent persons should be regarded as an unreal agitation engineered by political agitators for their own ends Committee have no authority to discuss merits of passive resistance movement led by Mr. Gandhi but would emphasise that nothing but feeling of high-souled patriotism and intense realisation of injustice involved in passing of this measure could have actuated man of his saintly character and noble record Committee submit that so far as facts are publicly known no violence had anywhere been committed by the people until after the arbitrary restrictions placed on Gandhi's movements leading to his arrest and forcible deportation without any announcement about his destination while he was on his way to Delhi with object of pacifying people after unfortunate episode there on March 30th. Grave allegations were made that authorities in Delhi unjustifiably fired on crowds killing and wounding several. Government of India have ignored demands for inquiry into this and have published *exparte* statement of Local Government exonerating local authorities on unconvincing statements. Had Gandhi been allowed to proceed Delhi Committee believe he would have restored normal conditions. Government on contrary by his arrest and deportation provoked outbreaks in Ahmedabad and Viramgaum. Outbreak had become imminent in Bombay also, but it was averted by wise action of authorities in restraining police and Military and efforts of Gandhi and other leaders pacified people and restored quiet.

'Committee invite attention to the contrast between the rapidity with which tranquillity was restored in Ahmedabad by presence of Gandhi, his co-operation along with that of other leaders with authorities and continuance of disorders in Punjab where reckless and horrible methods of repression under Martial Law such as public flogging of citizens in streets dropping of bombs from aeroplanes, wholesale firing on people assembled in streets, have been resorted to. These methods of repression have created horror and resentment throughout country.

'Committee recognise need for strong measures to deal with popular violence where occurring and popular leaders and bodies and all public men are ready to co-operate with Government in putting down popular excesses and violent movements against authority, but use of such methods as have been in force in Punjab antagonise feeling of people towards Government and sow seeds of bitterness and distrust.

'Committee most earnestly urge His Majesty's Government to intervene and put an end to these methods, and to order the appointment of commission of officials and non-officials to investigate causes of discontent and allegations of excesses by authorities in repressing popular outbreaks,'

"My Lord, that was submitted on the 28th of April this year and it prayed that the Government should appoint an early Commission.

'Committee strongly urge His Majesty's Government to consider that popular discontent has been provoked by causes set forth above. At Amritsar disturbances followed immediately on Sir Michael O'Dwyer s action in arresting and deporting Dr Kitchlew and Dr Satyapal. Committee most earnestly represent that situation cannot be dealt with alone by repression and attitude of sternness towards people displayed in Resolution of Indian Government of 14th instant which gives free hand to Local Governments to employ every weapon in armoury of repression and is sadly lacking in spirit of conciliation. Situation calls for highest statesmanship which will deal with it in spirit which animated British Government and Indian people in their recent struggle for maintenance of liberty and freedom of peoples from despotic domination and not in a mood of ruthless repression.

"All-India Congress Committee feel that they can appeal with confidence to His Majesty's Ministers to consider this representation with sympathy and to take definite steps forthwith to reverse the policy of repression and to satisfy Indian feeling with regard to the Muhammadan question, the reforms and repeal of Rowlatt Act. Committee respectfully submit this action alone will secure real peace and contentment in the land.'

[At this stage the Council adjourned for Lunch.]

3 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—" My Lord, the point to which I was drawing attention when the Council rose was whether there was open rebellion in Amritsar and Lahore and certain parts of the Punjab when this notification was published. Because, my Lord, the Bill starts with saying, it assumes, that there was open rebellion and all the acts which took place subsequent to the declaration that there was a state of open rebellion are based upon and flow from it, so to say. Now, my Lord, I have drawn attention to the general situation which existed in the Punjab and the country at about the time when this declaration was made. I have drawn attention to it in order that a birdseye view may be presented of the situation as a whole, and I have shown that the All-India Congress Committee drew the attention of Government to the fact that the disorders which had taken place had their origin not in anything in the attitude of the people so much as in the attitude of the authorities, who had to deal with the people. Now, my Lord, I want to enter somewhat in detail into the circumstances which existed then. I consider it essential to do so in order that this cardinal fact,

this key-stone of this whole unfortunate edifice, which constituted the establishment of martial law and its results, should be fairly and squarely fixed at its proper place.

"Now, what happened was, my Lord, that in the last Session of this Council the Rowlatt Bill was introduced. That Bill was opposed practically unanimously by all the Indian Members, and Government was urged to postpone legislation until another Session. The Government did not see fit to yield to that request. Agitation followed in the country and that agitation took one particular shape by the suggestion of Mr. Gandhi. That shape was that the people should express their dissatisfaction with the carrying out of the Rowlatt Act against the wishes of the people by observing a day of humiliation and prayer. My Lord, it is a pity that this action of Mr. Gandhi was not appreciated by all the Local Governments equally well; there were some, I am thankful to say, which appreciated it at its proper estimate and allowed the people to express their injured feelings in the way Mr. Gandhi had suggested. As a result of that suggestion on the 30th March last a *hartal* was observed, that is, a general closing of the shops was observed at certain places and also at Delhi. At Delhi somewhat unfortunate events took place. Some people tried to put pressure upon some confectioners at the railway station to persuade them to close their business that day, and a crowd assembled, and what took place there led to firing. I do not want to go into greater detail in regard to this matter, but I want to indicate the general fact that the mob was there and as a consequence of what happened, the firing that took place, people's minds were more embittered. That was the first blunder committed. Then, my Lord, a second time firing took place at Delhi and that also gave cause for more resentment. But notwithstanding this unfortunate firing and the loss of life, and the wounds which it inflicted upon some of the people, it is a fact, which cannot be gainsaid, that the 6th April 1919, which was the great *Satyagraha* day throughout the whole country, was observed throughout the country peacefully. No untoward incident has yet been alleged to have occurred during the observance of that *Satyagraha* day. Now, what, my Lord, was the *Satyagraha* day? Hindus and Mussalmans, and Indian Christians, and generally the whole Indian community agreed unanimously to abstain from doing any business that day, closed all their business shops, undergoing a great deal of loss in order to show the general resentment of the Indian community at the attitude of Government, and as a step which might persuade the Government to reconsider their position. Now, my Lord, that passed off well, as I say, and Local Governments other than the Punjab Government did not find in the demonstrations that took place any occasion for embarking upon a policy of repression. But not so the Government of the Punjab as it was then constituted. On the 3rd and 5th April, the Government of the Punjab issued orders against Dr. Satyapal and Dr. Kitchlew forbidding them from making speeches in public. These two gentlemen submitted to that order and nothing untoward happened in Amritsar in consequence thereof. The 6th of April was observed as a *Satyagraha* day in Amritsar, as well as in other places, and the day passed off peacefully there too. Three days after, there was the *Ram Navami* procession in Amritsar, that is the day on which Rama's birth is celebrated. It is a great day with the Hindus, but this time Muhammadans and Hindus united with each other in celebrating that day. That is to say, Muhammadans came forward to express their full fellow-feeling with the Hindus in observing that day, and there were great processions in Amritsar, and the Deputy Commissioner of Amritsar witnessed these processions from the Allahabad Bank, where he was, I am told, sitting at the time. My Lord, there is absolutely nothing against the Government in that procession. I am told that while the people shouted out 'Hindu Mussalman-ki-jai' and 'Mahatma Gandhi-ki-jai' they also shouted out 'King-Emperor-ki-jai'; it was a perfectly loyal demonstration and had absolutely nothing to do with any political feeling.

"But there was one feeling which is very important and which has its political value, and that was that Hindus and Muhammadans acted towards each other in a friendly way in which they had never done before in the history of Amritsar. Ordinary observances and caste restrictions and rules were put aside and their fraternising was a matter upon which every reasonable man, every God-loving man and man-loving man ought to rejoice. But on the following day at about 10-30 A.M. these two gentlemen, Dr. Satyapal and Dr. Kitchlew, were ordered to be deported from Amritsar. Nothing had happened up to the moment of their deportation which the public is aware of which would justify that order. They had been told to abstain from speaking in public; they had submitted to that order; nothing untoward had happened, there was no agitation which might endanger the public peace in Amritsar; and yet the Punjab Government thought it fit to issue this order of deportation against two men who were at the moment idolised by the people because they were honest and honourable men and the people felt that the orders were unjust orders.

"Now, my Lord, that was the second blunder committed in Amritsar. And what was the attitude that was behind that blunder? While other Local Governments noted the fact that public feeling was incensed against the attitude of the Government in the matter of the Rowlatt Bill, they thought it fit to allow that feeling to have its free and full expression.

"The Lieutenant-Governor of the Punjab, on the other hand, thought he must teach a lesson to those who were agitating. In a speech delivered from his seat in the Legislative Council he threatened action and also expressed his dissatisfaction. He said he would take very severe action and that threat he carried out unfortunately in the order of deportation. What happened? Before news of deportation was received business was going on as usual at Amritsar, banks were open, other public offices were open, in fact business men were transacting business as usual. When the news arrived there was a general feeling of resentment and sorrow. Shops were closed in a short time. At that time Mr. John, the Municipal Engineer, cycled through the city. He found people doing their business as usual, there was nothing to give any indication that trouble was coming, and when he passed through the crowds no one noticed him. He found crowds passing the National Bank, and the Chartered Bank, as also the Town hall and other public buildings. The crowd went in the direction of the Deputy Commissioner's bungalow, as has been stated in the evidence of officials as well as non-officials, their object was to go to the Deputy Commissioner and to request that these men, Doctors Satya Pal, and Kitchlew, should be released. Up to then the mob showed no signs of mischief; they passed several public buildings without any thought of injuring them. When they reached the Amritsar foot-bridge they found that a military picket barred their proceeding further in the direction of the civil station. Now, at that place the mob was fired upon; they were at that time unarmed; I am told that they did not even have a stick in their hands; I am told that there was no attitude of defiance or violence, and at that time it is possible that the mob might have been gently pressed back, gently and firmly pressed back. It was then that firing was resorted to, and as a consequence the people became incensed, and that some persons then died, and some were wounded. News was taken to the city; this fostered the resentment of the people. Firing was resorted to a second time near this bridge and more persons were killed. The Deputy Commissioner, in his own statement, says that before firing took place the mob did not commit any excesses. I have evidence to show that violence was done before the shops were fired. Now, my Lord, Mr. Miles Irving, the Deputy Commissioner, says that the worst that he expected from the deputation was a disorderly demonstration at his house. It is alleged on the side of the people that if this firing had not been resorted to, and if more restraint had been exercised, all the evils that followed might not have taken place. My Lord, what happened was deplorable.

Infuriated by having some of the mob killed or wounded, a portion of the mob went back to the city saying 'they have killed some of our men, let us fight them'. Up to that time the evidence proves that no harm was done, the mob then rushed back to where fuel is stacked, I have myself seen the stack of wood, they picked up pieces of wood near the railings and then lost their temper, returned and committed the foul murders that they did. I submit that these are the circumstances which we should bear in mind in considering what happened. I need not of course express my sorrow for the lives lost; every decent man must regret the fact that Mr. Stuart and Mr. Robinson and that other Europeans at the railway station were killed. The whole unfortunate affair was finished in the course of two hours. The report in the 'Civil and Military Gazette' says that at 5-30 P.M. all was quiet. I shall not go into the question whether the firing was justified or not, but I would draw attention to the fact that the first firing having taken place, and the mob having become infuriated, it went into the city to revenge itself by taking the lives of five European fellow-brethren. In a couple of hours all was quiet at Amritsar. There was no trouble on the 11th. The people brought back the corpses, the Hindus and the Moslems decided that they should accompany the corpses in honour of the men and buried or burnt them according to their religion. They finished the whole job before 9 or 10. Thousands of people came out, to accompany the bier of the unfortunate men who had been killed, and yet not a single untoward incident occurred in Amritsar. After having buried or burnt the corpses the people came back to the city and all was quiet. On the 12th again all was quiet at Amritsar. On the 13th the Seditious Meetings Act was proclaimed in Amritsar. Up to that time all was quiet. I should like any Member on behalf of the Government to cite one single fact or circumstance which would show that after 5-30 on the 10th April, when these unfortunate deaths took place, at the railway station and banks, that there was a single incident at Amritsar which could by any stretch of imagination be construed into open rebellion. My Lord, what happened on the 13th? It is distressing to think of. On the evening of the 12th a certain number of persons tried to have a meeting held in a certain place in the city, very few people attended, but it was announced at the meeting that a meeting would be held on the following day at Jallianwala Bagh. This is a place which is surrounded on all sides by houses, there are three or four exits to it, the biggest exit is on one side and the smaller exits are not larger than the doors of this hall. I am told that between 16,000 and 20,000 persons assembled there. It was given out that Lala Kanhaya Lal, a very old and esteemed pleader of Amritsar, would preside. Lala Kanhaya Lal told me personally that he never was approached and that he never gave his consent to preside, that this was falsely given out.

"That was a ruse to draw the people to the meeting. Hearing that a man of his position and respectability was going to preside, many people came to attend the meeting. That day also happened to be, my Lord, the *Bysakhi* day.

"The *Bysakhi* day is one of the most important days in Amritsar, and on that day one of the biggest *melas* is held there. People come to Amritsar for the *mela* from long distances, not only from the interior parts of Amritsar, but from long distances, from Rawal Pindi and Peshawar. A number of Sikhs and Jats had come to Amritsar for the *Bysakhi* day. These people, not knowing that meetings had been prohibited assembled in the Jallianwala Bagh in large numbers, I am told they numbered about 20,000. The 'Civil and Military Gazette' states in its report that the people numbered about 6,000. But whatever the number may be, the gathering was certainly a very large one. My Lord, when the meeting had assembled, when several thousands of people had assembled, an aeroplane passed over the place where the meeting was to be held, and within half an hour or so of this, came the troops, and while the people were sitting down to hear the lecture which was being delivered by one of the men, the troops came and fired upon the people—and the people say without giving them any warning or any time to run away from the meeting. Now, my Lord, it has been stated by the Hon'ble the Home Member, that 'the number of persons who had been killed there has been traced to 300.' But from a letter received this morning by me from a friend, I am informed, that the number of deaths which have been traced already amounts to 530 killed and 190 wounded, and among the 530 killed, he gives me the names of 42 boys whose ages range as follows: 1 from 7 months who was being carried by his father to the place, to 15, 17, 18, 14 and one of 4 years, more than one of 12 years, several of 14 years and several of 15 years. These are the names of the boys who were killed at this meeting. The names of many others might be forthcoming, but even if this list is final as I very much wish and hope it may be, even, then, my Lord, the number is appalling to think of, and it is also horrible to think of the fact that people assembled at a meeting sitting down to hear a lecture should be fired upon by His Majesty's troops, and when they were running for their lives they should still be fired upon, and that so many of them should be killed in a few minutes time. Now, my Lord, I should like the Hon'ble the Home Member with all his reading of history to cite one instance so horrible to think of as the one like the Jallianwala Bagh, and to tell me if any Government has attempted to pass an Indemnifying Bill to justify anything approaching the deeds that were perpetrated in the Jallianwala Bagh.

"My Lord, I will go back to Lahore for a moment. I will come back afterwards to the events that followed at Amritsar. But let me say here that even after this butchery in the Jallianwala Bagh—and the Bagh is now called the bloody Bagh—even after this the people did not show the smallest sign of committing any violence. They submitted to these atrocities, they calmly resigned themselves to it, and there is not one single incident mentioned which would justify anybody to describe the state of things in Amritsar, even after that event and before it was proclaimed, that there was a rebellion in Amritsar, as an act of violence or hostility to Government. This was, my Lord, on the 13th of April. On the same day by a notification, to which I have already referred, it was declared that a state of open rebellion against the authority of the Government existed in certain parts of the Punjab, and by an Ordinance this was extended to Lahore and Amritsar, which were the first which came in for the operation of this declaration. Now, I submit, my Lord, with great respect, there is nothing I know of, and I have taken pains to verify the facts, to justify the declaration that there was a state of open rebellion in Amritsar on the day that your Lordship was advised that there was rebellion. I will go back to Lahore. Lahore observed the 6th of April as a *Satyagraha* day. The day passed off peacefully. Up to the 10th no untoward event happened in Lahore either. On the 10th owing to the news of Dr. Satyapal and Dr. Kitchlew having been deported, there was all this trouble in Amritsar. The same day news was received in Lahore that Mr. Gandhi had been arrested, and deported to a place unknown, I mean to say, the place where he was deported was not announced. Now, my Lord, Mr. Gandhi, as is probably known, not only to my Indian friends but to every gentleman in this country or at least ought to be known, is a gentleman who is held in the highest reverence by millions of people. By his saintly character, by his desire not to hurt any fellow-man, by his desire to stand up for truth, justice and humanity, he has established himself in the affections and reverence of the people to an extent which is not enjoyed by any other of my fellow-countrymen. Mr. Gandhi having been responsible for the *Satyagraha* day being observed, he had to issue instructions that the day should be observed without any violence, without causing any hurt to any fellow-men; but certain unhappy events to which I have already referred having taken place at Delhi, public sentiment having been roused by these events, Mr. Gandhi was coming to Delhi to quiet the people and to see that feeling should not be further embittered. While he was on his way to Delhi, the Government of India was advised to issue an order confining him to Bombay, and the Government of the Punjab and the Delhi administration issued orders prohibiting him from entering the Punjab and Delhi. My Lord, that was a gratuitous insult offered to Mr. Gandhi. Any Government ought to feel honoured by the presence of a man like Mr Gandhi within its own jurisdiction, and in asking Mr. Gandhi to keep out from the Punjab and the Delhi province, the administrations of those places showed that they did not take the broadminded view which those at the head of administrations are expected to take in such matters. Well, the result was that as the news was received that Mr. Gandhi had been arrested and deported, the temper of the people was tried. At Lahore, a mob gathered and they were going towards the Government House towards the Upper Mall, in order, I am told, to go up to Government House to make a representation. They passed several European buildings; they passed several European gentlemen without showing the smallest sign of any desire to hurt anybody. The Europeans who have their shops on the Upper Mall did not find any of their shops injured, not even a pane injured. When they were on the Upper Mall at one place the police wanted to prohibit them from going any further and wanted to turn them back. They did not like to be turned back, but eventually they agreed and they did turn back, and their attitude in going back shows that if firing had not been resorted to, there would have been no evil consequence resulting from the presence of the mob at that place for a little while. A little gentle persuasion, a little firmer attitude, if need be, would have succeeded, that is the belief of a lot of people. Now, my Lord, that having happened, when the mob were going back near Anarkali, they were fired upon and certain persons lost their lives. This enraged public feeling, but what happened ? I ask your Lordship to note that there is no people on earth that I know of, that I have read of, or heard of, who would have shown their law-abiding character better than did the people of Lahore and Delhi where the firing had been resorted to. They did not do anything, they went back to their homes. It was all quiet at 8 o'clock. Before the people had returned to their homes, Government House had been seized by panic. Messages were sent to the troops to be in readiness and to take up positions. Ladies in the Club and other places were told to hurry back home. Several of them did, but at 8 o'clock all was quiet, and those ladies who had gone to Government House were permitted to go back to their homes. The people did not do anything to justify the panic. The whole thing was over in a short time. Whether the firing was justified or not, leaving that question apart, the whole thing was over within an hour and a half or two hours, and there was quiet in the city, and that same day the Lieutenant-Governor was entertained at a party. That was on the 10th. What happened on the 11th ? The people here again asked that they should be allowed to carry their dead in procession, and they performed the ceremonies that they had to, but nothing further happened. On the 12th there was a meeting at the Badshahi Mosque. The people had assembled there to express their regret at what had happened, the shops continued to be closed, but no harm was being done to anybody except the poor men, who were suffering for want of food, and Lala Harkishen Lal, to his honour it may be mentioned, said he would subscribe Rs. 1,000 to help to keep the people from starvation. At that meeting there was a Criminal Investigation Department man who went into the meeting and expressed sentiments which people resented. This man was roughly treated, his pugree was thrown aside, but afterwards the meeting passed off quietly; nothing more happened. When the people were going back they say they passed the troops and they say there was something which led the troops to fire. Again some of the people were injured, some killed. Now, my Lord, what happened afterwards ? Even after this unfortunate incident the people kept quiet. There was nothing, not a flower-pot injured in Lahore, not a pane of glass broken by the people—I did not hear what the Hon'ble the Law Member said . . .

The Hon'ble Sir George Lowndes :—" The Hon'ble Member was not intended to hear."

The Hon'ble Pandit Madan Mohan Malaviya :—" The noise was so great I thought something was said for me. "

The President :—" I am sure the Hon'ble the Law Member would have got up in his place if he had wished to put any question ; that is the usual course."

The Hon'ble Pandit Madan Mohan Malaviya :—" Now, my Lord, what are the incidents which the Hon'ble the Home Member, or anybody supporting the Bill, would expect as happening between the evening of the 10th and midnight on the 15th which would justify a declaration that there was a state of open rebellion in Lahore ? The Law Member has not uttered one word to justify that view. Now I submit that there was nothing ; that the people were living quietly ; that whatever action had been taken by the Government in the shape of placing the military and police in positions and everything else was done and there was quiet in Lahore. Whether the quiet was due to the action taken by Government or whether it was due to the innate good sense of the people is a matter which I will not go into. Any way the result was there. There was quiet in Lahore, and all the panic which resulted in ladies being frightened into leaving Lahore and being sent up to the hills seems to be utterly unjustifiable. My Lord, up to the 15th then if this was the state of Lahore and Amritsar, how is this Council being asked to assume that there was a state of open rebellion in those places ? Why should this sweeping Indemnifying Bill be put before this Council and the Council asked to support it ? Let me refer to a few other incidents that happened in the Punjab. It is said that this open rebellion was to be found in other places in a few days. But, my Lord, note the sequence of events. This was up to the 10th of March. I have shown that on the 10th of March what happened at Amritsar was due to the deportation of Dr. Satyapal and Dr. Kitchlew, and after the 10th to the news of the arrest and deportation of Mr. Gandhi and possibly also, though I cannot say, my Lord, to the receipt of the news of what had happened at Amritsar. Now beyond that we have nothing to show that there was a state of rebellion in those places. And what is the next place to which I should invite attention ? It is Gujranwalla. Gujranwalla kept quiet. Up to the 13th we did not hear of any untoward incident there. They had held a meeting ; they had discussed the *Satyagraha* day ; they had shown their opposition to the Rowlatt Act, but nothing further had happened. It was on the 14th, when the news of the Jallianwala Bagh massacre reached Gujranwalla that the people committed some excesses. But let me tell you what they did. ' There was a complete and spontaneous *hartal* in the whole town ; everything went off orderly and everything was perfectly quiet in the town ' as the judgment in the Pleader's case shows. Then, my Lord, on the 13th as the news of the arrest of Mr. Gandhi had reached the town and the citizens were thinking of observing a *hartal* on the 14th, the matter of holding a meeting in case of the proposed *hartal* was considered at an informal meeting at the house of Diwan Mangal Sen. Please note, my Lord, what happened. Diwan Mangal Sen, one of the most esteemed men in Gujranwalla, who had made his contributions to His Majesty's Government during the war, and considerable contributions too, along with many other respectable men, were hauled up and tried as persons who had waged war against the King. On the 12th when they met to consider the matter, after having decided what they would do, they informed the authorities that the people had decided to close business on the 14th. Mirza Sultan Ahmed, the acting Deputy Commissioner, issued instructions to the Municipal Commissioners asking them to see that everything remained quiet on the 14th. They did not do so in a surreptitious way.

"They did all in a fair, frank and open manner and there was nothing wrong which they had to conceal. The proceedings of the meeting of the Municipal Commissioners and the conversations which took place with the Deputy Commissioner are, I understand, on the record.

"Now the morning of the 14th of April opened well. All was quiet. There was complete spontaneous *hartal* throughout the city on this day. A big *Bysakhi* day was held at Wazirabad which is visited by numerous people from Gujranwalla and other places. Hence there was a tremendous rush for Wazirabad in the 7-30 train. Booking was therefore stopped and many people were thus kept back. Out of this arose a general feeling to the effect that either all or none should go to the fair at Wazirabad. The train moved and in the rush the guard was stopped from getting into his compartment. As the guard was left behind, the train stopped at the distant signal. The mob at the station rushed towards the train and succeeded in getting out of the train many of the people. The mob asked the driver to come down and the driver did so. There was thus nobody in charge of the engine. Some of the mischievous hooligans then took some burning charcoal from the engine and set fire to the old rejected sleepers lying near the Gurukula bridge. The happenings were purely accidental being due to the mischief of these very few people and were not at all premeditated. It is worthy of note that no damage at all was done to the bridge and the train passed away safely after some delay. Now, my Lord, as the mob was returning from the Gurukula bridge *viá* the Grand Trunk Road, which runs parallel to the railway lines, it was increased by hundreds of other people from the town and the railway station. The news was on every lip that a slaughtered calf was hung up from a girder on the railway bridge on the Lahore side. Hindu and Muhammadan relations were perfectly friendly at the time, and people therefore suspected that this was the work of the C. I. D. This idea gained strength from the fact that there is a large number of Hindu temples in that vicinity. The effect of this idea was most unfortunate on the public. Munshi Din Muhamed, a local pleader and a Muhammadan leader, declared that it could not be the work of Muhammadans and that he would himself remove the carcase. This convinced the public that it was not the work of any Muhammadan acting on his own behalf and that it was the work of some police underlings. The excitement reached a very high pitch when people who had seen a slaughtered pig on the other side of the station gave this news to the mob. The mob had now reached the place where the slaughtered calf was hung up. Mr. Heron, the Superintendent of Police, had also reached the place. Some of the enraged mob caught Mr. Heron and managed to throw him down and snatch away his pistol. This they did because they thought the police underlings had done the mischief to which I have referred. These young men were however calmed down by Mr. Din Muhamed, who persuaded them to leave Mr. Heron alone and to give him back his pistol. When Mr. Heron had thus received his pistol he fired on the mob, particularly on those young men who had given it back to him. Now several persons were wounded—*vide* page 32 'Punjab Disturbances,' published under the authority of Government. Thereupon, the excitement was fanned into a flame. The crowd then returned to the railway station and demanded the blood of Mr. Heron who had so unjustly fired upon them, and one of the men who was so wounded died the following day. The huge crowd faced the police, the municipal commissioners and the magistrates who had all arrived at the railway station, for more than two hours, the Grand Trunk Road alone separating the two. The mob continued to yell, tremendously enraged at the spilling of innocent blood. Mr. Heron wanted to open fire on the mob, although the magistrates and the municipal commissioners were doing their utmost to push the mob back into the town. The latter had just succeeded in persuading some people to go back when a shot was fired,—accidentally or deliberately, I cannot say—by a police constable. This fanned the flame again into a fire.

The crowd, which had so far been passive and sullen, now got enormously enraged at this. They swelled in number. Mr. Heron gave the order to fire. Fire was consequently opened and many casualties occurred. Thereupon the excited mob resorted to many acts of incendiarism, burning the post office, the dâk bungalow, the tahsildar's and the Honorary Benches' Courts, a block of the district courts, the railway godown, and the church. This again is vouched for in the 'Punjab Disturbances' published under authority . . . .

The Hon'ble Mr. J. P. Thompson :—"What authority has the Hon'ble Member for saying that the pamphlet entitled 'The Punjab Disturbances' was published under the authority of the Punjab Government?"

The Hon'ble Pandit Madan Mohan Malaviya :—"Is that not so? It is compiled from the 'Civil and Military Gazette,' second edition. Does my Hon'ble friend say that it is not published by the authority of the Punjab Government?"

The Hon'ble Mr. J. P. Thompson :—"The cover states by whom it was published."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, if Mr. Thompson will not give me a direct answer I am sorry I cannot say more. I was told it was an authoritative publication. If it is not, I am sorry for the statement, but he ought to tell me whether it was or was not. We want facts. It contains many official Communiqués.

"Now, my Lord, the people who were wounded by the firing of Mr. Heron at the Siddhan bridge where the slaughtered calf was hung up were taken through bazaar to Niyanin where an open air meeting was all the time being held to keep the public engaged. At this meeting, speeches on Hindu-Muhammadan unity were delivered, and the people were advised to be calm, *vide* instruction given to the Manager of the Islamia School by the acting Deputy Commissioner to deliver a lecture at the meeting. The Manager's statement in the Pleader's case will be quite sufficient for that purpose. The point I am coming to is that this was all the trouble, the regrettable, unfortunate trouble. But it was all over by about 3 P.M. Moreover, there had been no riots in the city proper. The people had kept perfectly quiet in the city, and all these events occurred in the civil station outside the Circular Road. Between 3 and 4 P.M., just about the time when, as was said in the 'Civil and Military Gazette' report, the crowd was dispersing, aeroplanes arrived. Now, my Lord, the crowd had dispersed and the remnants of the crowd were dispersing when the aeroplanes arrived and bombs were dropped from the aeroplanes in several places. I have seen several of the places where these bombs were dropped, and I have learnt on the spot that several lives were lost, five in one place and two in another. When the crowd had dispersed or was going back, I should like the Council to be informed where was the necessity for dropping bombs from aeroplanes upon the town of Gujranwala? It was not in one place that bombs were dropped but in many places, and in places in the centre of the inhabited parts of the city which was all surrounded by houses. One bomb was also dropped in the boarding house of the Khalsa High School, where 160 boys were about the place at the time.

"Bombs were also dropped in the suburbs of Gujranwala where the mob had committed no excesses, and also outside the town of Gujranwala over the house of Lala Amar Nath, pleader, one of the Secretaries of the Home Rule League. A bomb was also dropped in another village close by, where I am told, a woman and child were killed by it. Now, my Lord, I should like anybody to tell me what earthly justification there could be for the dropping of half a dozen or may be more, I cannot say, bombs from aeroplanes over the people of Gujranwala when the mob had dispersed or was dispersing. This happened on the 14th. Everything was then quiet in the town, and a bomb was dropped again in Gujranwala on the morning of the 15th. I should like to know what justification can be pleaded for these actions. Now, my Lord, in spite of all this the people kept quiet. There was no rising of the people, there was no violence committed by the people. What little happened near the railway station was under the circumstances which I have mentioned to you. One European gentleman, an engineer, I think, was living about a mile or so away, I cannot give the exact distance, but sufficiently far away from the scene where the mob had committed any excesses. There was no danger to European life and no insult to any European lady. Why then was this bombing resorted to? My Lord, I should like here to know what was there in the state of Gujranwalla to justify the declaration, to bring it in the category of places where there was proclaimed to be a state of open rebellion?

"Now, it is noteworthy, and I wish the Council to note that the events which took place at Kasur, the regrettable murder of two Europeans there and the cutting of telegraph wires in some places, the derailment of trains here and there; these are the events which took place. The papers gave a list of them and you know them. These unfortunate regrettable events took place subsequent to the 10th of April, when a wrong had been done, when as the people believed an unjustifiable wrong had been done to a number of members of the public by the firing that was resorted to at Amritsar. My Lord, you must make allowances, take note, I mean to say, of the circumstances which surround the case, and the fact that these events took place in these places after the deplorable occurrences at Amritsar is a circumstance to be taken into account. I do not want to extenuate the evil that was wrought. I deplore it, but I think it will not be right, it would not be just to exclude from one's consideration the sequence of events in order in judging where how much blame ought to be allotted to one or other party or two certain parties. Now, my Lord, I leave the main incidents so far as they affect the question of a state of open rebellion at that. I would now invite your Lordship's attention to the second important part. What I have said has reference to the statement in the preamble of the Bill that 'owing to recent disorders in certain districts in the Punjab and other parts of India, it has been necessary for the purpose of maintaining and restoring order to resort to martial law.' I respectfully question the correctness, the truth, of this statement, and I submit that if the Council is not placed in possession of facts that may be in the possession of Government, if the Council is not placed in possession of facts which would justify the statement that there was open rebellion in Amritsar, Lahore and other places, this preamble of the Bill ought not to stand where it does.

"Then, my Lord, the second point to which I would invite attention is, in the preamble also. It says that it was necessary for the purpose of maintaining and restoring order to resort to martial law. Now, my Lord, what are the facts? I have submitted that all was quiet at Amritsar at about 5-30 or so on the afternoon of the regrettable day when several European and Indian lives were lost. On the 11th and 12th there was no violence on the part of the people. On the 13th the violence that took place was on the part of some of the authorities and not of the people. Beyond the 13th nothing took place on the part of the people. How was it necessary, then, for the purpose of maintaining or restoring order to resort to martial law? Order had been restored; the passions, the regrettable passions which had led to certain crimes, had been exhausted, had exhausted themselves. The people felt that there was nothing more to be concerned about. There is one important circumstance to which I will draw attention in this connection. The Hon'ble the Home Member made a fervent appeal to those of my friends who have been blessed with large stakes in the country to reflect what would be their fates and the fates of their property if law and order were not to be preserved. Let me tell the Hon'ble

Member and all who may wish to know it that the police in Amritsar was practically absent after these disorders and that the people themselves organised parties and kept watch and ward over the city and very few unfortunate events occurred; I believe that none occurred at all, so far as I am told. The people finding that the police were not doing their duty in keeping watch and ward and giving protection, organised themselves into parties and protected their town from any mischief either within or from outside. I submit, therefore, that the statement that it was necessary for the purposes of maintaining or restoring order to resort to martial law is not correct, so far as Amritsar is concerned.

"Now, let me come to Lahore. Is it correct in the case of Lahore? I have submitted that while Lahore had a large European population neither at the time of the trouble on the 10th nor at any other time was any European in danger of his life or of his liberty. It is said, as was pointed out by Mr. Chanda, several days after the events that a European police officer had received a hurt and that his head had to be bandaged, but it was also stated that the hurt had been caused to him by a policeman. That being so, my Lord, I ask every Member of this Council to call for information which would convince him that there was any danger which any reasonable man—men who are overtaken by cowardice or who have a craven fear, an indefinable fear may run into panic—but I should like to know any circumstances which could have led any decent man, European or Indian, to think that his life or honour was in danger in Lahore during the days between the 10th and 15th April, when it was declared that Lahore was in a state of open rebellion. I submit it was not. I submit that it is to the credit of Lahore that though these unfortunate events, shooting of some innocent persons, had occurred, it kept its head cool and it did not give its fellow-citizens, its European fellow-citizens, men or women, any cause to think ill of the people of Lahore. It did not give any fellowmen among Europeans any cause to adopt an attitude of resentment much less of vindictiveness towards any fellowman, and yet, my Lord, it was declared that Lahore was in a state of rebellion. I submit it was not, and that is a cardinal point in dealing with this bill.

"My Lord, what are the orders that were issued under martial law, which even by the wildest stretch of the imagination can be said to have been demanded for maintaining or restoring order? What are the facts which made it necessary to issue the orders for maintaining or restoring order in Lahore? I gave notice, my Lord, I tried to elicit facts by a string of questions; unfortunately as I have said before Government have not thought fit to answer them, and I take it, I am entitled to take it by implication, that they have admitted the truth of it; at any rate until on behalf of Government facts contrary to those implied in my questions are stated, I am entitled in dealing with a matter of such grave importance as this Bill to assume that the truth of those statements cannot be impeached. Now, my Lord, what are the martial law orders that were issued? Before I proceed further I should like to refer to the particular martial law order to which the Hon'ble the Home Member drew attention. If in the light of subsequent events the spirit of that order had been observed, we should not now be discussing this Bill to-day. But unfortunately the acts carried out went far beyond and greatly against the spirit of that order. The first question to which I shall draw attention is that of flogging. How many persons were flogged and for what offences? I have looked into the question and I find that there is a provision that flogging should not be one of the punishments to be inflicted by the Martial Law Commission. If I am right, and I think I am right, then it is regrettable that flogging was resorted to to the extent it was during the continuance of martial law at Lahore, Amritsar and other places. My Lord, can anyone tell me that it was necessary to resort to flogging in order to maintain order or to restore order? With the ample military resources of the

Empire to which your Lordship referred in your speech on the 3rd instant, did the Government stand in any danger of having their authority upset if they did not resort to this vile form of inflicting punishment on a fellow-man. I should like to know what justification can be pleaded for the flogging that was resorted to in various places. My Lord, leading men were arrested in Amritsar. I will refer to the orders as I find them in order to save time.

"My Lord, I asked the Government to be pleased to lay on the table copies of orders and proclamations, posters, notifications and notices issued by the administrators of martial law in the Punjab . . . .

The President:—"Order! Order!! The Hon'ble Member is entirely out of order. He knows perfectly well that this is a question he put forward to me as President to be allowed or disallowed. I disallowed it for reasons which appear on the face of the rules in regard to the asking of questions. The Hon'ble Member knows perfectly well that no discussion in Council can be permitted in respect of any order of the President under rule 7 or rule 8. I cannot allow the Hon'ble Member to proceed with what is really a discussion of my orders in regard to that matter." 4-7 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, my Lord. I did not propose to discuss your Lordship's order. I wanted information and I was going to explain why I have not got it."

The President:—"You proposed to discuss it in another way."

The Hon'ble Pandit Madan Mohan Malaviya:—"True, indirectly that would be the result, my Lord."

The President:—"Quite so I am glad that the Hon'ble Member has made that admission That is exactly what he is aiming at, and I do not intend to permit it."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, the propriety of your disallowing the question was not the point I had in mind; what I wished to explain was, that I was not able to refer to proclamations, etc., which had been issued. I hope, my Lord, that you will feel that that is the correct explanation. I am in the unfortunate position that in discussing a Bill of this comprehensive character which deals with martial law I have to refer to martial law notifications, etc., and if I refer to the difficulties in which I am placed, I have not the remotest idea, my Lord, directly or indirectly, of making a reference to the propriety of your disallowing my question. Many martial law orders and notices were issued. I am unfortunately not in a position to place them all before the Council, because I have not got them. I shall try to show that all could not possibly be justified on the ground that they were necessary for the purpose of maintaining or restoring order. That is the point on which I am asking the attention of the Council. Let me refer to one. I am told that in a lane known as the Durga Koti Wali Lane every Indian irrespective of age or position had to pass through crawling on his belly the whole length of the lane. British soldiers were placed there to see that the order was obeyed. I should like to know if this was necessary for the purpose of maintaining law and order? Then, my Lord, the electric lighting and the water-supply of the whole of the city of Amritsar including the civil lines was cut off for four or five days from the 12th of April last. It is also a fact that a large number of wells in the city of Amritsar had been closed when Mr. King was Deputy Commissioner, because he thought that the water of the wells was not healthy. By the shutting off of electricity and water supply much hardship was inflicted on the people. I should like to know how this was necessary in order to maintain order or to restore order? Then, my Lord, it is said that a number of people, very respectable people, including bankers, lawyers and doctors, were kept handcuffed in pairs for several days. They were kept in an open racket court, where it was very hot in the day, and very cold at night. They were kept handcuffed continuously for 24 hours of the day for several days together and they had to eat, drink, sleep and attend to the calls of nature whilst handcuffed in pairs. I should like to know if it was necessary for the maintenance of law and order to issue such orders or carry out anything of that sort? Further, I am told that when on the 15th April the aeroplanes did their work and frightened the people of Gujranwala as they did, there was not the smallest suggestion that there was any spirit of rebellion or resistance in the town.

"The Deputy Commissioner of Gujranwala, with a strong body of police and European soldiers and with an armoured car marched to the house of Lala Mela Ram, B.A., LL.B., pleader, and arrested and handcuffed him and took him away, without allowing him to dress himself or to speak to his family. The party then met Mr. Labhsingh, M.A. (Cantab), Barrister-at-law, and arrested and handcuffed him and chained him with Lala Mela Ram. They proceeded to the houses of twenty other gentlemen (pleaders, bankers and other respectable citizens) and arrested and handcuffed and chained them all together. The persons so arrested and chained together were marched to the city, two and two, headed by a Hindu and a Mahomedan, to ridicule Hindu and Mahomedan unity as was stated at the time by Colonel O'Brien. Two Municipal Commissioners under the order of Colonel O'Brien walked in front of the procession thus formed and pointing to the aeroplanes hovering overhead kept on shouting to Indian people to make way for the prisoners on pain of being bombed or shot down. After being thus paraded through the principal streets of the town the prisoners were taken to the railway station and put into an open coal truck which was guarded by a number of European soldiers with fixed bayonets and by an armoured engine with a gun directed towards the prisoners. The prisoners were not allowed to leave their places even for the purposes of attending the calls of nature, and some of these gentlemen had to be there and to suffer all the trouble in the condition they were. My Lord, I am further told that on reaching Lahore railway station and before being removed to the jail, the prisoners were kept for about ten hours along with thirty other prisoners in a room which opened by means of an iron barred and panelled door into another room which was used as a latrine. My Lord, I am told that a number of pleaders and other respectable citizens in the town of Shahupura in the District of Gujranwala, were arrested and treated in a manner similar to that adopted at Gujranwala and were subjected to similar inconveniences and indignities when being taken to Lahore. I am told further that almost the entire population of the town of Shahupura above the age of 10 years, irrespective of rank or social position, was summoned by Mr. Bosworth Smith, I.C.S., Joint Deputy Commissioner and one of the Martial Law Officers, and made to sweep a large open piece of ground. I am told, further, my Lord, that a large marriage party of certain Mahomedans of the village of Rajgarh within the Municipal limits of Lahore was arrested and the members thereof were convicted by one of the Martial Law Officers. My Lord, these are some of the allegations which have been made in regard to the unfortunate events at Amritsar and Gujranwala. I should like to know which of these punishments was necessary for the purpose of maintaining or restoring order. Now, my Lord, I will draw the attention of the Council to some more facts, to give them an idea of the indignities perpetrated in other parts. I will draw the attention of the Council to the allegation, among others, that Moulvie Ghulam Mohi-ud-din, pleader of Kasur, who had last year been publicly rewarded for his services in connection with the War and Maulvie Abdul Qadir, a senior pleader of Kasur, were arrested and kept in confinement for some weeks in an improvised lock-up near the railway station, and were then released without any charge or trial. I am told that several school boys at Kasur were flogged, and I should like to know how that was necessary for the purpose of maintaining law and order. My Lord, it has been stated, and the facts cannot be denied, that Mr. Manoharlal, M.A. (Cantab), Bar-at-Law, formerly Minto Professor of Economics at the University of Calcutta and now a prominent member of the Lahore Bar, and a Syndic of the Punjab University, was arrested and kept in jail for nearly a month, including one week of solitary confinement. Will anybody tell me why it was necessary to put this respectable gentleman to this indignity? Will anybody tell me why this gentleman was arrested? I am told his whole sin was that he happened to be one of the trustees of the *Tribune* paper which had enraged some of the officials, particularly the Head of the Punjab Government. For the crime of being a trustee of a paper which was edited by a gentleman whose name was known and whose articles have been pronounced by most competent and sober Indians to have been written very carefully, this respectable gentleman, a member of the Bar and a Minto Professor, was subjected to this indignity. I should like to know from the Council's own lips how much indignity was inflicted upon him and how much hardship he suffered. I should like to know why this was done? Then Rai Saheb Seth Ram Pershad, a Municipal Commissioner in Lahore, one of the largest house proprietors and bankers of Lahore, was arrested in April last and marched in handcuffs to the Central Jail, a distance of nearly three miles, kept in solitary confinement, and then released without trial after several weeks. Does the Hon'ble the Home Member ask the Council to indemnify these officers who inflicted these indescribable indignities upon their fellowmen as respectable as any Member of this Council? Does the Hon'ble the Home Member mean to ask the Council to indemnify officers against such acts? My Lord, the list is long. I do not wish to take up the time of the Council unnecessarily except to the extent that it may be necessary to impress upon every Member of this Council the necessity of examining carefully the proposals in the Bill and the proposal which is now before the Council before giving its assent. My Lord, there is a case from Amritsar, of Dr. Kedar Nath, a retired Civil Surgeon, aged 60 years, who had been invalided in 1909 on account of heart troubles; he was arrested and handcuffed and marched through the streets with 62 other prisoners to the jail and kept in confinement for a fortnight with two other prisoners in a cell which was meant for one person and then released without trial. Now, martial law notices were posted at the houses and shops of a number of people at Lahore with directions that the occupant must guard the posters, and that if they were damaged, torn or disfigured, the occupants would be severely punished under martial law. My Lord, one of these persons, an English lady, the wife of Pir Taj Din, herself told me that she had to keep a watch to see that the posters stuck to their house were not damaged or torn so that she and her husband might not come in trouble, and all this trouble could not be prevented by the fact of her being an English woman. I should like to know why it was necessary to subject respectable people to all this hardship and indignity?

"My Lord, the manner in which the students were dealt with can be gleaned from another incident to which I will call the attention of the Council. The students of Lahore have been wronged beyond expression, and I should like to know how it was necessary for the maintenance of law and for restoring order to deal with the students in the manner that was done. All the students of the Dayanand Anglo-Vedic College, the Dayal Singh College, Lahore, and the Medical College at Lahore were required to attend roll calls before military officers when they were made to stand in the sun guarded by the military with fixed bayonets and this process was continued for three weeks immediately preceding their University examinations.

"In the case of the King Edward Medical College, the total distance which the students were made to traverse on foot in the summer heat for attending the roll call, amounted to not less than 16 miles a day. Some students actually fainted while going to, attending, or returning from, such roll call parades and it was after that that a nearer place was fixed for taking the roll-call. My Lord, the Principals of certain Colleges in Lahore were coerced by the Martial Law Administrator to inflict very severe punishments on a certain percentage of their students without regard to any evidence of their guilt. Some of them were expelled, some were rusticated, some were sent down one year, and I am told that a number of students were fined. I am told that the total number of students who have been subjected to this injustice and wrong is about a thousand. I should like to know how this was necessary to maintain order.

"My Lord, it has been alleged by some of those who were tried that in the cases tried by some of the officers who were empowered to deal with these cases, especially towards the close of the martial law period, the accused were convicted without the whole defence evidence being heard, even though witnesses were present, on the ground of want of time. For instance, in the case of Lala Gurdasram and Lala Shivaram, pleaders of Hafizabad in the District of Gujranwalla, who were sentenced to two years' rigorous imprisonment each by Mr. Wace, I.C.S. My Lord, a student, Ramlok, son of Daulatram, aged 17 years, was arrested on the 25th April, and having been detained in police custody for three weeks, was released for want of evidence against him. Several days after his release, his father Daulatram appeared as a defence witness for one Ram Ditta and deposed that the police had asked Ram Ditta to turn an approver but he had refused to do so. On this his son Ramlok was re-arrested on the following day and put on his trial for the very same offences for which he had been arrested and released before. The trial of Ramlok was fixed for the 9th and 10th June, but as martial law was going to be withdrawn at midnight on the 9th June, the trial was accelerated to the 5th June without any previous intimation having been given to the accused or to his father. The accused was tried and sentenced to one year and seven months' rigorous imprisonment for offences under sections 147, 426 and 506, Indian Penal Code, by Mr. A. L. Hoyle, I.C.S., officer presiding over summary courts under martial law, without any chance being given to him to produce his defence.

"And, my Lord, one Bhagwansingh, a meat seller of Lyallpur, was arrested on the 6th June last and placed before the Martial Law Summary Court on the 7th June; on the 8th June part of the evidence was heard, and the case was adjourned; but as martial law was to be withdrawn at midnight on the 9th June, the case was taken up at 11 o'clock that night without any opportunity being given to his counsel to be present, and the accused was sentenced to three months' rigorous imprisonment.

"My Lord, in some of the cases tried by the Martial Law Commissioner constituted under Ordinance No. 1 of 1919, no record of evidence of witnesses, either for the prosecution or the defence, has at all been made, nor judgments recorded, though heavy sentences have been awarded. For example, the case of Crown *versus* Fazla, son of Gumardi Kakezai, convicted under section 124-A, and sentenced to transportation for life by the Commission presided over by Lieutenant-Colonel Irvine, on the 26th of April 1919, and trials Nos. 20 and 21 of Hansraj and Hariram of Amritsar, before the Commission presided over by the Hon'ble Mr. Justice Leslie Jones, I.C.S., Judge of the High Court of Judicature at Lahore, convicting the aforesaid persons to seven years' rigorous imprisonment each under section 412, Indian Penal Code. Now, my Lord, in several other cases examination of outside witnesses for the defence was refused except by interrogatories. In some, no one would like to believe it, but in some cases even the offence with which a man is charged has not been mentioned. I hold in my hand a copy of an order with findings dated 26th May 1919, passed in the Court of A. L. Hoyle, Esquire, Magistrate, 1st Class, of the Lyallpur district at Lyallpur, in Martial Law Cases held at Lyallpur, for Dijkote Tehsil, Lyallpur.

It says :—

'Finding—All accused guilty.

'Penalty or disposal :—

'Accused No. 1, Basant Ram, 2 years' rigorous imprisonment,

'Accused No. 2, Charan Dass, 9 months' rigorous imprisonment,

'No. 3, Jawandar Ram, 9 months' rigorous imprisonment,

'No. 4, Bhagat Singh, 6 months' rigorous imprisonment.

(Sd.) A. L. HOYLE,
Summary Court.'

"My Lord, this is the way in which people have been deprived of their honour and liberty. Is it meant that these cases shall be indemnified?

"There is another copy of an order dated 28th May 1919 with finding, passed in the Court of the same gentleman, Mr. A. L. Hoyle, Magistrate, 1st Class, at Lyallpur.

'Finding.

'Accused 1 to 12 each guilty of rioting (section 147, Indian Penal Code) and offence under section 25 of the Telegraph Act, accused 13, 14, 16 guilty under section 147, Indian Penal Code, accused 15, 17, 18 doubtful.

'Penalty or disposal.

'Accused Sita Ram (1) 2 years' rigorous imprisonment for each offence, accused Ram Dutt 6 months' rigorous imprisonment for rioting and 18 months' rigorous imprisonment for the offence under section 25. Telegraph Act, Amar Nath (2) Kesar Mall, Gyan Chand, Amar Nath (6), Agya Ram, Kaka Ram, Hari Chand, Divan Chand, Girdhari, Sita Ram (12), 6 months' rigorous imprisonment for rioting and 1 year's rigorous imprisonment under section 25 Telegraph Act. All sentences consecutive.

'Kesar Singh, Teja Singh and Bhag Singh 3 months' rigorous imprisonment, Nand Singh, Balwant Singh and Jaimal Singh acquitted.'

"Now, my Lord, this is the way in which havoc has been made of the liberty and honour of many fellow-subjects of ours.

"My Lord, there are other instances to some of which I must invite attention. An order was issued that every Indian who should pass by a European must salaam, and in some places they were told that they must get down from a carriage if they were driving at the time. In several instances unfortunately several Indians were flogged or otherwise punished for not salaaming to Europeans and not carrying out this martial law order. In one case one Gopaldas, son of Deviditta Mal, caste Arora, of Akalgarh, who was a telegraph peon at Lyallpur during the martial law days was arrested for not salaaming a European officer to whom he had gone to deliver a telegram and that he was given five stripes for it in jail, although he protested that he had actually salaamed the officer and was willing to do so again. I should like to know, my Lord, if this was necessary in order to maintain law and order. In some of the districts where martial law was in force orders were issued that every Indian driving in a carriage or riding a horse must get down when he passed by a European, and, further, that Indians carrying open umbrellas must close and lower them when they met a European.

"My Lord, the evil was not confined to these few places and these few cases to which I have drawn attention. There has been much more injustice done, and I shall draw attention to one of these that occurred in Ramnagar. I am reading from the Judgment at Ramnagar, my Lord. There were 28 persons accused. No un-toward event happened at Ramnagar at any time.

"When the news of Gandhi's arrest reached there, I am told that a few boys expressed their mourning for the event and went to bathe in a river in the locality . . . . . .

The Hon'ble Sir William Vincent:—"May I inquire, my Lord, if this is the Ramnagar where the King's effigy was burnt?"

The Hon'ble Pandit Madan Mohan Malaviya:—"This was alleged but it was an untruth."

The Hon'ble Sir William Vincent:—"I only wanted to know, my Lord."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, my friend thought that he had scored a great point in mentioning that. I have not less respect for His Majesty the King Emperor than the Hon'ble Sir William Vincent has, but I will show to your Lordship and to the Council that an untrue story was concocted and had to be abandoned, and that the facts would not justify the punishment which was inflicted upon the people. Now, my Lord, at Ramnagar, on the 15th instant, a certain number of boys met together and expressed their grief or resentment, whichever you please, at the arrest of Mr. Gandhi and the Rowlatt Act. They went and had a bath in the river which runs through the locality. The event passed off, no notice was taken of it, and it was reported that there was quiet in Ramnagar. A few days afterwards the Deputy Commissioner, Colonel O'Brien I think it was, went there, certain instructions were given and the Revenue Assistant called a meeting of the citizens of Ramnagar and arrested four men. Several days afterwards, I think it was on the 12th of May or the 28th May, I do not exactly remember which, 23 or 24 other persons were got hold of and also *challaned*. Another man was subsequently arrested and so the party was made up to 28. The charge against them was that they had burnt the effigy of the King. I will read the judgment to your Lordship. It says :—

'Bhagwan Dass, Kapur Chand and Barkat Ali are eye witnesses to the fact that a mob of Hindus in whom the 28 accused were included burnt the effigy of King George on the bank of a creek of the Chenab near the town of Ramnagar and then marched back through the town. The leader in this was Hari Singh Giani, Headmaster, who produced a small effigy which he burnt on a funeral pyre on the bank and throughout acted as crier, while others answered as chorus. The cry raised was 'Rowlatt Bill Kala Bill Marya' (and His Majesty's name is brought in and abused) 'The Rowlatt Bill, Black Bill is dead' (and abuse of the King Emperor). 'The ashes were cast into the river by Hari Singh and most people bathed as purification. Other witnesses one Hindu and several Muhammadans, give evidence that Hari Singh Giani, Daulat Ram, Balmokand, Karam Chand and Gobind Sahai organised a *hartal* on the afternoon of the 15th and had called all the Hindus to a meeting near the river. On their return they came through the town headed by Hari Singh as crier, shouting out Rowlatt Bill Kala Bill marya (the Rowlatt Bill, the Black Bill, is dead, and abusing His Majesty—I am translating the words, I do not wish to utter them). 'The crowds are said to have consisted of about 200; but all three principal witnesses united in naming the 28 accused. Some named others but these have been weeded out where not corroborated. The witnesses who saw the crowd return also named the accused though one or two were doubtful in the case of 5 or 6.

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'All the accused plead not guilty. Most of them call witnesses for good character or for *alibis* of no value. It is noticeable that witnesses for the defence do their best to prove their own absence during the period of the alleged offence, which suggests that they are not prepared to deny that such a thing took place.

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'Of the defence witnesses worth noticing, those for Balmokand tried to prove an *alibi* for him in Gujranwala. He himself claimed to be in Gujranwala up to 1·30 on the 15th.

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'Other witnesses speak of having met Balmokand on the road. But they avoid arguments which might agree and be tested on cross examination On the other hand, it is shown by evidence that Balmokand rode off from Gujranwala and passed Manchor 3 miles from Ramnagar at midday on the 15th.

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'It is indisputable that the affair of burning the King Emperor (he says burning the King Emperor but he evidently means the effigy of the King Emperor) took place. There certainly was a *hartal* and the people went to the river. Although a few witnesses for the defence try to declare that there was no *hartal* ever, this is disproved by the first report when it was known that anything more serious had happened and also by the anxiety of the majority of the defence witnesses to prove their own absence The evidence that the King Emperor was burnt in effigy by Hari Singh with the plaudits of the mob sitting round him is also ample. Two Hindus and one Muhammadan gave evidence to this, as also to the casting of the ashes into the river and the purification of the Hindus by bathing. Many more witnesses prove the return of the party through the town with Hari Singh chanting in front 'Rowlatt Bill Kala Bill marya, etc.' The case did not come to light for a week and could not be investigated till later, but this was due to the absorption of all officials in the outrages elsewhere and the Sub-Inspector in those of Akalgarh. The story is not one that would have been invented. I find that the case has been well sifted and that the 28 accused are proved by the evidence of the prosecution to have been there * * * *

'The offence is so gross that the accused are lucky in not having been sent up to a Tribunal. Hence the maximum imprisonment must be inflicted on almost all. Many of the accused are wealthy and heavy fines are very suitable. I sentence them as under :—

1. Daulat Ram,
2. Balmokand,
3. Karam Chand,
4. Gobind Sahai,
5. Hari Singh,

to rigorous imprisonment for two years, of which three months to be in solitary confinement and to pay fines of rupees one thousand each, or in default rigorous imprisonment for six months in addition.

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" Now, my Lord, the people say that if there was a fair trial it would be established that this story was entirely untrue, and that they did not burn the effigy of the King Emperor. Now, these people, as the judgment says, were wealthy and respectable, and for that reason they were sentenced to such heavy punishment and such large fines, which, in the case of such people, is a very serious matter. These respectable people had no reason to indulge in such foolish and wicked mischief, but you subject them to trial in a summary court, where their honour is concerned, and you do not give them an opportunity to establish their innocence, and they are sentenced to two years' rigorous imprisonment. These are the cases in which the Bill seeks that the sentences shall be confirmed. I submit, my Lord, that nothing could be a grosser wrong than to ask the Legislative Council to confirm sentences of this nature, where men have not been given an opportunity to have their defence properly put and where they have not been given an opportunity to appeal to a higher tribunal.

" Now, my Lord, I will not deal with any more cases. I think what I have submitted is sufficient to show how great is the need for having the facts of these unfortunate times sifted and well established before an Indemnifying Bill should be dealt with by this Council. As I have submitted before, there are two points essential in asking for an Indemnifying Act. One is, that there should have been either open rebellion or war against the King or riots or insurrection which amounted to war, and, secondly, it should be necessary to show that, even if such a necessity arose and that the acts done were such as in the language of the three Statutes which he quoted were so much to the good of the public, so much for the benefit of the public, that those acts ought to be justified by the Legislature, and that the officers who did them ought to be indemnified. I submit, my Lord, that this has not been shown to be the case. Now, the Hon'ble the Home Member tells us that the question whether martial law was necessary will be discussed and settled by the Committee of Inquiry, but he says 'Go further. Take the fact that martial law was declared. Then I ask you to consider the case, the position, the pitiable position, of those officers who were ordered or directed or commended to do certain acts. We promised them in our Resolution of the 14th of April 1919 that we would give them our ample support. We are bound in honour to protect them from the results of actions which they undertook upon that assurance.' My Lord, that is begging the whole question. If you are not right in giving them that assurance, that assurance will not stand them in good stead. You ask that the Council should pass this indemnifying measure, and you say that the question whether martial law was necessary or not shall be determined by the Committee of Inquiry. I submit that this is a preposterous proposition to put forward before this Council. What will be the effect of the decision by the Committee of Inquiry as to whether there was open rebellion in Lahore or Amritsar or not? In the quotation to which I have referred Earl Halsbury has made it clear that the Crown may not issue commissions in times of peace to try civilians by martial law; but when a state of actual war, or of insurrection, riot or rebellion amounting to war exists, the Crown and its officers may use the amount of force necessary in the circumstances to restore order.

"The cardinal point is, whether there were circumstances which justified the declaration of martial law. You cannot go on to deal with this Bill without first dealing with that cardinal point. If you think that you owe it in courtesy to the Inquiry Committee which you have constituted to leave the decision on that important matter to them, I say in fairness to every one concerned, including the Government, stay your hand, do not proceed with this Bill. Wait for the result of that inquiry. Let the facts be sifted out and when the facts have been sifted out, indemnify officers for all acts done in good faith with reasonable care and caution, for restoring order or maintaining it, wherever it might have been necessary. No sensible man would for a moment object to His Majesty's officers or those acting under their instructions being indemnified and protected against the consequences of acts done by them in good faith with reasonable care and caution in circumstances where the existence of martial law would be justified. But where the existence of martial law is not justified, where the very foundation upon which martial law rests is non-existent, I submit, these officers have to take their chance of having their cases adjudged and determined in the light of equity and justice by ordinary Courts in the country.

"Now, my Lord, the Hon'ble the Home Member said he did not want to prejudice the inquiry that the committee is going to make. But I am sorry to say his observations read outside this Council and in England will leave only one impression, though he may never have meant it. His speech could not be better framed if the object was to prejudice the inquiry than it was framed. My Lord, the Hon'ble the Home Member says: 'Well, I do not want to go into the facts—that is a matter for the Committee of Inquiry. But the Committee of Inquiry are not going to censure any man for performing any act in good faith.' What is this, my Lord? Why raise the question now? When you say the Committee of Inquiry is not going to pass any censure upon Government, what, I ask, is the Committee going to be allowed to do? Either state things frankly and fairly and leave the matter to the Committee's decision, or say frankly, as you have the power to say it, that you do not want any inquiry into these dark deeds and that you want to throw a veil over them. Throw it if you can; in this country you can do it, but of course the fear of the English public and Parliament might deter you from doing so. In that case I say stay, wait, do not proceed with this Bill until you have the report of the Committee of Inquiry. The Committee of Inquiry will certainly be prejudiced if they read the speech of the Hon'ble the Home Member. They might well take it as their instructions from the Government, because the Hon'ble the Home Member does represent your Excellency's Government in all these matters, even more perhaps than your Excellency does. Therefore, with this speech before the public, the public at any rate will consider it very remiss on that part of the representative of the Government to give expression to the opinions and remarks to which the Hon'ble Member has given expression to-day. The Hon'ble Member also said that he did not want to prejudice and points to a provision in the Bill, particularly guarding against the effect of this Bill upon any judgments which the Privy Council may wish to pronounce. But, my Lord, if you indemnify acts in the manner in which you are doing with the provisions in this present Bill, well may their Lordships of the Privy Council complain that you have done what no ordinary citizen is expected to do, namely, to pronounce judgment on some important aspects of the case, before they have had time to deal with them. My Lord, I wish here to make it very clear that I have done all that I could as an individual Member of this Council to postpone the discussion of questions of fact and law relating to the events that have occurred. I gave notice of questions—I do not refer to them now—I am only showing how I gave notice of these questions with a view to elicit facts which might postpone the introduction of the Bill. Many Members of this Council, if not all, were anxious and they expressed their desire to the representatives of Government that the introduction of this Bill might be delayed until the Committee of Inquiry had submitted their Report. My Lord, we are not anxious for any particular verdict. God knows I am not anxious that the fault or guilt shall fall upon any particular individual. I only want the facts to be proved; I only want that the facts being proved whosoever may have been responsible for these facts should stand a trial before the public opinion of this country and the public opinion of the Hight Court of England. We are only anxious that if you adopt a particular course, if you appoint a Committee of Inquiry to go into those facts, we only think it fair that a discussion upon facts which the committee has to deal with or the law which the committee may have to consider should be avoided. I should have been very glad to avoid such a discussion--it has been forced upon me and I wish this to stand on the record of the proceedings of this Council. But, my Lord, we are driven to this. The dead men of Amritsar and of other places, their souls appeal to us to point out to your Excellency's Government the facts which are cardinal, of vital importance, in a consideration of this affair. The men who have lost their sons, the men who have lost their brothers, the women who have lost their husbands, the mothers who have lost their sons who are mourning the deaths of these persons who have met an untimely end, they call for the most careful consideration of this affair. They call that no decision should be arrived at and that no Act should be passed which would prejudice a proper consideration of their case. The Government cannot say that the delay of a few months will really prejudice their position. If the Hon'ble the Home Member, advised by the Hon'ble the Law Member, felt that if a Bill like this is not passed every moment of detention of numerous persons who have been condemned by the Martial Law Commissions and the Martial Law Summary Courts in jail is an unjustifiable detention of such persons, why did the Government not introduce the Bill earlier? Why did you not call a meeting of the Legislative Council earlier to deal with this matter? If they have allowed so much time to pass, if it is only now that public opinion is forcing attention to those questions, to what has happened in the manner in which it is doing, that they now sit down and consider what they should do, and if they now want to introduce provisions to safeguard them, I say they might well have waited, they might well wait another few months until the Committee have reported.

"My Lord, there is a provision giving retrospective effect to the Bill; that provision might be of some use to those who want this Bill in order to prevent any evil result which they do not desire in cases which they may institute. I do not know of any case which has been instituted. I believe the Punjab has been frightened out of description; the Punjabis have been terrorised in a manner in which I have not known the people of any other part of the country to have been terrorised. In spite of the presence of Sir Edward Maclagan in the Punjab that terror has not yet entirely been removed from the minds of the people. In this state of things they are not anxious, I do not know that many are anxious, to institute any suits. I do not know that any suits have been instituted and that many are anxious to rush forward with cases into the Courts. All that they desire at present is, to know what has happened and to have it established and then to consider what should be done. Indeed, they might well expect the Government to take such action as the Government might think fit. Because you cannot expect that where the number of persons to whom injury has been done is so large and many of them are poor, it is hard to expect that they will be able, that many of them will be able, to seek redress and to obtain it. It is only if the conscience of the Government, to which the Hon'ble the Home Member referred, if the conscience of the Government should be stirred by the recommendations of this Committee of Inquiry, if the Government should think it that they owe it to His Majesty's Government and to the name of Britain and to British justice, to bring certain persons, they may be Indians, they may be Europeans, to bring certain persons to justice, it is only then there would be a chance of justice being done.

"My Lord, there is no reason why the Government should be in a hurry to proceed with the Bill.

"Now, having said this much on the general aspect of the Bill, I shall now address myself to some of its provisions and to the remarks which the Hon'ble the Home Member made in regard to it. The Hon'ble the Home Member said that, when martial law is introduced, the officers of Government have no time to wait, to examine things that they must take action, that they may perform acts which are illegal, but so long as they perform acts which are moral and proper they should be protected. From what I have said it will appear that it is very important to find out which acts come under that category, which though not legal are right and proper. Then he said that an Indemnity Bill of some character is the inevitable sequel of the introduction of martial law. I have myself said in the early part of my address that an Indemnity Act of a certain character may be inevitable, but this involves two important questions. What are the circumstances in which an Indemnity Act is passed? and what would be its nature? The Hon'ble the Home Member quoted Dicey, who himself says that the time the Act is passed must be one of national danger. I have shown that there was no national danger. In a few cases individuals lost their reason, were carried away by passion and committed acts, but we cannot say that these constituted national danger. My Lord, in this connection I wish to draw attention to the contrast furnished by a case I shall cite, and to which reference was made in the cablegram of the Indian Congress to which I alluded before in Council. At the time there was trouble at Lahore there was also trouble at Ahmedabad and Viramgam. His Excellency the Governor of Bombay allowed Mr. Gandhi to go to Ahmedabad and see the people and to work freely among them. He was able to satisfy the people and to quiet them, also to censure them for the outrages they had committed. Martial law was gone in a few days. That was all that was needed at places like Amritsar and Lahore at the utmost. I say there was no justification for martial law in Amritsar, because it was stated to be quiet after 5-30. Assuming even that there was justification for martial law on the 10th April, it should have been withdrawn by the 12th or 13th. The action taken in Ahmedabad forms a happy contrast and affords an instructive lesson in the light of what has happened here. The Hon'ble the Home Member says that there must be a period of national danger when martial law is introduced. I agree with him, but I submit that there was not a period of national danger in the Punjab to justify the introduction of martial law. The other point that he referred to in the quotation from Dicey was, that the acts done must be *bona fide* and solely in the public interest. It is only in such cases that the persons can be indemnified. I ask the Council, in view of what I have said, to judge whether a Bill of such a sweeping character should be placed before the Council in the light of events that exist now, at a time of non-ascertainment of facts and of the allegations which have been put forward on behalf of the people. Then he referred to various Colonial Legislatures including the South African which have passed Indemnity Acts.

"I may mention here that members of this Council are put to great inconvenience for want of a good library for ourselves. We have at times to borrow books, not only from the library of the Legislative Department which perhaps causes a little inconvenience, but also to get them from distant places in order to carry on our work. I am indebted for a copy of the Cape of Good Hope Act to the Hon'ble the Law Member, who at my request allowed me to refer to it. The absence of such books hampers our work; if we had such books we might be able to save the time of the Council. In the case of this Cape of Good Hope Act the question was considered by a Commission consisting of the Lord Chief Justice, General Ardagh and Judge Bigham of His Majesty's High Court. It consisted of a court of gentlemen of the type I should like to have seen here. It would support some other points to which reference was made in a previous Resolution. Now to come to this Act, VI of 1900. This was passed while the Boer war was going on. It set out the circumstances under which the Act was introduced. It was to punish those persons who had taken up arms against Her Majesty the Queen or otherwise assisted her enemies. It was for the suppression of hostilities and for the maintenance of good order. My Lord, this Act cannot afford any parallel for the legislation which is now under consideration. The Act passed in 1902, No. 4 of 1902, is also important. It was an Act to indemnify the Governor of the Colony and the officer commanding His Majesty's forces in the Colony and all persons acting under their authority and in good faith in regard to acts done or committed during the existence of martial law, to validate certain sentences passed by courts-martial or military courts and to confer certain powers on Commissioners to inquiring as to, and reporting on such sentences being still unexpired. And it promised indemnity in respect of certain acts, matters and things whatsoever that were ordered as necessary for the suppression of hostilities or the establishment and maintenance of good order and government in or for the public safety of the Colony between certain dates.

"Now, my Lord, I submit that here again it had reference to the suppression of hostilities or the establishment of good order and government. It has to be shown that this was necessary.

"Secondly, my Lord, this Act which, I think, has been taken as a model for the Bill which is now before the Council points out that it is only acts done or committed during the existence of martial law which can be indemnified. The Bill in the Statement of Objects and Reasons does say that 'the object of the Bill is to indemnify officers of Government and other persons for acts done *bona fide* in the course of martial law during the recent disorders, and to provide for the continuance of the sentences passed by courts established under martial law.' Yet, the Council will see that the provisions of the Bill go far beyond it. Whether this was deliberate or unintentional, I cannot say, but the Council will see that the Bill says in clause 2 'No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against any officer of Government, whether civil or military, or against any other person acting under the orders of any such officer for or on account or in respect of any act, matter or thing ordered or done or purporting to have been ordered or done for the purpose of maintaining or restoring order in any part of British India on or after the 30th of March 1919 and before the commencement of this Act.'

"Now, my Lord, martial law as we all know was proclaimed in Amritsar, and it came into force in Lahore on the midnight of the 15th or rather at 12 o'clock of the night between the 16th and the 17th. By what justification events which took place from the 13th March to the date on which martial law was proclaimed have been included in this draft of the Bill, I am unable to understand. Ordinarily such a Bill should be confined to the period during which martial law prevailed, but this Bill goes beyond that period, and the second terminus which it fixes is the commencement of this Act. I should like to know what justification there is for that either.

"My Lord, the second point to which I would refer is this. This Bill says that 'provided that such acts, matters or things were ordered or done in good faith in a reasonable belief that they were necessary for the said purpose.' This, my Lord, is very objectionable. All that you ought to provide for is, that action should be done in good faith and were in fact reasonable, necessary or expedient. You cannot say that if a man were to shoot his fellowman he has acted in a reasonable belief or in good faith. Now, is that man to be indemnified ? In this matter I would draw attention to a few observations of Mr. Justice Chamberlain in one of the State trials which took place in 1799. It was the case, my Lord, of Wright *vs.* Fitzgerald. Wright brought a suit against Fitzgerald for assault and battery. He had been flogged by the order of Fitzgerald. 50 lashes had been given to him and in addition 50 more. Now, in disposing of that case, Mr. Justice Chamberlain proceeded to charge the jury as follows :—'His Lordship said that the jury were not to imagine that the legislature, by enabling Magistrates to justify under the Indemnity Bill, had released them from the feelings of humanity, or permitted them wantonly to exercise power, even though it were to put down rebellion. No ; it expected that in all cases there should be a grave and serious examination into the conduct of the supposed criminal ; and every act should show a mind intent to discover guilt, not to inflict torture. By examination or trial he did not mean that sort of examination and trial which they have been then engaged in, but such examination and trial, the best the nature of the case, and the existing circumstances would allow of.' That was what Mr. Justice Chamberlain said. He said that 'every man, whether Magistrate or not, was authorised to suppress rebellion, and was to be justified by that law for his acts, it is required, that he should not exceed the necessity which gave him the power ; and that he should show in his justification, that he had used every possible means to ascertain the guilt which he had punished ; and above all, no deviation from the common principles of humanity should appear in his conduct.'

"My Lord, the Legislature is asked at this moment . . . .

The Hon'ble Sir George Lowndes :—"Will the Hon'ble Member kindly give me the reference ?"

The Hon'ble Pandit Madan Mohan Malaviya :—"It is State Trials, Vol. XXVII, 1820. Now, my Lord, I submit that in these remarks of Mr. Justice Chamberlain, we get a great guidance for our work in which the Council is at present asked to engage itself. We are not a Court sitting here to consider whether a person charged for having committed any particular act during the recent disturbances should have a decree passed against him or should be exempted. The Legislature is sitting at present to lay down the principles and the provisions under which the case of such a man should be tried and considered, and, I submit, the remarks of Mr. Justice Chamberlain are therefore of peculiar help and guidance to us here.

"In the Bill what is provided is that—

> 'It is expedient to indemnify officers of Government and other persons in respect of acts, matters and things ordered or done or purporting to have been ordered or done for the purpose of maintaining or restoring order, provided that such acts, matters or things were ordered or done in good faith and in a reasonable belief that they were necessary for the said purposes.'

"Now, my Lord, my particular objection is to the expression 'in a reasonable belief.' I submit that would make it impossible for any plaintiff, ordinarily speaking, to succeed in any suit which he might institute against any individual who had wronged him. And that is particularly so when you look at section 2, for it says that no suit shall lie against any officer of Government who may have done certain things, 'provided that such officer or person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes.'

"Now, my Lord, I submit that the officer must not only show, even apart from the rules of evidence in section 3, to which I shall refer later, that he had not only done the act in good faith, but he should have done it with reasonable and proper care and consideration. In the words of Justice Chamberlain 'he should not have deviated from the common principles of humanity which should always appear in his conduct.' Now, I submit, my Lord, that the Bill goes much further than this and gives a protection which is not justified by previous enactments, or by considerations of reason and justice. In that case, my Lord, the charge was that Fitzgerald had been wrongly flogged. In this case we have many cases in which flogging was resorted to rather freely. In that case, in concluding the judgment of the case, Lord Elverton, speaking of the defendant, for whom it had been pleaded that he had done many acts of loyalty, said: 'he had indeed manifested his loyalty most fully for he had manifested it in blood and written it in blood on the plaintiff's back'. My Lord, here too the backs of many persons bear evidence of the deeds that have been done, and they should be allowed to ask those who so injured them to prove that they had acted with reasonable care and caution in the interests of public peace and good order, and not deviating from the principles of humanity.

"My Lord, these provisions to which I have drawn attention become much more objectionable when you come to clause 3 which says:—

> 'For the purpose of section 2 a certificate of a Secretary to Government that any act was done under the orders of an officer of Government shall be conclusive proof thereof, and all action taken for the aforesaid purposes shall be deemed to have been taken in good faith and in a reasonable belief that it was necessary therefor unless the contrary is proved.'

"My Lord, what is given with one hand is taken away by this clause in section 3 of the proposed Bill, because if a certificate from a Secretary to Government that any act was done under the orders of an officer of Government shall be conclusive proof thereof, and all action taken for the aforesaid purposes shall be deemed to have been taken in good faith and in a reasonable belief that it was necessary therefor, I submit you are shutting out all chances of success for any plaintiff who may wish to have a suit instituted, to have an injury done to him investigated. You say, unless the contrary is proved, an action shall be deemed to have been taken in good faith and a reasonable belief that it was necessary. Let us assume—I may be doing an injustice to the gentleman, but I have him as an illustration—that Mr. Mani Lal, Barrister-at-law, instituted a suit, brings an action for compensation, for damage for the wrong done to him in his being confined in the manner in which he is confined, in a cell and otherwise, why should he be asked to prove that the person who caused him the injury acted without good faith and without a reasonable belief? Why should not the burden of proving that he acted in good faith and reasonable belief be cast upon the defendant? It ought to be sufficient for the purpose of a fair trial of a character like that in any Court that the plaintiff should state before the Court on oath the facts of the case, and if the facts of the case did not show that he was either a criminal or had been condemned, or that he was guilty of any act for which he should be locked up, then it should be for the defendant to establish that the facts were such that he could not but act in the manner in which he did, and that therefore he should be excused for having so acted. It is a double wrong, my Lord, a double wrong to plaintiffs, to persons who are subjected to all these humiliations and wrongs, that they should be called upon to prove that those who oppressed them had acted without good faith and without reasonable belief. I submit, my Lord, this clause should be deleted, and it is only possible for anybody to think of having a chance of success if it should be deleted. Then, my Lord, in this connection I may say that to require the plaintiff to prove that he has acted in good faith and reasonable belief is entirely wrong. How can the plaintiff exercise an attribute of omniscience, how can he search into the heart of the defendant and show an intimacy with the motives of a stranger only known to him by his tyranny and oppression, and prove that the injury he received has been the consequence of malicious intention, a thing which it is impossible for him to prove, or that the act has been done in the suppression of rebellion. Motives can only be inferred from actions, and it is for the defendant to show that his motives were such as to justify his actions being excused. It will be entirely difficult for the plaintiff to prove things specially within the knowledge of the defendant. My Lord, I submit therefore that this portion of the Bill is open to grave objection, and that it takes away in one clause what it appears to give in another.

" Now, my Lord, there are other objections to which the Bill is open. I will go back to the preamble:—

> 'Whereas owing to the recent disorders in certain districts in the Punjab and in other parts of India, it has been necessary for the purpose of maintaining or restoring order to resort to martial law.'

" Now, my Lord, this would bring in other places. I do not know how this wide wording will affect acts done in Delhi, for instance, and in Calcutta. The object of the Bill should be clear and the language that is used should be modified in order to make it clear. I am not sure, as the preamble stands, whether it does not also cover places where no martial law was established.

" Then, my Lord, I come to clause 4, confirmation and continuance of martial law sentences. This Bill provides that :—

> 'Every person confined under and by virtue of any sentence passed by a court or other authority constituted or appointed under martial law and acting in a judicial capacity, shall be deemed to have been lawfully confined. And, my Lord, it goes on to say : and shall continue liable to confinement until the expiration of such sentence, or until released by the Governor General in Council or otherwise discharged by lawful authority.'

" My Lord, I must say that this provision of the Bill has shocked me most. I think, my Lord, that the statement of the Hon'ble the Home Member made it clear that the Government of India are conscious that, unless an Indemnifying Bill of the nature now before the Council, that is to say, unless a legislative provision of the nature embodied in clause 4 is passed by this Legislative Council, the detention of men who have been sentenced by martial law courts will be illegal. I take it, my Lord, that that is the position. That being so, I submit it is wrong to these people that the help of the Legislature should be invoked, not for remitting or wiping off the convictions or sentences, but for confirming them and continuing them. My Lord, it seems to me that the Bill was not conceived with sufficient care and deliberation ; that the various acts and provisions which were necessary were not fully considered at one time ; and it seems to me that, if the model of even the Acts of South Africa had been kept fully before the mind of the Government, the Bill might have been drafted, might have been cast, in a different mould, might have consisted of different provisions. The Hon'ble the Home Member, and, I suppose, the Hon'ble the Law Member, perhaps on referring to the South Africa Act, Act IV of 1902 of the Cape of Good Hope, have noticed that there was a provision made for a revision of the sentences of those who had been convicted or sentenced by the martial law authorities. Now, my Lord, perhaps to make up for that omission, the Hon'ble the Home Member has to-day announced the decision of the Government of India that two Judges of the High Court will be appointed to revise the sentences passed by summary courts. I welcome that announcement, but it only strengthens my suspicion that the matter was not considered in all its aspects when the Bill was drafted. Now, my Lord, I want to draw attention to the provisions of the Act of the Cape of Good Hope. May I ask the Hon'ble the Law Member for a copy of that Act, Act IV of 1902?"

The Hon'ble Sir George Lowndes :—"It might save the Hon'ble Member trouble if I were to inform him that that was not the Act which we took as a model at all, but the later Act of 1915, of which he does not appear to know."

The Hon'ble Pandit Madan Mohan Malaviya :—"I thank the Hon'ble the Law Member. I did not know of the Act of 1915 or, at any rate, I did not remember it in the midst of the Statutes which were noted by my friends who have been working for me in this matter and helping me. But I am thankful to the Hon'ble the Law Member for informing me of it, and I shall feel thankful to him if he will let me have a copy of that Act also."

The Hon'ble Sir George Lowndes :—"Certainly, after the Hon'ble Member has finished."

The Hon'ble Pandit Madan Mohan Malaviya :—"My friend, the Law Member, need not be so afraid of letting me look at the Act before I finish; I might find some help from it. However, I shall be content for such courtesy as he thinks fit to extend to me.

"Now, my Lord, this Act, Act IV of 1902, contains a very important provision regarding the confirmation of sentences passed by military courts. I beg to draw your Lordship's attention and the attention of the Council to this section, which runs as follows :—

'The several sentences pronounced by Courts-Martial constituted and convened by proper authority, and holden in districts of this Colony in which martial law was proclaimed or imposed, and during the existence thereof, upon persons not ordinarily subject to Military Law tried by such Courts for acts of high treason, murder, or for all or any other crimes or offences whatsoever or for all or any contraventions of any Regulations expressed or purporting to be issued under martial law and commonly termed Martial Law Regulations are hereby confirmed : and all such persons confined in any prisons or other legal places of confinement within the Colony under or by virtue of such sentences shall be deemed to have been and to be legally confined there, and shall continue to be so confined, there or elsewhere, as the Governor may direct, until the expiration of the sentences respectively passed upon them or until they are discharged by lawful authority, and such sentences shall be deemed to be sentences duly passed by duly and legally constituted Courts of this Colony and shall subject in each and every case to the provisions of the ninth and tenth sections hereof be carried out or otherwise dealt with in the same manner, and sentences of such Military Courts as aforesaid shall be followed by the same disabilities, if any, as sentences of the Courts of this Colony.'

"The second part of this goes on to say :—

'Each and all of the officers of the prisons or other legal places of confinement mentioned in the preceding sub-section who have, or had at any time in good faith received into, or kept in confinement any of the persons mentioned in the said preceding sub-section shall be deemed for all purposes to have acted legally.'

" And the third part is also important. It went on to say :—

'All persons in this Colony who have been deported without the limits thereof under and by virtue of any of the foregoing sentences referred to in the preceding sub-section shall be deemed to have been and to be legally deported without the limits of this Colony, and such acts or cases of deportation as aforesaid shall be deemed to be among, and shall be included under the acts, matters and things referred to in the second section of this Act.'

"Now, my Lord, the object of this, I submit, was to legalise the sentences which had been passed no doubt, but there was the important fact that there was a war waged against the Queen, I think it was then. Secondly, my Lord, it was to confirm the sentences, particularly in the case of persons not ordinarily subject to military law tried by such courts for acts of treason, murder or for other crimes or offences or for any contraventions of any Regulations expressed or purporting to be issued under martial law and commonly termed Martial Law Regulations. Now, my Lord, this provision was made and the object was that the punishments which had been inflicted should be regarded as legal and that a suit should not lie against persons because they had confined these men in imprisonment or deported them. Your Lordship will have noted that in section 2 jailors are indemnified, in part 3 certain acts are validated, and, therefore, I submit, the object was more to legalise the acts which had been done and the punishments which had been suffered and which might be suffered as a matter of necessity until they were remedied later on. And this was accompanied, my Lord, by a very salutary provision, because your Lordship will be pleased to note that while this General Indemnity Act was passed on the 15th September 1902, there was a Commission appointed at the same time, dated the 2nd of August 1902. Edward VII, by the Grace of God of the United Kingdom of Great Britain and Ireland, appointed a Commission. That was in the first schedule of the Bill. It was not an extraneous announcement by the Hon'ble the Home Member that the Government of India would be pleased to appoint two High Court Judges—and here I may say that the public have come, my Lord, not to have the same confidence in High Courts after the troubles in the Punjab—to revise sentences passed by summary Courts. My Lord, this ought to be a part of the Bill so that the public might know that there is sufficient and adequate provision made for a revision of those sentences.

"The first Schedule, my Lord, sets out the Commission passed under the Royal Sign Manual and Signet appointing the Right Hon'ble Baron Alverstone, Sir John Charles Bigham and Major-General Sir John Charles Ardagh, to be Commissioners to inquire into the sentences imposed by the military courts established under martial law in the South African Colonies and Protectorates and appointing Gilbert Mellor, Esq., to be Secretary to the Commission. Your Lordship will see that the Lord Chief Justice of England was the President of the Commission and Justice Bigham 'one of the justices of our High Court of justice' was a member and also General Sir John Charles Ardagh, K.C.I.E., was a member. Now, I draw attention to certain provisions of this Schedule. It runs :—

'WHEREAS in consequence of the war declared by the late governments of the South African Republic and Orange Free State against Her late Majesty Queen Victoria, it became necessary to proclaim martial law in our colonies and protectorates in South Africa; and whereas certain persons have been by military courts established under martial law in the said colonies and protectorates sentenced to terms of penal servitude and of imprisonment and to the payment of fines and are now undergoing the said sentences and have not paid but are liable to pay the said fines;

'AND WHEREAS the aforesaid war having now ceased it is expedient that inquiry should be made with regard to the aforesaid sentences with a view to ascertaining whether we might properly and without danger to the public safety of our said colonies and protectorates extend our grace and mercy to any of such persons and where such sentences and any and which of them might properly be by us remitted or reduced

'Now, know ye that we considering the premises and reposing great trust and confidence in your fidelity and discretion and integrity, do authorise and appoint you the said ..... (three persons) to be our Commissioners to inquire into the said sentences imposed by military courts established under martial law in our said colonies and protectorates and with as little delay as possible to report to us in writing under your hands and seals respectively whether in the case of the said persons and of which of them respectively who shall be at the date of your report then undergoing any such sentence or who shall not have paid but shall then be liable to pay any such fines, it is expedient, having regard to all the circumstances relating thereto, that such sentences of fines should be remitted or reduced.'

"Now, my Lord, your Lordship will please note the expression 'and to report with as little delay as possible.' That, my Lord, was incorporated as part of the Bill. I shall feel grateful to the Hon'ble the Law Member if he will kindly give me Act VI of 1900 also . . .

The Hon'ble Sir George Lowndes:—"I was in hopes, my Lord, that I had not got it, but I have."

The Hon'ble Pandit Madan Mohan Malaviya :—" Now, my Lord, there is an important provision in this Act of 1900, to which I invite the attention of Council and the Government. My Lord, the whole attitude of the Government as disclosed in the case of these two enactments and as disclosed by the Bill presented to this Council shows, I am sorry to say, a regrettable difference. Now, my Lord, in the case of this Act of 1900 (VI of 1900), there was a provision to confirm sentences, merely to legalise, as I have pointed out already, what has been done. This is what it says :—

> ' All actions, indictments and legal proceedings whatsoever which might be brought or instituted in any of the courts of this colony against His Excellency the Governor of the Cape of Good Hope or the officer for the time being in command of His Majesty's Forces in this colony or against any person or persons acting under them or either of them respectively, in any command or capacity, civil or military, for or on account or in respect of any acts, matters, and things whatsoever in good faith advised, commanded, ordered, directed or done as necessary for the suppression of hostilities in or the maintenance of good order and government or for the public safety of this colony between the date of the commencement of a state of war between Her Majesty's Government and the Governments of the South African Republic and the Orange Free State and the date of the taking effect of this Act, shall be discharged and become and be made void.'

" Then, my Lord, it is said in section 5 :—

> ' In all cases of convictions for high treason or other crimes of a political character during the period specified in section 1 of this Act, where such convictions have taken place before courts-martial or military courts constituted, convened and held as in the last preceding section set forth or where they have taken place before the ordinary criminal courts having jurisdiction over them, it shall be lawful for the Governor, should he consider that any such case would, had it been dealt with after the taking effect of this Act, have been a case proper for the consideration of the Commissioners appointed under section 33 hereof, to order that the said sentences imposed upon such persons shall be altered into the sentence laid down in section 50 of this Act. The person affected by any such sentence shall thereupon become liable to suffer the penalty imposed by the said fiftieth section and no other.'

" That is to say a sentence under section 50 has been substituted for the one already imposed. Section 50 says :—

> ' The said Commissioners shall, after hearing the evidence, if any, for and against the accused, decide whether he is guilty or not of the charge brought against him, and in all cases in which an accused person shall be found guilty, the said Commissioners shall adjudge that he shall be, for the period of five years and no longer, disqualified from being registered as a voter or from voting for the election of members of Parliament, or of a Divisional or Municipal Council, or of a Village Management Board or from being or continuing to be a member of Parliament, or from holding any public office, or continuing upon the Commission of the Peace or from serving upon a Jury in civil or criminal cases, anything contained in any Law or Act of Parliament to the contrary notwithstanding; and thereupon such person shall be in Law absolutely disqualified, in regard to all the aforementioned matters and his name, if upon any existing voters' list, shall be and is hereby removed therefrom, and the vote of any such person given at any such election shall be null and void and may be struck out in any proceeding in which the result of such election is challenged in any competent court. Save as hereinafter provided the findings or decisions of the said Commissioners shall not be subject to appeal to or review by any Court whatever.'

" Now, my Lord, you will see what an important difference of outlook and aim these provisions of the indemnifying Acts to which I am referring show as compared with the provisions of this Bill. My Lord, these Commissions were appointed as part of the Bill, and they were given power to wipe off all other sentences and to substitute a municipal disqualification. It was not in ordinary trifling cases, cases of not salaaming a European, but it was in cases of high treason and in all cases of convictions for high treason or for other crimes of a political character during the period specified in section 1 of that Act.

"The other day, my Lord, I brought forward a Resolution and urged that the Government might consider the advisability of the Committee of Inquiry (or the commission which I suggested) being empowered where they thought fit to recommend to His Majesty's Privy Council that convictions by Martial Law Commissions and Martial Law Summary Courts might be annulled or modified. My Lord, this Act to which I make reference shows further reason in support of my proposition. It is said by the Hon'ble the Home Member that he Government of India are going to appoint two High Court Judges to revise these sentences. My Lord, the Government of India cannot constitute a court. The Government of India cannot constitute a regular court. The Governor General can no doubt introduce martial law and constitute certain courts under martial law, but the Government of India cannot constitute a regular court.

"If these two High Court Jugdes are to revise the sentences that will not be a court. They will only be advisers, very honourable advisers of the Government of India in respect of the cases which the Government of India may deal with. I submit with confidence, notwithstanding what the Hon'ble the Law Member may say to the contrary on this point, that the Government of India cannot by appointing two High Court Judges to revise sentences passed by martial law invest them with the authority of a legal court . . . .

The Hon'ble Sir William Vincent:—"I never suggested anything of the kind."

The Hon'ble Pandit Madan Mohan Malaviya:—"I thank the Hon'ble the Home Member for removing my doubts on the point. I should like to know what will be the position of the two Judges. I should feel grateful to the Hon'ble the Home Member if he will make the point clear, it will save time. I do not know if they are merely to advise, whether their opinions will be merely recommendations to be considered by the executive Government, or whether they will have power to deal with sentences, wipe out convictions, reduce sentences or whatever else they would like to do. I should be very grateful if the Hon'ble the Home Member will enlighten me on that point."

At this point the Hon'ble Mr. Malaviya resumed his seat.

The President:—"The Hon'ble Member will proceed with his speech."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I take it, in the absence of any explanation from the Hon'ble the Home Member that the matter is left vague. I submit that in the absence of further information these two Judges will be merely advisers to the Government. I submit that that will not be a satisfactory position. Next, I should like the Government to consider the propriety of including in the terms of reference some direction such as that contained in Act VI of 1902 of the Cape of Good Hope. By this time, in view of what has happened and that has not been contradicted or controverted, it is time for the Government of India to make up its mind to release these persons who are undergoing imprisonment from further humiliations and hardships. I submit that this is a suitable moment for the Government to consider this matter. If the Bill proceeds as it is, then, I submit, the position will be this. We do not know how long these High Court Judges may take to deal with the cases of these men, the procedure has not been indicated, and therefore no one can form any idea of the time and therefore 'every person confined under and by virtue of any sentence passed by a court or other authority constituted or appointed under martial law and acting in a judicial capacity shall be deemed to have been lawfully confined and shall continue liable to confinement under the expiration of such sentence or until released by the Governor General in Council or otherwise discharged by lawful authority.' I submit that that is not a satisfactory position, particularly in view of the remarks which the Hon'ble the Law Member made. He said he had consulted the Government of the Punjab, and it was of opinion that it would be dangerous to let off any of the men who were undergoing imprisonment at present and who were under sentence passed by martial law. I suggest that if it should be pointed out to His Honour the Lieutenant-Governor of the Punjab that if there are persons who are considered dangerous, there are provisions under the existing enactments by which they can be taken up and judicially proceeded against and confined. There are many provisions under the existing enactments which enable the executive Government or any Government to proceed against persons of doubtful character or dangerous and bind them over to keep the peace and to be of good behaviour. It is open to the Government to have them tried in the regular courts in the ordinary way. Great complaints have been made that these convictions and sentences are illegal. The Hon'ble the Home Member has practically admitted the truth of this contention and, unless some provision such as I am referring to is enacted, these unhappy men will continue in jail. That being the position I submit that there should be some provision by which these men should at an early date be set free to enjoy the liberty to which they are entitled, and if they are not entitled to that liberty by a reason of any act of wrong doing the ordinary courts of the law should be allowed to deal with them. I need hardly draw attention to the remarks of Lord Halsbury, but it is my duty to refer to certain information which has been printed and reproduced in an excellent volume by Sheikh Nabi Bakhsh, a Vakil of the Punjab High Court. Your Lordship and the Council have noted what Lord Halsbury states in the 'Laws of England' that the powers of the military authorities cease, and those of the civil courts are resumed *ipso facto* on the termination of disorder. Disorder terminated long long ago and martial law was also discontinued partly in May and partly in June, and finally last month. I think it was about the 25th or 28th of August. Therefore the course I am suggesting is the right course to be pursued ; let there be such a provision enacted as that to which I have drawn attention, unless it be a case of murder or arson ; let the men be proceeded against in the ordinary way. They have the right to choose in the matter and some may not choose that course. This question of martial law has been very carefully explained in various places. For instance, Justice Sir James Fitz James Stephen, a Judge of the High Court of the Queen's Bench Division, in his book the History of Criminal Law of England, says. I will read only his summing up to save time. He says, "I will sum up . . . . .

The President :—"I understand it is your summing up also."

The Hon'ble Pandit Madan Mohan Malaviya :—"No my Lord, I am reading the summing up of Sir James Fitz James Stephen."

The President :—"All right, proceed."

The Hon'ble Pandit Madan Mohan Malaviya :—"He says :—

> "I may sum up my view of martial law in general in the following propositions. Martial law is the assumption by officers of the Crown of absolute power exercised by military force for the suppression of an insurrection and the restoration of order and lawful authority. The Officers of the Crown are justified in any exertion of physical force extending to the destruction of life and property to any extent and in any manner that may be required for the purpose. They are not justified in the use of the cruel and excessive means but are liable civilly or criminally for such excess. They are not justified in inflicting punishment after resistance is suppressed, and after the ordinary courts of justice can be re-opened.'

The principle by which their responsibility is measured is well expressed in the case of Wright *versus* Fitzgerald. Wright was a French Master at the schools in Clonmell who after the suppression of the Irish rebellion in 1799 . .

The President :—"The Hon'ble Member really must not repeat himself. We have already had the case of Wright *versus* Fitzgerald for half an hour."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I am quoting the summary of Sir James Fitz James Stephen . . . .

The President :—"I am quite aware of that. But we have all heard the case of Wright *versus* Fitzgerald for half an hour this afternoon, and I do not propose that we should hear it again."

The Hon'ble Pandit Madan Mohan Malaviya :—"Very well, my Lord. Then Sir James Fitz James Stephen proceeds to say :—

> 'The Courts-martial as they are called, by which martial law in this sense of the word is administered, are not properly speaking, Courts-Martial or courts at all. They are merely

committees formed for the purpose of carrying into execution the discretionary power assumed by the Government. On the one hand, they are not obliged to proceed in the manner pointed out by the Mutiny Act and the Articles of War. On the other hand, if they do so proceed they are not protected by them as the member of a real court-martial might be except so far as such proceedings are evidence of good faith. They are justified in doing, with any forms and in any manner whatever is necessary to suppress insurrection, and to restore peace and the authority of the law. They are personally liable for any acts which they may commit in excess of that power, even if they act in strict accordance with the Mutiny Act and the Articles of War.'

"Therefore, my Lord, after the resistance has been suppressed the ordinary courts of justice can be re-opened and cases of persons who cannot be released entirely might well be referred to such courts. I will refer to one other opinion, namely, that of Mr. Justice Spankie. Writing on this subject,—this is a written opinion, dated the 27th April 1818 :—

'The manifest intention of Government in its legislative capacity was, that none but cases of the simplest and most obviously criminal nature should be the subject of trial by the courts-martial ; the fact, whether a person was taken in the actual commission of an overt act of rebellion, or taken in the act of openly aiding and abetting the enemies of the state or taken in open hostility, might safely be tried by such courts ; and such a provision for trial was calculated to prevent military severity in the field becoming absolute massacre. But all complex cases depending upon circumstantial proof and requiring either a long examination of facts or a discriminating inference from facts in themselves equivocal were purposely withdrawn from the cognizance of these tribunals. It never was intended that courts-martial should try, as those have done, acts even of criminal nature, in which the prisoner was not taken and unless the acts were open overt acts and of the most material palpable quality.'

In another portion he says 'that the moment the order is ceased the ordinary jurisdiction of the courts can be resumed '. Now, my Lord, I submit that the provisions of the Bill as they stand are unsatisfactory, and leave should not be given to introduce the Bill in its present form. Now, if the Bill is not introduced, my Lord, in its present form, as I have said before, not much harm will be done, and the Government will be in a position to deal with the matter after the report of the Committee of Inquiry. I wish, my Lord, to point out the grave injustice and disadvantage which is likely to result if the Bill is passed at present. Of course it is in the power of your Excellency's Government to pass the Bill. We know it. We have had recent experiences to convince us of it. You do command a large official majority in this Council. The representatives of the people are few. But I submit, my Lord, in this matter it would be right and proper that your Excellency's Government should consider what the public opinion of the country is. Shall we stop now ?"

The President :—"Is the Hon'ble Member concluding his speech ?"

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I should like to conclude to-morrow."

The President :—"The Council will now adjourn till 11 o'clock to-morrow. We shall sit from 11 to half-past 1, and we shall sit again from 3 until we finish."

The Council then adjourned to Friday, the 19th September 1919, at 11 A.M.

SIMLA :
The 30th September, 1919.

H. M. SMITH,
Offg. Secretary to the Government of India,
Legislative Department, Simla.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Friday, the 19th September, 1919.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 52 Members, of whom 44 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :— 11-5 A.M.

1. "To what extent have the cultivation and production of cotton increased during the last five years in each province, and what action do Government propose to take on the report of the Cotton Committee?" Increase of cultivation and production of cotton.

The Hon'ble Mr. R. A. Mant replied :—

"A statement* giving the area and yield of cotton in each Province (including Indian States) in India for the five years ending with 1918-19 is placed on the table.

The Resolution of the Government of India in the Revenue and Agriculture Department, on the Report of the Indian Cotton Committee, which was published in the Supplement to Part I of the Gazette of India, dated the 9th August 1919, indicates broadly the lines on which it is proposed to deal with the recommendations in the Report of the Committee."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

2. "What are the causes of the high prices of food grains, and how far, if at all, is profiteering or any other remediable factor responsible for the same, in each province?" Causes for rise in prices.

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*Vide Appendix

The Hon'ble Mr. R. A. Mant replied :—

"I would refer the Hon'ble Member to what I said in the debate on the Resolution moved by the Hon'ble Mr. Chanda on the 15th instant."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Action contemplated for checking the rise in prices.

3. "Will Government be pleased to indicate the lines on which action is contemplated for checking the upward course of prices of foodstuffs, and for affording adequate relief against the same?"

The Hon'ble Mr. R. A. Mant replied :—

"I would refer the Hon'ble Member to the same debate. I may add that the Committee which Council recommended the Government of India to appoint to consider this question will meet to-morrow at Gorton Castle."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Taking over of rice intended for England by Government.

4. "Has the attention of Government been drawn to a statement appearing in the 'Rangoon Times' that the Royal Commission on wheat supplies holds in Burma large quantities of rice bought last year and apparently not needed in England, and that the same might be taken over by the Government of India for meeting the demand of Bengal and Madras? Are Government making inquiries in the matter?"

The Hon'ble Mr. R. A. Mant replied :—

"Yes. The unshipped balance of old crop rice held in Burma by the Royal Commission on Wheat Supplies amounts to 18,800 tons. The statement that this rice is not needed in England is not correct. The Royal Commission recently asked to be permitted to purchase an additional quantity of 25,000 tons of rice in Burma, but this request was refused."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Improvement of stocks of food supplies throughout the country.

5. "What proposals, if any, have been resolved upon to improve the stocks of food supplies throughout the country?"

The Hon'ble Mr. R. A. Mant replied :—

"I would refer the Hon'ble Member also to the reply which I have just given to the Hon'ble Maharaja Sir Manindra Chandra Nandi."

The Hon'ble Sir Dinshaw Wacha asked :—

Indian traders in East Africa.

6. "(*a*) Has the attention of Government been drawn to a statement made by the Indian Merchants' Chamber in their representation to the Government of Bombay regarding East African trade to the effect that colour prejudice which is responsible for a great deal of mischief in South Africa has begun to make itself felt even in East Africa, and that the segregation campaign is in full swing there too?

"(*b*) Have any steps been taken, or are any steps intended to be taken, to safeguard the rights and privileges of the Indian trading community in that country?"

The Hon'ble Sir George Barnes replied :—

"The attention of the Government of India has been drawn to a statement which was published in the Press made by the Committee of Indian Merchants' Chamber and Bureau regarding East African trade.

I regret to say that the statement of the Committee that colour prejudice has begun to make itself felt in East Africa, appears from the information which we received from various sources, to be not unfounded. In March last we received a deputation of Indians from East Africa, headed by Mr. Alibhai Jeevanji, and were much impressed with the sober and convincing way in which they stated their grievances. His Excellency the Viceroy at once telegraphed a summary of their grievances to the Secretary of State and urged strongly that their claims should receive sympathetic consideration. The memorial presented by the deputation was subsequently forwarded to the Secretary of State with a despatch, in which the Government of India urged that there was no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects resident in the Colony. The Government of India further urged not only that the more galling disabilities of Indians in East Africa should be removed, but also that their claims to a share in the government of the country, by adequate representation on the Legislative Council and on local bodies, should be sympathetically considered.

The Committee's statement also refers to another grievance, which was not mentioned by the deputation, namely, that an attempt is being made to remove Indian ginneries from leading industrial places like Kampala. It had already been brought to the notice of the Government of India that the cotton policy of the Uganda Government was likely to injure Indian trade interests. We have more than once addressed the Secretary of State on the subject, protesting most strongly against restrictions on trade which particularly affect the Indian owned ginneries at the ports. The Hon'ble Member will be glad to hear also that a meeting of the Uganda Chamber of Commerce, at which only one Indian was present, passed a resolution that the proposals of the Uganda Government, if carried out, would constitute a very grave injustice to the ginning industry and would be a serious interference with the freedom of trade.

Regarding the policy of segregation to which the Hon'ble Member specifically refers, we have received papers from the Secretary of State from which it appears that a Report on Sanitary Matters in the East Africa Protectorate, Uganda and Zanzibar, by Professor W. J. Simpson, C.M.G., M.D., F.R.C.P., has recommended the division of residential areas into separate zones, in which different building regulations should be enforced by the sanitary authorities. The Secretary of State has already protested against any such division being based on racial discrimination, and has pointed out that Professor Simpson himself has observed in his Report that the division into separate zones would not prevent any European, Asiatic or African from owning land or buildings in any zone, provided they conformed to the provisions relating to these zones. The Secretary of State for the Colonies has promised to give further consideration to the question."

The Hon'ble Sir Dinshaw Wacha asked :—

7. "Have Government formulated any definite proposals regarding the report of the Indian Industrial Commission? If so, what are the proposals?" **Report of the Indian Industrial Commission.**

The Hon'ble Sir George Barnes replied :—

" I have nothing to add to the statement made on this subject by His Excellency the Viceroy in his speech at the opening of this Session of the Council, which gives all the information at present at our disposal."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

The Indian Majority Act.

8. " (*a*) Are Government aware of the decision of the Madras High Court in S.A. No. 1277-1916, regarding the right of a Muhammadan girl to release her dower ?

(*b*) Has their attention been drawn to a letter on 'The majority of Muhammadan women', which appeared in the 'Madras Mail' of the 5th March 1918 ?

(*c*) Do Government contemplate a change in the provisions of the Indian Majority Act, 1875, so as to exempt Muhammadan women of sixteen years of age and over, (who according to Muhammadan Law have attained majority) from the operation of the Act ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) Yes.

(*b*) No.

(*c*) Government will examine the question of the desirability of amending the Act of 1875. "

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Measures taken to control and check the growth of food prices.

9. " (*a*) What measures have been adopted and what further measures are proposed to control and check the growth of food prices in the different provinces ?

(*b*) Will Government lay on the table a statement for each province, describing the steps taken so far to mitigate the sufferings of the poor on account of the high prices of foodstuffs ? "

The Hon'ble Mr. R. A. Mant replied :—

" The Foodstuffs Commissioner has been instructed to write a report on the operations of his Department in the past year, and this report will be published. It will contain information in general terms on the questions referred to by the Hon'ble Member. Local Governments will no doubt consider the advisability of obtaining, for publication, similar reports from their Directors of Civil Supplies. "

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Pension of Mahomed Hayat of Kurnool.

10. " (*a*) Have Government received any petitions from Mahomed Hayat, Khan Bahadur, a political prisoner at Kurnool, regarding the increase of his pension ?

(*b*) If so, what action do they propose to take in the matter ?

(*c*) Do they propose to grant substantial allowances to the Khandans at Kurnool ? Are not these Khandans now in receipt of small pensions ? "

The Hon'ble Lieutenant-Colonel R. E. Holland replied :—

"(a) A petition dated the 17th October 1911 was received direct from Muhammad Hayat Khan and was sent to the Government of Madras with the request that the petitioner might be informed that his representation could not be entertained by the Government of India unless submitted through the local authority. Further direct petitions were received in December, 1911, January, 1913, and February and August 1919, and were similarly forwarded to the Local Government for disposal.

(b) The Government of India do not propose to take any action in the matter unless they are addressed by the Local Government.

(c) The Kurnool pensions are administered in accordance with principles formulated by the Government of Madras in 1890 and approved by the Government of India. The Government of India have not received from the Madras Government any proposals for the increase of any of the pensions now granted, nor have they any recent information as to the amounts disbursed to individual pensioners."

The Hon'ble Mir Asad Ali, Khan Bahadur put a supplementary question which was inaudible.

The President :—"I think if the Hon'ble Member would let Colonel Holland hear his supplementary question, he would be able to reply to him."

The Hon'ble Mir Asad Ali, Khan Bahadur :—"Regarding this third part, I should like to know whether the Government of India will ask the Local Government for their opinion on account of the scarcity and high prices of grain?"

The Hon'ble Lieutenant Colonel R. E. Holland :—"I understand that the Hon'ble Member wishes to know whether the Government of India will ask the Local Government whether, on account of the high prices of grain, some increase might not be made in the pensions. I have discussed the matter with the Hon'ble Mr. Marjoribanks, and I propose to go through the file with him and, if I may answer the Hon'ble Member privately afterwards, I think he will be satisfied."

THE INDEMNITY BILL—(*Contd*).

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I would like to draw attention to two other matters relating to the Bill which are to my mind of great importance. One is that clause 6, the savings clause, says :— 11-13 A.M.

> 'Nothing in this Act shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.'

This no doubt reserves to the Government the right of instituting any proceedings by or on behalf of the Government against any person. But, except for this, the right of private individuals to bring any suit or to institute any legal proceedings against any individual are restricted by the provisions of clauses 2 and 3. Now, my Lord, I have already submitted that clause 2 of the Bill bars a suit and says :—

> 'No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against any officer of Government; * * * * * provided that such officer or person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes.'

" And then comes clause 3 which says:—

> 'For the purposes of section 2 a certificate of a Secretary to Government that any act was done by the orders of any officer of Government shall be conclusive proof thereof, etc., unless the contrary is proved.'

" Now, my Lord, the result of these two clauses taken together is, as I submit, practically to make the chance of success for any private individual very very small; and I submit this is not right. I want to illustrate how very unjustly the provisions of this Bill will operate to make it difficult for any individual who may have been injured to obtain justice. I would like to draw attention to one concrete case which occurred at Amritsar. That case is the case of Mr. Gurdial Singh Salariya, Barrister-at-law. This gentleman was in the District Court along with several others on the 10th of April, 1919, when he heard that there had been firing resorted to and that there was trouble owing to the deportations. He and other pleader friends consulted together and resolved to inform the Deputy Commissioner that they thought they might go and help, and, with his consent, went to try and quiet the trouble. They did go there, and this gentleman and his friends who were with him laboured for a long while to quell the mob and to turn them back. He succeeded also to a large extent in sending back part of the mob from the railway overbridge, and, in order that he might do his work better, obtained the loan of a horse from a policeman with the help of the Deputy Commissioner and rode about appealing to people to go back. While he was doing this, the military fired upon the mob. There was a crowd near the overbridge; he found the military ready to fire and he shouted out at the top of his voice to stop. He requested the Deputy Commissioner to give him some time to persuade the crowd to go back, and, while he was doing so, they began to fire all at once without warning this gentleman that they were going to fire. Luckily, he escaped. The Deputy Commissioner in his statement before one of the Martial Law Commissions said that this gentleman, Mr. Gurdial Singh, 'went with his permission to push back the mob and that he was genuinely trying to do so.' He further says that 'owing to a dangerous rush of the crowd, it was necessary to fire, while Gurdial Singh was trying to keep them back, and that he had been pointed out to the soldiers as a friend. He ran serious risk of being shot and deserves credit for having tried to quell the mob in a brave and determined manner.' This was the statement made by the Deputy Commissioner of Amritsar in the case when Mr. Gurdial Singh was tried. Now, my Lord, having done this, this gentleman went home. This was on the 10th of April. On the 23rd of May a policeman, a constable in white clothes, went to him in court and asked him to accompany him to the Kotwali, where he was wanted by the police. He went there and was placed before the Deputy Superintendent, I think. He was asked a few questions and was politely told that he was to go to jail where he was to be confined. Now, my Lord, this gentleman was kept in Amritsar for two days or so and then he was removed, handcuffed, to Lahore. On the morning of May, the 26th, he was made to walk on foot from the railway station at Lahore to Montgomery Hall, was kept there the whole day sitting on the ground. Then, my Lord, he was removed to the Central Jail and was put in an iron cage, seven feet by 2½, although his guardian had paid Rs. 30 in order that he might be put in another place. Now, my Lord, he was removed the next morning to that other place. He was not long there and was sent on to another jail. This gentleman was arrested on the 23rd, was put on his trial on the charge of having taken part on the 5th April, 1919, to bring about *hartal* on the 6th. It was proved that he was lying ill at home on that day by the evidence of a surgeon, I think a civil surgeon. The second charge was that he was a speaker at the meeting of the 6th April, the great *Satyagraha* day meeting. He did admit that he did take part, and all glory to him for having taken part in that meeting. The third charge against him was that he had incited the mob at the railway bridge on the 10th April, when he had at the risk of his life tried to send back the mob to the city, and further that he had on horseback gone down to the city and delivered an inflammable speech. Now, my Lord, the Deputy Commissioner was examined and he deposed to the fact that this gentleman had honestly endeavoured at the risk of his life to quell the mob, and to send them back to the city. The question put to the Deputy Commissioner was 'Do you know as a fact that Gurdial Singh Salariya did his best to keep the mob back on the 10th April 1919?' The answer was 'Yes, this is the only conclusion to be drawn from the action I saw.' Then the question was 'Did you actually see him shouting and entreating the mob on the carriage bridge to disperse?' and the answer was 'Yes, I remember him distinctly as he swarmed up a lamp post to address the crowd better.' Then he was asked 'Did his attitude and efforts against the mob appear to you genuine?' The answer was 'Yes, I certainly think they were genuine.' Then again 'Was Gurdial Singh in danger of being shot when he was roaming about facing the mob and telling them to get back and thus did real service?' The answer was 'Yes, owing to the dangerous rush of the crowd it was necessary to fire while he was trying to keep them back and though he had been pointed out to the soldiers as a friend he ran serious danger of being shot. He deserves credit for having tried to keep the crowd back in a brave and determined manner.' Now, my Lord, this gentleman was put on his trial and kept in jail from the 23rd May for nearly a month and a half. He was subjected to all these indignities and to all the humiliation and trouble of being kept there. In the judgment in his case the Martial Law Commission said: 'This accused was present at the meeting of the 6th April. (That of course was a crime in the eye of the Commission.) But we are not satisfied that he had joined the conspiracy. His actions on the 10th April as deposed to by the Deputy Commissioner indicate that he was supporting the authorities to the best of his powers and at some risk to himself. Hans Raj (the approver) does not attribute any acts to him, merely saying that Gurdial Singh had told Bashir that he had done what he could on the 10th. Mr. Herbert (the Crown Advocate) did not press the case against him and we acquit him.' Now, my Lord, I should like to ask what would be the position of Mr. Gurdial Singh if he was to seek some compensation, some remedy for the gross, unjustifiable wrong done to him. Here is a man who at the risk of his life rendered service to the Government and the public at the time of the disorder, while the Deputy Commissioner and the Police Superintendent who saw him work at the railway bridge were still in Amritsar, this gentleman was arrested and *challánned* in a humiliating manner and kept in jail for a period of a month and a half, had to undergo all the anxiety, trouble and indignity and humiliation of arranging for his defence and had to be acquitted after all. Is he, if this proposed Bill is passed, to be defeated in a suit, unless he can swear that there was in the minds of his assailants and persecutors a malicious intent? Or is it right that he should be able to go into the Court, state the facts and ask his persecutors to plead whatever excuse or justification they may have to plead? Which will be the right course? Which will be the fair procedure? I submit, there can be only one answer. The man has been obviously unanswerably wronged. You want by this Bill to shut him out from having a chance of success in a suit for damages, by the provisions you seek to incorporate in this Bill. He goes with his suit or plaint into the Court, and the answer is that no suit will lie unless it is proved by the plaintiff that the defendant had not acted in good faith and in a reasonable belief that the steps that had been taken against him were necessary for the purposes of maintaining or restoring order. I submit, my Lord, I cannot imagine a grosser perversion of what should be the right procedure than what is incorporated in this Bill. I have drawn attention to this case for two reasons, first, that the provisions of clauses 2 and 3 are entirely unjust and ought to be entirely deleted, I mean so far as the proviso to clause 2 is concerned and so far as the new rule of evidence incorporated in clause 3 is concerned. I would also refer to it to show that though clause 6 of the Bill gives to Government the power to proceed against any person against whom they may

"And then comes clause 3 which says:—

> 'For the purposes of section 2 a certificate of a Secretary to Government that any act was done by the orders of any officer of Government shall be conclusive proof thereof, etc., unless the contrary is proved.'

"Now, my Lord, the result of these two clauses taken together is, as I submit, practically to make the chance of success for any private individual very very small, and I submit this is not right. I want to illustrate how very unjustly the provisions of this Bill will operate to make it difficult for any individual who may have been injured to obtain justice. I would like to draw attention to one concrete case which occurred at Amritsar. That case is the case of Mr. Gurdial Singh Salariya, Barrister-at-law. This gentleman was in the District Court along with several others on the 10th of April, 1919, when he heard that there had been firing resorted to and that there was trouble owing to the deportations. He and other pleader friends consulted together and resolved to inform the Deputy Commissioner that they thought they might go and help, and, with his consent, went to try and quiet the trouble. They did go there, and this gentleman and his friends who were with him laboured for a long while to quell the mob and to turn them back. He succeeded also to a large extent in sending back part of the mob from the railway overbridge, and, in order that he might do his work better, obtained the loan of a horse from a policeman with the help of the Deputy Commissioner and rode about appealing to people to go back. While he was doing this, the military fired upon the mob. There was a crowd near the overbridge; he found the military ready to fire and he shouted out at the top of his voice to stop. He requested the Deputy Commissioner to give him some time to persuade the crowd to go back, and, while he was doing so, they began to fire all at once without warning this gentleman that they were going to fire. Luckily, he escaped. The Deputy Commissioner in his statement before one of the Martial Law Commissions said that this gentleman, Mr. Gurdial Singh, 'went with his permission to push back the mob and that he was genuinely trying to do so.' He further says that 'owing to a dangerous rush of the crowd, it was necessary to fire, while Gurdial Singh was trying to keep them back, and that he had been pointed out to the soldiers as a friend. He ran serious risk of being shot and deserves credit for having tried to quell the mob in a brave and determined manner.' This was the statement made by the Deputy Commissioner of Amritsar in the case when Mr. Gurdial Singh was tried. Now, my Lord, having done this, this gentleman went home. This was on the 10th of April. On the 23rd of May a policeman, a constable in white clothes, went to him in court and asked him to accompany him to the Kotwali, where he was wanted by the police. He went there and was placed before the Deputy Superintendent, I think. He was asked a few questions and was politely told that he was to go to jail where he was to be confined. Now, my Lord, this gentleman was kept in Amritsar for two days or so and then he was removed, handcuffed, to Lahore. On the morning of May, the 26th, he was made to walk on foot from the railway station at Lahore to Montgomery Hall, was kept there the whole day sitting on the ground. Then, my Lord, he was removed to the Central Jail and was put in an iron cage, seven feet by 2½, although his guardian had paid Rs. 30 in order that he might be put in another place. Now, my Lord, he was removed the next morning to that other place. He was not long there and was sent on to another jail. This gentleman was arrested on the 23rd, was put on his trial on the charge of having taken part on the 5th April, 1919, to bring about *hartal* on the 6th. It was proved that he was lying ill at home on that day by the evidence of a surgeon, I think a civil surgeon. The second charge was that he was a speaker at the meeting of the 6th April, the great *Satyagraha* day meeting. He did admit that he did take part, and all glory to him for having taken part in that meeting. The third charge against him was that he had incited the mob at the railway bridge on the 10th April, when he had at the risk of should have power to decide what compensation should be given to those who have suffered loss of life or limb, for many have suffered in limb, as well as those who have suffered loss of property. In this respect the Bill is defective, and for this reason also I submit that the Government should reconsider the situation. The Council will have noted that my proposal is not that no Indemnity Bill should be introduced and passed, but that such a Bill should not be introduced at present, that it should be kept back until the Committee of inquiry has reported. I would point out in this connection that this is not such a wide suggestion as it may seem to some people. After the dark days of the Mutiny the Government was in no hurry to pass an Indemnity Act. The Indemnity Act was passed in the year 1860; it received the assent of the Government of India on the 2nd August 1860; that is two years after the mutiny had been suppressed. I submit, my Lord, that the Government would not be unwise, and that no interests would be jeopardised if the Government do not proceed with the Bill at present. I am strengthened in urging this before Council by the reports which I have received, both telegrams and letters have been coming from different places expressing the deep sense of dissatisfaction among the general Indian public at the Government proceeding with this Indemnity Bill. I will first read a telegram I have received from Lahore. It runs—'Members of the Indian Association, Lahore, respectfully enter their emphatic protest against the statement made by the Hon'ble Malik Umar Hyat Khan at the recent meeting of the Imperial Legislative Council that the people of the Punjab do not want a Commission of Inquiry into the happenings of April last. As a matter of fact, the entire province demands a searching investigation by an Imperial Commission, unconnected with the administration of the country; the fact that public meetings of protest cannot be held owing to Ordinances and official orders should not be misconstrued. They wish further to give expression to strongly felt public opinion of the Punjab that passing of the proposed Bill at the present stage will not only be premature but also prejudicial to the conduct of proper inquiry. There will be ample time for enactment of a law for the protection of officials after the Commission of Inquiry has pronounced its verdict as to the necessity of a declaration of martial law and suggestions of measures and methods adopted in its working. The Punjab Association feel in any case that there is absolutely no necessity for validating sentences illegally passed by Martial Law Commission and officers. They pray that the Government will be pleased to abandon the Bill at present.' This is one of several telegrams received. I also wish to show how the public have expressed themselves. Sir Narayan Chandarvakar, Vice-President of the National Liberal Association, cabled to the Secretary of State and to your Excellency a few days ago praying among other things that the Indemnity Bill at the present stage should be abandoned, as its necessity depends on the result of inquiry by the already appointed Commission. Then again, my Lord, 'Ditcher' in 'Capital' has said that it is obvious that the passing of the Indemnity Act and the findings of the Committee will be purely academic. The 'Daily News' of London has observed in referring to the proposed Commission that 'the provision for a complete whitewashing of the official policy of the Punjab is made doubly certain by the resolve to protect officials by the Act of Indemnity before the inquiry is entered on. This policy, for which there is no defence, recalls the direct action taken after the Ceylon disturbances in the first year of the war. By such un-British tactics the British name is besmirched.' The Indian papers have almost without exception written strongly against the policy of proceeding with this Bill before the Committee has made its report. There is hardly time for me to refer to the opinions of the 'Leader,' the 'Bombay Chronicle,' the 'Nation,' the 'Bengalee' and other papers. But what, I think, is better is to invite attention to a very valuable article from the pen of Sir Narayan Chandarvakar which has been published in the 'Indian Social Reformer.' The other day the Hon'ble the Home Member relied upon a letter published by an anonymous 'Indian student of constitutional law' for support of his view in introducing this Indemnity Bill. I was rather taken aback; it seemed to me to be a great fall for the Hon'ble the Home Member of the Government of India to refer to an anonymous writer for support of the policy decided upon by the Government of India. However, that is the concern of the Hon'ble the Home Member. I now present as a contrast a very valuable contribution to the discussion of this Bill, the opinion of a gentleman who has acted for years as an honoured Judge of the Bombay High Court, officiated as Chief Justice for some time and was also Chief Justice in Indore for several years. On important occasions he has laid the Government of India under an obligation by expressing well-considered opinions on constitutional questions. Writing in the 'Indian Social Reformer,'' Sir Narayan Chandarvarkar writes: 'Surprise is expressed in some quarters that Indian politicians of all shades of opinion have opposed the decision of the Government of India in introducing an Indemnity Act in the Imperial Legislative Council at the earliest convenient moment for indemnifying all the officers in respect of their acts in connection with the recent disturbances.' Then he cites the authority of Mr. Dicey in support of the principle which is enunciated in Mr. Dicey's book, called 'A leap in the dark.' My Lord, I may mention that this book—'A leap in the dark'—was published in 1893. The purport was to examine the leading principles of the Irish Home Rule Bill which was introduced in that year in Parliament. In Mr. Dicey's opinion one of the most important defects of that Bill was, that its provisions relating to the restrictions on and safeguards against the legislative power of the contemplated Irish Parliament contain no prohibition against the passing of an Act of Indemnity by that Parliament. Mr. Dicey said:—

> 'Of all the laws which a legislature can pass an Act of Indemnity is the most likely to produce injustice. It is on the face of it the legislation of illegality, the hope of it encourages acts of vigour, but it also encourages violations of law and of humanity. The tale of flogging Fitzgerald in Ireland, or the history of Governor Eyre in Jamaica, is sufficient to remind us of the deeds of lawlessness and cruelty which in a period of civil conflict may be inspired by recklessness or panic and may be pardoned by the retrospective sympathy or partizanship of a terror-stricken or vindictive Legislature.'

Further on he writes:—

> 'An *ex post facto* is the instrument which a legislature is most apt to use for punishing the unpopular use of legal rights. There is not a landlord, there is not a magistrate, there is not a constable in Ireland who may not tremble in fear of *ex post facto* legislation. There is no reason as far as the Home Rule Bill goes, why the gaoler who kept Mr. William O'Brien in prison or the warders who attempted to pull off his breeches, should not be rendered legally liable to punishment for their offences against the unwritten law of Irish sedition. No such monstrocity of legal inequity will, it may be said, be produced. I admit this, but the very object of prohibitions' (against the passing of *an ex post facto* law) 'is the prevention of outrageous injustice. The wise founders of the United States prohibited to Congress and to every State legislature, the passing of *ex post facto* legislation.'

"Now, my Lord, going further and dealing with the particular Home Rule Bill and commenting upon the absence from it of a prohibition against the passing of an Indemnifying Act, Mr. Dicey says that it was necessary that there should be a prohibition. He says:—

> 'Circumstances no doubt may arise in Ireland, as in other countries, under which the maintenance of order or the protection of life may excuse or require deviation from the strict rules of legality. But the question whether these circumstances have arisen will always be decided far more justly by the Parliament at Westminster than it can be decided by the Parliament at Dublin. Can anyone really maintain that a Parliament in which Mr. Healy, or, for that matter, Colonel Saunderson might be leader, would be as fair a tribunal as a Parliament under the guidance of Mr. Gladstone or Lord Salisbury for determining whether an officer, who, acting under the directions of the Irish Government and with a view to maintain order at Belfast or Dublin, should have put an agitator or conspirator to death without due trial had or had not done his duty.'

"Now, my Lord, as Sir Narayan Chandarvarkar says, substitute India for Ireland and substitute Simla for Dublin and so on, and it would appear that the passage applies very much to the proposal now before the Council. I submit that in view of these very weighty expressions of opinion, the Government would be wise in postponing action in this matter of an Indemnifying Bill. My Lord, it is open to the Government, it is in the power of the Government, as I said yesterday, to pass the Bill by the official majority which it commands. But I would appeal to your Excellency that your Excellency may reconsider this question and not flout public opinion which has been so widely expressed in this matter. My Lord, (it may be that the Government can carry on the administration of the country without paying heed to public opinion, but it is not the right thing to do. The right thing to do would be to act in accordance with all the principles for which the blood of Britons and of Indians was shed in the last great war, to do that which is right, to do that which truth, justice and honour demand, and in this matter truth, justice and honour demand that where so many deplorable acts have been committed, where so much illegality has been committed, where so many indignities have been offered, when there are such serious allegations regarding the action of His Majesty's officers, civil and military, when there are serious allegations regarding the attitude of the Government of India itself in the matter of the Punjab administration during the last few months, I submit, my Lord, the right thing to do would be to stay your hand and to let this matter lie over until the Committee of Inquiry has reported.) When the Committee of Inquiry submits its report, I venture respectfully to say that the right course for the Government of India would be to submit that report to His Majesty's Government and ask them, in view of the facts which may then be established, to consider which acts of the officers of His Majesty's servants, civil or military, should be indemnified, and to also consider what compensation should be offered on behalf of the public, that is the Government, to those who have suffered unjustly during these disturbances and riots. I ask, my Lord, for an attitude of greater sympathy, an attitude of greater desire to do justice between man and man, between Indian and European, between one subject and another, not in any vindictive spirit, not in any revengeful spirit, but purely with a desire that justice should be done, and that right should be done. For these reasons, I most earnestly appeal to your Excellency and to your Excellency's Government to reconsider the matter and not proceed with this Bill. If this is done, my Lord, the whole country will feel grateful; in England and in India public opinion will feel that your Excellency's Government have at the last moment even recognised the force and weight of public opinion and bowed to it. My Lord, the mightiest Government has to bow to public opinion. It so happens that in this matter the public voice is not strong, but, I submit, we must always appeal in this matter to what we find in England, and I submit with great respect that no Government in England would have dared to bring forward a Bill of this character in the circumstances which have been disclosed in this debate, and I submit, my Lord, that the Government here, though it has the power, it ought not to exercise that power, and ought to wait until the Committee of Inquiry has reported. I make this appeal in the name of those who have lost their lives, in the name of those who have lost their limbs in these recent disturbances, in the name of those who have suffered indescribable indignities, in the name of those who are undergoing imprisonment at this moment unjustly in His Majesty's jails, in the name of those women who are in mourning by the loss of their husbands, their relations, or sons, in the name of all those, my Lord, I appeal to your Excellency's Government to stay the hand of Government and to wait for the Committee of Inquiry, and then to decide what should be done. When the Committee of Inquiry has reported, the public can see what are the facts, and what is the right course to pursue in those circumstances. Every reasonable man in this Council will then offer his support to the measure that may then be proposed.

"My Lord, I submit this is what the situation demands. I hope tha your Excellency's Government will not judge this matter merely by the opinion of a few members who have the privilege of sitting in this Council. I hope in deciding this matter, your Excellency will have referred to the vast multitude of Indian opinion outside this Council and also to the opinion in England If you decide having regard to that opinion, I have no doubt that you Excellency will come to only one conclusion, and that is, to postpone th introduction of this Bill till the Committee of Inquiry have reported."

The Hon'ble Mr. J. P. Thompson:—"With your Excellency' permission, I should like to make a few remarks on the amazing speech, t the last quarter of which we have just been privileged to listen. I do no propose to touch on the legal questions, or questions of constitutional law whic have been raised by the Pandit. They will, no doubt be dealt with by th Legal Member, if he thinks there is anything in them that merits a reply. Nor do I propose to deal with the details of the administration of martial la by military officers; that is a matter for one of my military colleagues t deal with. Nor again shall I touch on the general questions of the justification for the introduction of martial law, the alleged provocative action of th Punjab Government in deporting Kitchlew and Satyapal and excluding Mr. Gandhi from the Punjab, or such other matters of a general nature. I propose to confine myself to the specific allegations which have been made by the Pandit of misconduct and mal-administration on the part of civil officers who were responsible for the administration of justice during the period of martial law. Before I start with the allegations made by the Hon'ble Pandit, there were two remarks which fell from the speaker who preceded him which, I think, require a passing notice. The first point was the statement made by Mr. Chanda that on the 11th of April orders were issued by the Punjab Government prohibiting the publication of any accounts in the newspapers. The order that was passed, my Lord, was an order requiring any newspaper, whether English or Indian, to submit any accounts which it proposed to publish of the events which had taken place for precensorship before publication. It was an order which, as I have said, applied both to the English and the Indian press, and there was nothing whatever to prevent any newspaper which desired honestly, and for the public good, to publish true information from publishing it.

"The second point in Mr. Chanda's speech on which I wish to make an observation is, his allegation that it was out of revenge for the fraternisation between the Hindus and Muhammadans at the festival of *Ram Naumi* on the 9th of April that Sir Michael O'Dwyer excluded Mr. Gandhi. Now, my Lord, I have the greatest admiration for Sir Michael O'Dwyer, but I do not think that any one here would claim for him that he was a prophet. The fraternisation at the *Ram Naumi* took place on the 9th of April; the orders for the exclusion of Mr. Gandhi were passed, so far as I remember, some 48 hours before that fraternisation took place.

"I now come, my Lord, to the allegations which have been made by the Hon'ble Pandit. I am afraid my remarks must of necessity take rather a discursive form, but I do not see that I can deal with the allegations which have been made in any better form than by taking them in the order in which the Hon'ble Member has made them, and I think in all the cases with which I shall deal I shall be able to show the Council that the story which has been given by the Pandit is a distortion or an exaggeration, or a misunderstanding of the facts. The first case he mentioned was that of the exclusion of a gentleman from the Punjab who was so well-known that the Pandit could not even give us his correct name; he called him Mr. Hume . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. C. F. Andrews."

The Hon'ble Mr. J. P. Thompson :—" His real name was Mr. C. F. Andrews, but the Pandit called him Mr. Hume. Now, my Lord, the facts in regard to the exclusion of Mr. Andrews are these. On the 5th of May the Punjab Government received a telegram from the editor of the 'Independent' newspaper at Allahabad saying that he, along with the editors of the 'Bengalee', 'New India,' the 'Amrita Bazar Patrika,' the 'Hindu' and the 'Leader' proposed to depute Mr. Andrews to the Punjab with a view to report to the Indian press on the condition of affairs in the Province with special reference to the administration of martial law. Now, my Lord, at the time when that request was made, two of the papers on whose behalf it was made had been excluded from the Province—one more of them has been excluded since—and almost all of them have distinguished themselves by the bitterness of their attacks on the Punjab Administration. Now, my Lord, I put it to the Council, if these papers wished to obtain the good offices of the Punjab Government with the military authorities in order to enable Mr. Andrews to enter the martial law area, was this quite the most tactful way of doing it ? Could the Punjab Government be expected to use their good offices on behalf of newspapers whose bitter criticism, whose unfair criticism of what had been done had earned for them exclusion from the Province ? I do not think there is a single Member here, my Lord, who will answer that question in the affirmative.

"I now pass on to the Pandit's allegations about the Jallewalian Bagh. I do not wish to dwell on this extremely painful incident, but I merely wish to offer one or two remarks in regard to the number of casualties. The Hon'ble Member has hinted that more than a thousand persons were killed there. He told us yesterday that his latest information was that 530 had been traced. Now, my Lord, I daresay we shall never know the exact number of persons who met their deaths in that garden But what the Punjab Government have done is this. We made a proclamation in Amritsar and in the surrounding villages inviting all persons who had any information in regard to the names of those who had met their deaths there to come forward and give that information to Government. We knew that private organisations were at work collecting information on the same subject. We gave instructions to the local authorities that they were to see that this proclamation was brought to the notice of those persons so that they might have no excuse for not coming forward and giving us any information that they possessed. I make no doubt, my Lord, that that proclamation also came to the notice of the Pandit. Our enquiries show that the total was 291, and I claim that any information which asks us to accept figures beyond this must be received with the gravest suspicion.

" I now come, my Lord, to the case of the Badshahi Masjid. In this case an Inspector of the C.I.D was assaulted in the Badshahi Masjid in Lahore on the 12th April.

The facts as given in the judgment are as follows :—

> 'On that day,'—on the 12th of April,—'a meeting with political objects was held in the Badshahi Mosque, Lahore, which was to be addressed by leading Hindus. Many Hindus were present and many people armed with sticks. Maulvi Abdul Hai, having recognised Chaudhri Ali Gauhar, C.I.D. Inspector, who was present in plain clothes, made an inflammatory speech against the C.I.D. in general saying that no progress with their objects was possible until the C.I.D. were eliminated. He pointed out Ali Gauhar as an object of immediate attack and the others then set upon Ali Gauhar who was beaten with sticks on the body. His assailants had him at their mercy but did not kill him.'

"Now, what is the story to which the Hon'ble Member gives the weight of his authority, in regard to the origin of that attack. He tells us that that Inspector had drawn on himself the resentment of the crowd by certain remarks that he had made. I have before me, my Lord, the record of that case. I have been through the whole of the evidence from start to finish, and there is not a suggestion anywhere, neither in the statements of the witnesses for the prosecution nor in the statements of the witnesses for the defence; nor in the statements made by the accused themselves; nor is there any hint in the cross-examination of the witnesses for the prosecution, of this story which the Hon'ble Member has told us.

"Now, my Lord, I do not wish to use hard words about the Pandit, but I put it to the Council that the suggestion that he has made is not one which comes within the limits of fair controversy, stretch them how far you will. In this Council, my Lord, we are all supposed to be Hon'ble Members. It is a title that is given to us on account of the position we occupy, and not with regard to the moral character of Members who occupy that position. But I do claim, my Lord, that that title justifies the public in expecting from Members who speak in this Council a standard of honour and fair dealing, straight dealing, which, I think, the Pandit has failed to reach in the present instance . . . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—" I am sorry for that."

The Hon'ble Mr. J. P. Thompson :—" The next allegation with which I will deal is, one to the effect that the electric and water supply of the whole city of Amritsar, exclusive of the Civil Lines, was cut off for about five days, about the 12th of April last, and that a large number of wells in the city of Amritsar had been closed under recent orders when Mr. King was Deputy Commissioner there. I understand that six wells were so closed. As regards the stoppage of the supply of electricity, on the 10th of April the mob attacked the power house and stopped the electric light plant working. On the 11th they prevented repairs being done and power was cut off that evening by order of the General Officer Commanding and remained cut off until the 19th. As regards the water supply, I am informed that on the night of the 10th the water supply was cut off by the Municipal Engineer, as there was a rumour in the city that the supply had been poisoned, though who published that rumour I cannot say, but it was found necessary to shut off the supply again on the following day, and it remained shut off until the 14th by order of the General Officer Commanding.

"The next incident that the Hon'ble Member dealt with was another Amritsar incident. He told us that several very respectable people, under-trial prisoners, including bankers, lawyers, doctors and so on—the class of people, in brief, who always 'rot' when sent to jail—were handcuffed in pairs and confined for several days in the racket court at Amritsar where they were subjected to several kinds of inconvenience. Temporary arrangements were made for the confinement of prisoners in the racket court in Amritsar; they were provided as soon as possible with shelter, but they were not handcuffed, so I am informed, for more than two or three days. And the picture which the Hon'ble Member has drawn of the inconveniences to which they were put is very largely exaggerated. I would remind the Council that at the same time at which these honourable gentlemen were confined in the racket court English women and children were also confined in the Fort because of the violence of the people outside. They remained there some days deprived of all the comforts and conveniences that they had in their own houses, and in some cases without even the decencies of ordinary life. Is this Council going to condemn the temporary arrangements which were made for these respectable gentlemen of Amritsar, when it finds that English women and children were subjected to not dissimilar inconveniences within a few yards of the place where these people were confined?

"I now come on, my Lord, to the case of Gujranwala. The Hon'ble Member told us that on the 15th of April last Colonel O'Brien, Deputy Commissioner of Gujranwala, with a strong body of police and soldiers and an armoured car marched round the city arresting people right and left; that the persons so arrested were chained together and marched to the city two and two, headed by a Hindu and Muhammadan, with a view to ridiculing Hindu-Muhammadan unity, and that, 'in the words of Colonel O'Brien,' two Municipal Commissioners marched in front of the procession so formed and, pointing to the aeroplanes hovering overhead, kept on shouting to the people to make way for the prisoners; and that, after having been paraded through the principal streets of the town, the prisoners were taken to the railway station and put into an open truck guarded by a number of European soldiers with fixed bayonets, and so on. Let me read to the Council a description which is based on information supplied by Colonel O'Brien himself to explain what it was that happened. I should tell the Council that the outbreak in Gujranwala in which such a vast amount of damage was done to Government property took place on the 14th. On the morning of the 15th, Colonel O'Brien felt himself in a position to make arrests. He did not think it safe to lodge the prisoners in the local jail. In order to make certain that there would be no trouble, he asked by telephone that an aeroplane and a special train should come out in the afternoon. It was essential that no warning should be given to those who were to be arrested. He laid his plans accordingly. A list was prepared and a route arranged. He then started with the police to make arrests, as well as a party of British soldiers to prevent resistance. There was no armoured car. Pleaders, barristers, and others believed to be concerned in the outrages were arrested and handcuffed. As the party pursued its route, a Muhammadan and a Hindu, both members of the Municipal Committee, went well in front to warn the people against resistance. There was no intention of ridiculing Hindu-Muhammadan unity, and, if a Hindu was linked with a Muhammadan, it was by accident and not by design. The party arrived at the station within a quarter of an hour of the time fixed to find that the only accommodation for the escort and the prisoners was an open truck. It was nearly 5 o'clock, the journey to Lahore would take two hours, and there was no time to be lost. It is possible that all concerned may have been put to some inconvenience. It is not alleged that there was anything more than this, and the essential thing was to get the prisoners into Lahore as soon as possible.

"The Hon'ble Member's statement went on to deal with what happened at Shekhupura, where, he said, Colonel O'Brien had committed very much the same atrocities. The arrests at Shekhupura were made with equal celerity as he had to visit on the same day Chuharkhana, Moman, Dhaban Singh and Sangla, at all of which places outrages had occurred. The Shekhupura prisoners were taken to Lahore by an armoured train which Colonel O'Brien found at Chichoki Mallian.

"The next atrocities to which I turn were those which were committed at Kasur. Kasur is a small place about 35 miles from Lahore where two British warrant officers were killed on the 12th. I cannot lay my hands at this moment on the statement which was made by the Hon'ble Member in regard to the outrages on respectable persons at Kasur; but it related, I remember, to two pleaders, Ghulam Mohiyuddin and Abdul Kadir; it was stated, if I remember aright—the Hon'ble Member will correct me if I am wrong—that these two persons were confined for a long period, many weeks, in a lock-up at the station. The facts as given by the Sub-divisional officer are as follows:—

'Ghulam Muhiyuddin and Abdul Kadir were arrested and were confined in the police station; and once or twice they were detained by the military in the temporary lock-up near the station when brought from the police station with other prisoners for evidence or identification. They were released after a few days at my request in my presence by the officer commanding when I had decided that the evidence as to their being rioters was not true.'

"The other Kasur case to which the Hon'ble Member referred was the case of certain boys who were said to have been flogged there. The story is true. Six boys, three of them belonging to the Municipal Board High School and three belonging to the Islamia School, were caned at Kasur. The headmaster of the Municipal Board High School had invoked military assistance to deal with the boys who had acted very insubordinately and joined hands with the pupils of the Islamia School. The officer commanding directed the headmaster to choose the worst offenders and sent them up for punishment. In addition, two school-boys sent by the commission for summary trial were caned—three strokes each—by the martial law officer after trial.

"The next case to which the Hon'ble Member referred was that of Mr. Manohar Lal, a distinguished graduate of Cambridge University and a barrister-at-law. He was one of the trustees of the 'Tribune' as the Pandit told us, and the question had been raised as to whether, when the editor of the 'Tribune' was being prosecuted, it would be possible to prosecute the trustees too, or at any rate the resident trustee who happened to be in Lahore at the time and was believed to have taken considerable interest in the management of the paper. It is true that Mr. Manohar Lal was arrested and that he remained in confinement for the space of about a month. It is not true, as the Hon'ble Member stated, that his family were kept out of his house for a week; his house naturally was locked up after his arrest as it might have been necessary to make a search, but his family were allowed to return and did return, I understand, the very next day.

"The Hon'ble Pandit then went on to tell us that hardship was inflicted on respectable persons in connection with the custody of martial law notices. Now, my Lord, that is a matter primarily which concerns my Hon'ble friend on my left. But it is a matter of such vital importance to the civil population that the meaning of these punishments which were inflicted in regard to martial law notices and the procedure that was adopted in order to safeguard them should be properly understood, that I make no apology for making a few remarks to the Council on the subject. Martial law notices are a most important part of the machinery of martial law. If you create new offences you must advertise them; otherwise well-meaning people have not a fair chance. The man who tears down a martial law notice may be the cause of an honest man being shot. When such notices were first put up, it was found that they were torn down and defaced. Colonel Johnson interviewed the leaders of the people and they promised to arrange for the publication of the orders in the different quarters of the city. They failed to fulfil their promise. Colonel Johnson accordingly decided to impose on selected owners of property the duty of protecting them. It is true that a number of persons connected with public movements or interested in persons who had been arrested were selected because they were *prima facie* the persons in whose custody the notices would be safest. My Lord, I can say with regard to this policy that its success was ample justification for any hardships that might have been inflicted. After this class of property owner had been made responsible for the safe custody of the notices, I believe hardly any were torn down or defaced.

"The Hon'ble Member then went on to state that in some cases tried by martial law officers, especially towards the close of the martial law period, the accused were convicted without the whole of the defence evidence being heard, and even that witnesses who were present in Court or attended the Court for that purpose were not heard. He gave the case of two pleaders, Lala Gurdasram and Lala Shivaram, of Hafizabad in the district of Gujranwala. Well, my Lord, I have not had time to make inquiries from each Deputy Commissioner as to what happened in his district, but I have made inquiries from the district in which this particular case occurred, and the answer I have received is as follows:—

'It is not the fact that martial law courts refused to hear witnesses for the defence who were present in court or attended the court for that purpose. In the case mentioned, as in some others, the court exercised its discretion in not summoning certain witnesses named by the accused when such witnesses lived in distant places and the accused could allege no real reason for producing them as witnesses and it appeared they were named as such merely for purposes of vexation and delay.'

"From Gujrunwala, the Hon'ble Member went to Lyallpur and he stated that there was a man named Ram Lok at Lyallpur, son of one Daulat Ram who was arrested on the 25th April, was detained in police custody for over three weeks and then released for want of evidence; that after his release his father appeared as a defence witness for one Ram Ditta and was asked to become approver but refused to do so; that on this his son Ram Lok was re-arrested on the following day for the offence for which he had been arrested and released before. He then went on to say that the trial was unduly expedited at the end owing to the approaching termination of martial law. Now, my Lord, Ram Lok was not arrested on the 25th April, he was arrested on the 28th May. He was not detained in custody for three weeks; he was convicted on the 5th of June. His arrest had nothing whatever to do with the evidence given by his father on behalf of Ram Ditta and indeed, the police at the time, I am assured, did not know what evidence his father had been giving in the case against Ram Ditta. Finally, my Lord, the accused pleaded guilty.

"The Hon'ble Member then went on to speak of men who had been sentenced to long terms of imprisonment without any evidence having been recorded or any judgment having been written. Well, I can quite understand the Hon'ble Member feeling a little bit disoriented when he deals with cases in which there are not full records. Full records are what he has been accustomed to, and it gives him something of a shock to find that a man has been sent to jail on a scanty record. I need hardly perhaps tell him that a scanty record does not mean scanty evidence; but it may be news to him to know that no court martial ever gives any reasons for its findings, and the procedure of these courts was much more that of courts martial than of the ordinary courts of law. The particular cases which the Hon'ble Member has selected are not very fortunate ones. He has taken the case of a man named Fazla, *tongawala*, who, he says, was sentenced to transportation for life for waging war against the King, without any evidence being recorded.

"I have seen the record and the Judge's notes. Two sides of foolscap are covered with the notes . . . .

(At this point the Hon'ble Mr. Malaviya got up.)

The President :—"Order, order. The Hon'ble Member must not interrupt. He has had his say and Mr. Thompson now has the ear of the house."

The Hon'ble Pandit Madan Mohan Malaviya :—"The Hon'ble Member is wrong. I did not refer to the case of Fazla."

The Hon'ble Mr. J. P. Thompson :—"The record is in the possession of Sir William Vincent. I am certain of the facts I have stated.

"The other case the Hon'ble Member mentioned was that of Hari Ram and Hans Raj. These two men were prosecuted for being in possession of Amritsar loot. It is true that in this case no evidence was recorded, but it is not true that there was no judgment. There was a judgment, which sets out the facts of the case and the reasons for the finding.

"Then the Hon'ble Member passed on to a consideration of what is known as the salaaming order at Lyallpur. The justification for this order is not really a matter for me, but I happen to have the record of the case he referred to; so I think perhaps I am justified in making a few remarks about it. I do not wish to justify, it is no part of my business to justify, the infliction of sentences of flogging for the non-salaaming of British officers. But in the particular case which the Hon'ble Member mentioned, the man who was convicted had previously been warned that he was committing a breach of martial law in not salaaming British officers and the offence for which he was punished was his second offence.

"My Lord, the Hon'ble Member read out to the Council the judgment of Colonel O'Brien in the Ramnagar case, in which the King was burned in effigy. This case has engaged the attention of the Punjab Government. We made some further inquiries with a view to ascertaining whether the facts were as found. As the Council will gather from what the Hon'ble Member has said, the case is one which has attracted a certain amount of attention. The case was examined by two officers independently of Colonel O'Brien, and both reported, after going through the case, that there was no ground for distrusting the conclusions arrived at by the officer who had tried the case. The Hon'ble Member tells us that some of the accused were not arrested till the 28th May. He then said that the people were of such position that it was impossible for them to have committed the offences that were alleged against them. My Lord, we have adduced against the reasoned judgment of an officer who had heard the evidence, an officer of long experience, who must, I think, have been in charge of one district or other in the Punjab for nearly twenty years, we have adduced a misstatement and an opinion. I claim that that is not sufficient to justify Government in remitting the punishment of these men.

"The last cases with which the Hon'ble Pandit referred were certain cases tried by Mr. Hoyle. He said that the particulars in the judgments were scanty. The records I hold in my hand (shown to Council). This is the record of one case, 5 pages of evidence written in a small hand, and this is the record of the other case, 8 pages of evidence. The cases tried by Mr. Hoyle were, as a general rule, tried with great care, and I should not be afraid to show the records to the most hostile critic.

"That concludes the examination of the detailed allegations of the Hon'ble Pandit. I trust I have succeeded in convincing the Council that the allegations made by the Pandit show a degree of credulity, not to say gullibility, lack of proportion and a power of closing his eyes to everything that can possibly be said on the other side, that justify me in saying that it is difficult any longer to have any confidence in his power to appreciate any political situation, or his willingness to admit that there is anything whatever to be said in favour of those who are unfortunate enough to differ from him. As regards the Hon'ble Pandit's credulity, I should like to tell the Council a story. The Pandit has recently been paying a number of visits to Amritsar, in the course of which he has been making those inquiries the valuable results of which he has indicated to the Council in his speech. During the course of one of these visits he paid a visit to the Jallianwala Bagh. After his visit there he reported to the Municipal Committee that there were corpses down the well and that they constituted a grave danger to the health of the locality. On examination it was found that he had mistaken an earthen pot for the head of the corpse and a bundle of cloth that had been looted for the body . . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"There was one corpse, several of us saw it."

The Hon'ble Mr. J. P. Thompson:—"I adhere to my statement of fact. If the Hon'ble Member believed in his own story, I am sure he would have found one little minute during the 4½ hours he addressed the Council to bring in that picturesque touch. This is an example of the Hon'ble Pandit's credulity. He tells us that he had the evidence of two of his senses, his eyes and his nose, as regards the presence of the corpse. I ask the Council whether we are to take statements which he has only on hearsay and to rate them at any higher value than the evidence of his own senses. I have mentioned this story because, I think, it is important for the Council to realise what a terrible enemy we have had to contend against in the rumours spread about the country during the past troublous months. I think it will help the Council to correlate the intelligence and mentality of the Hon'ble Pandit with that of the lower orders of the people among whom these rumours find credence and have currency. I should like to give the Council some examples of these rumours, because, I believe it is only in this way that it will understand what an unrivalled field the agitator in this country has if he chooses to set about sowing false rumours in the countryside. The rumours in regard to the Rowlatt Act are known to everybody here and I need not do more than refer to them; such rumours as that no one should be allowed to possess more than 10 bighas of land, that 50 per cent. of the produce was to be taken as Government dues, that no marriages were to be allowed until the parties had been examined by a Government medical officer and so on. I do not wish to say anything more about those rumours, nor do I wish to deal with those rumours which dealt with things which are not inherently impossible. For instance, there was a rumour going about which, I believe, found wide credence that at one period of the disturbances a personal attack was made on Sir Michael O'Dwyer, and his Private Secretary drew out his revolver and shot not his assailant, but the Hon'ble Mian Muhammad Shafi. No, it is another kind of rumour to which I want to draw the attention of the Council, they illustrate better the difficulties of the situation with which we have to deal, rumours which savour of magic or faerie. We had stories that the Germans had signed the peace with an ink which would fade and that there would soon be no evidence that the treaty had been signed at all. We had stories that Mr. Gandhi was distributing magic emblems in the shape of miniature swords which would inspire the holders with an undying hatred against the British Government. We had stories that the Amir during the recent hostilities had called to his aid a regiment of paladins from Samarkand, against whom no mere human force could stand. But perhaps the most extraordinary of all rumours which got about was a rumour which gained wide credence in the district of Muzaffargarh. It is a district which lies along the Indus in the extreme south-west of the province. It is inhabited mainly by Mahommedans. A rumour got about that on the night of the *Shab-i-barat* all those who had died in the influenza epidemic at the last autumn would rise from their graves. The *Shab-i-barat* is the night on which Mahommedans believe that God records the actions which will be performed by all human beings in the coming year, and the names of all those who are to die or to be born. Pious Moslems keep awake all night in the hope of catching a glimpse of the glory of the Almighty. The rumour, as I said, spread and with it went an order to the women of the district that they should be ready that night in the graveyards with clothes for the dead, against their expected resurrection. The rumour was contradicted before the night arrived, but I believe that there were many poor women who watched by the graves that night, in the hope that at midnight the graves would open and their lost ones would rise again.

"I have nothing more to say, my Lord. I do not propose, as I told the Council, to deal with the question of the causes of the recent discontents. But there is one statement which I do not feel I can let pass unchallenged. The Hon'ble Mr. Chanda and the Hon'ble Pandit Malaviya have both told us that the *Satyagraha* movement was innocent in connection with these disturbances. My Lord, I should like to tell the Council a story. It came to my notice a few days ago in connection with an appeal for mercy for an unfortunate man who had been condemned to death. There were in Lahore two brothers, Indian Christians. They were both in service and they lived with their families in the same compound. The master of one of them went to Bombay and took his servant with him, and he went away leaving his wife and two little children, aged six and three, in charge of his brother. While he was away his wife died. His brother sent word to him to return. He was very poor and so borrowed a few rupees for the funeral in the absence of his brother. A few days later his brother returned. When he returned, it was the days of the *hartal* in Lahore and the shops were all closed. He found both of his children ill; it was partly illness and partly starvation. Milk was what he wanted for them and milk he could not get. All day long he tried to obtain it, but without success. The shops were shut and none would sell. In the evening he returned in despair. Late at night his brother who had been out on the same errand like him returned with empty hands, and when he opened the door of the hut where the children slept, he found there two little bodies lying on the bed with their throats cut. At whose door, my Lord, will those two lives be laid?"

12-39 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan:**—"My Lord, a telegram has just been received, and I believe two or three pleaders sitting together have drafted it in the name of the whole of the Punjab to delay this Bill. Of course, all the other subjects of His Majesty, who form about 99 per cent, have also to be kept in view. I had agreed, some of the members had agreed, if Government did not bring forward this Bill, to remain silent; but now that the Bill is before the Council, I wish to say what I originally wanted to.

"While welcoming the Bill which is a very ordinary measure and always follows disturbances and martial law, I am of opinion that it has come rather late, and now that it has come it should be passed at once. It is a good thing that hitherto no one has sued any of those subordinates who acted under orders of their superiors and who in turn acted with the best of intentions to speedily quell a fire, the flames of which would have spread to the rural population from which the Army is recruited and that, plus the Frontier troubles at a very critical time of the year, may have proved disastrous for a while. I hope that the loyal soldiers and other officials will not be left a minute more without the protection of this most urgent Bill and that it will be passed into law.

"Before the Bill was introduced we had many consultations, and the main objections to the Bill were that it would prejudice the Committee of Inquiry and hamper its work and that the unwarranted acts of various individuals and officers would go unpunished. It looks as if the Government of India had deputed a spy with us because they have framed the Bill in such a way that they have met all the possible objections which one could raise. This could be seen from the Statement of Objects and Reasons where it is clearly pointed out that 'It gives protection only to acts done in good faith and in a reasonable belief that they were necessary,' etc. It continues further:—'It thus leaves open the question of fact in any given case to be considered by the intended Committee of Inquiry, and does nothing to prejudice the Committee's findings or the action which Government may take upon its report.'

"Now coming to the preamble of the Bill in which it is said:—'It has been necessary for the purpose of restoring order to resort to martial law.' I would like to offer certain observations to show the state of various places in the province where martial law was necessary.

"Apart from the section which was responsible for the disturbances the general population deplored it and positively knew that this was all due to an organised conspiracy, and it will not be out of place to quote a portion of the address presented by the Muhammadan community of the Punjab on the eve of Sir Michael's departure. This community form the majority of the population. On that occasion representatives of nearly all the districts of the Punjab were present. It runs as follows :—

> 'Although towards the conclusion of your Honour's brilliant régime the enemies of law and order as a result of an organised conspiracy which may be the outcome of a foreign influence succeeded in deluding a section of the people into riots and disturbances, yet it is a standing tribute to your Honour's far-sighted statesmanship and firmness that the situation was soon got well in hand and by using the speedy and effective method of martial law peaceful life is once more possible for the law-abiding citizens of our chief towns.'

"Later on when all the spiritual leaders met to condemn the action of the Amir of Afghanistan in declaring war against India and thus naturally against His Majesty's Muhammadan subjects and to say farewell to Sir Michael they said :—

> 'We condemn the actions of those enemies of the country whose conspiracy has brought about disturbances in the country.'

"So from this it will be seen that the general public apart from evil-doers recognised that there was a conspiracy at the bottom of all these affairs.

"The Hon'ble the Home Member held an inquiry into the doings of the *Gadhr* Party, *i.e.*, those who wanted to bring about mutiny in the beginning of the war and what were their methods ? They intended to cut the telegraph wires, break the railway lines, derail the trains and plunder the public, etc. What did the recent conspirators do ? They took exactly the same line and the whole thing was very cleverly managed. Meetings were convened in the mosques to unite Muhammadans. It was known that the Muhammadans had strained feelings about the Turkish affairs, and if their mosques were bombed or fired upon, it would infuriate them. Such meetings were held in Delhi, Lahore and various other places. The same thing was planned in Amritsar with regard to the Sikhs in which they succeeded to a good extent and spread all sorts of rumours about the Durbar Sahib, the Golden Temple. But it was owing to the loyalty and far-sightedness of the Sikh nation that their designs were frustrated. The similarity of action which I explained the other day in various centres at one and the same time illustrates that the origin was the same. The time of a great fair chosen to spread the propaganda with much ease was cleverly fixed where people from all the rural parts of the country assemble so that they may carry it with them to the villages. The columns of the extremist newspapers were engaged for propaganda and though we may now satisfy ourselves that the editors of some such papers were punished they had done their work.

"On the 5th of April last every thing was so ripe that all sane thinkers knew the trouble had arrived. Though this was also known to the authorities and though some arrangements of police and troops were made as a safeguard, I am sorry to say the authorities were yet doing things in a half-hearted manner. Knowing that there would be trouble, I offered my services with my men and sowars to help the Police which were accepted, and from that time onward I continued to work throughout the disturbances helping the Police, Publicity Board and the military authorities.

"From this it will be clear that everyone knew perfectly well the impending danger. Although the Lahore authorities prohibited the forming of any procession next day, the 6th of April, all such orders were disregarded and though the facts were reported and later on they saw it for themselves, they were weak in not enforcing their orders. This weakness so encouraged the mob that from that date onward no man with a title or one considered to be of the Government party could appear among the public. The war cries of 'Hindoo Mussalman ki Jai' meant that both the communities had joined in a common cause by eating and drinking together. The excitement of the public went on increasing while the prestige of Government went on decreasing. When on the 10th things reached their climax, all this time the Punjab Government was hesitating and minimising the gravity of the situation.

"As the martial classes of the Punjab were about to give a farewell party to the Lieutenant-Governor, and as most of the leading men including the members of the Provincial Council were present, a deputation waited upon a high official to impress the delicacy of the situation just before disturbances had broken out. When the disturbances had broken out on the 10th, the Punjab Government summoned all the representatives of Lahore, as well as those of the other parts of the Province, to discuss the situation, and out of thirty or forty members representing all sections and classes, except two, were all unanimous in advising the Government to be firm and take strong and immediate action so that the disturbances would not spread to the rural areas. But I am sorry to say that the Punjab Government did not follow the advice and still hesitated to take any proper action. This was interpreted by the people as inability of the Government to do anything, and disturbances at various places like Gujranwala, Kasur, etc., were the result. Had martial law been introduced earlier it would have saved many lives and disastrous results. I have dealt with this at some length to show the state of affairs. Most of the students who were approached by some of their teachers were wearing the black badges of martyrs and did not attend the schools and colleges. The Railway employees had also been approached and had struck work. Apart from the various strikes a Danda Battalion with heavy clubs was in charge of Lahore city who terrorized all the peace-loving people who wanted to assume normal conditions. Free food was supplied to all these and other evildoers while the rest of the population could not get sufficient to eat, many having reached the point of starvation. The Council will have heard the sad story which Mr. Thompson has just related of those children who could not get food.

"A regular agency of exaggerated rumours against the Government was opened. The emissaries reached Peshawar and then further on to Kabul. This will prove, I hope, the necessity of the preamble of this Bill.

"It will be admitted on all hands that acts committed by the soldiers under orders of their superiors are *bona fide*. But if it may be considered that the higher officials are to be blamed for harshness I have already stated the case of some at Lahore for so delaying action.

"In Gujranwala, the rebels the whole day burnt building after building belonging to the Government as well as the records, church and station, and the authorities took no action till evening, when some aeroplanes turned up. If the night had fallen before their arrival none can foretell what would have happened during that time.

"The excuse that the local authorities have put forward at Gujranwala that they did not fire and allowed everything to be set on fire all the day long was that young children were put forward as a shield, and had they fired upon the mob the children would have been killed. But this was no novelty as the same thing was tried at Malakwal and even at Amritsar, which fact you would have heard and seen when a photo was shown in a debate the other day. The law clearly provides in section 106 I. P. C. for it.

"Thus the authorities cannot hold it as a good excuse. It is said one of the bombs was thrown intentionally on a Boarding House at Gujranwala, and the officer in the machine is accused for it It will not be out of place if I say this from my experience that bombing by aeroplanes is not always very accurate and generally does not hit the target one wants to. At an Arab village we had a camp scattered in about a mile square. A famous Turk came to bomb us in an up-to-date German machine. In all his attempts he missed the whole camp and hit a mule at a good distance away from the camp.

"In many other places all the Government stacks of fodder were being burnt and all the grass preserves were used as common property. Even His Majesty's effigies were made and burnt.

"It was not only in Gujranwala that this was done, but I know of certain cases in Lahore where students and a few others did this. The evidence was not sufficient to prosecute, but it is a fact that this was done. All attempts were made to approach soldiers to detract them from their allegiance, but thanks to God, owing to their staunch devotion and loyalty as well as their knowledge of the strength of the British Arms, all attempts were frustrated on which mostly the conspirators depended and all their calculations went wrong as those of the Kaiser William, and law and order was restored. All of those who were trying to quell disturbances and at the same time had to meet the Frontier troubles, faced a critical situation, and no one for a moment could predict that all this dark cloud and storm would pass away in such a short time. So provision had to be made for all eventualities.

"If all this does not show that it was a conspiracy of waging war against the Crown and the necessity of martial law, no one can understand what more was needed.

"My Lord, when all are accusing the Punjab Government for hasty steps, we who know the facts complain of their over-cautiousness which has been mostly the cause of some of the mufassil disturbances and maintaining martial law for such a long time. Had martial law been introduced three days earlier it would not have been necessary to continue it more than a week or two, and there would have been no necessity of constituting courts under the law nor would so many people have gone to jails.

"My Lord, I have patiently heard my friend the Hon'ble Pandit Sahib and I not only praise his endurance but congratulate him on his masterly speech in defence of those accused in the recent disturbances. It is simply natural that in so doing he should advocate their cause and theirs only. But this is only one side of the shield. The accused that he has pleaded for are a fraction of a class which in itself is a fraction of the population of our province. The dumb masses of the rural population were never counted an asset in politics, but now they have become such so as to be reckoned. The acts of some of these criminals brought restrictions on the free movements of this overwhelming peace-loving population and the inconvenience that they had to undergo for the acts of the above-mentioned few made them come out of their general silence. Their feelings could be only known to those who live among them and know their language. In the village Daras as well as in trains abuses were levelled on the class which brought about the troubles in the Province, through which they were suffering so much. But as they do not possess an organ their prepondering voice is lost.

"Though a case has been made out minimising the gravity of the situation and certain challenges have been thrown out, I accept some. It has been said in the debate by my Hon'ble friend who sits on my left that the Government Communiqué said everything was quiet at Lahore.

"The feelings in Lahore, though were at the highest which could be ascertained from many acts, had to be minimised when a Communiqué for the general public in the Punjab was prepared. Any intimation of gravity to the public would have brought about disastrous results in the rural masses.

"There was a question of joint press telegram not coinciding with the Government Communiqué. The reason was that one of the criminals was responsible for so wrongly reporting, who has been brought to book and is now in jail.

"I would now like to state some questions of fact not in a form of speech but taking them one by one.

(1) It is said that of the cases where the Indemnity Act came into operation in England there were sixty thousand people who demonstrated against the Law. I can safely say that the mob in Lahore was well over a lakh and perhaps even two.

(2) It has been discussed that one of the acts to justify martial law was in the case where jail birds were set free. This was being attempted in Gujranwala that evening, if the aeroplanes would not have arrived.

(3) There is no denial about the fact that when the *Gadhr* Party started its operations there were widespread disturbances in the rural places like Jhang and Muzaffargarh, etc., and if not nipped in the bud by the Punjab Government, things might have resumed exactly the previous course even this time.

"Jhang and Muzaffargarh disturbances were in rural parts and it was possible that such could occur in that connection all over the country.

"On the 6th, many of the students in defiance of law went to the River Ravi and formed a procession which was strictly prohibited by the Government authorities. When I first met them, as I had volunteered to do, there was no policeman in uniform so as to stop them. Their demeanour in forcing the shops to be closed and keep away people from their business was such that it was essential that they should be forbidden to take part in politics, and I hope the authorities responsible will be called on for not exercising better control.

"During this time when there was a grave danger that the rural population might be affected I was deputed to go to my district for two days. I found that a campaign of false statements was being carried out in trains as well as in the mufassil. Some of these were that Lahore and Amritsar were lost to the Government, and that they were rapidly losing other places, the army was out of hand and the Europeans were being killed wholesale. The rumour was that all the communications were being cut and parties had started for doing so in each district. In my district I had to raise within a day three hundred horsemen to look after a long Railway line and the authorities had to raise some more men to guard various other portions of the Railway line.

"A reserve had to be kept in hand at the Headquarters to rapidly move to any site of disturbances. It was owing to these precautions that nothing happened there and the same sort of measures had to be taken in nearly all the districts.

"It has been said that Jai of King Emperor was also repeated by the mob. I am sorry to say that it was not the word 'Jai' but it was 'Hai, Hai.'

"From Delhi came letters and men to press on the shopkeepers to suspend business. Some of those who used to buy cloth from the big firms and were given latitude to pay money after it was sold, the demand came that if they would not suspend business they would be required to pay money immediately. If this was done their bankruptcy was sure and certain. Thus they were forced into the arena.

"Some poor men who were in debt to these people had also to join them.

"Then it is said that nothing serious happened in Lahore. The reason is that later on ample arrangements were made; the army was on the spot and the evil-doers were absolutely helpless to be able to do anything. As long as they were not checked some heads were being split in the language of my Hon'ble friend on my left.

"The Western Punjab next to the Frontier was so frightened by the disturbances in the east and declaration of war in the west that they all collected to form organizations to save themselves.

"I only put forward these few remarks at the end to throw some light on the real state of things, and with these remarks I support the Bill."

12 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi:**—"My Lord, I have read in the newspapers and in pamphlets and

have heard many things, and received also telegrams about the disturbances of the Punjab, and I quite realise the gravity of the situation in the Punjab that necessitated the adoption of special measures. I would not be true to the traditions of my house, if I were not to view with the profoundest regret and abhorrence the loss of European lives and the other outrages committed by the mob. But I venture to doubt whether it would be expedient now to pass this measure, in view of the appointment of a Committee of Inquiry, and also in view of the strong expressions of opinion even on the part of the sober and moderate section of the public and the Press in India urging its postponement.

"My humble opinion is that the inquiry should be expedited as much as possible, and the Bill suspended for the time being."

The Hon'ble Mr. W. E. Crum :—"My Lord, I rise with no wish to prolong this discussion, but rather in the hope that what I have to say may possibly persuade members that there is very little use prolonging it and talking in the strain we have heard so far. The Hon'ble the Home Member in the speech with which he opened the discussion made the point very clear indeed, that we were here not to discuss the question as to whether martial law should or should not have been ordered, but that we were here to discuss the question as to whether those officers who have been acting under martial law and who have committed possible offences against civil law, as to whether Government who has promised those officers protection should protect them or not. Now, my Lord, the Hon'ble Mr. Chanda and the Hon'ble Pandit have spoken for a very long time in this Council, and for some time I was at pains to discover what the object of their speeches was. I do not think that they could possibly pretend that their intention was to persuade this Council that we were here for a discussion as to whether martial law was justified or not; and it seems to me that the only object and certainly the only effect that their speeches could have would be to persuade people outside this Council that Government had done wrong in ordering martial law, and therefore prejudicing not only the people, but also the Committee of Inquiry which is about to sit. Well, my Lord, they have had their answer. I doubt whether this Council has ever listened to a more convincing or a more crushing reply than that of the Hon'ble Mr. Thompson. The original speeches of the two Hon'ble Members and the reply will go out to India, and the original speeches and the reply will be weighed in the balance, and I should not at all be surprised if the Hon'ble Pandit was not sorry that he had ever touched upon the subject as to whether martial law should have been ordered or should not have been ordered. 1-4 P.M.

"Now, my Lord, there was one point which I must say puzzled me for a considerable time in the speeches of the Hon'ble Mr. Chanda and the Hon'ble Pandit, and that was the question as to what would happen to these officers of Government who had obeyed the orders of the Government and had thereby possibly exceeded civil law, if it was eventually decided that Government were wrong in ordering martial law, and therefore, if as I understood the Hon'ble Pandit to suggest, indemnification could not be allowed. As far as I could make out the Hon'ble Mr. Chanda made no reference to this subject. The Hon'ble Pandit said that these officers must take their chance.

"Now, my Lord, I can conceive of no more dishonest, no more ridiculous, no more piteous attitude for any one to take up than to suggest that, when Government had told its officers that they would be protected, they should not be protected; and to my mind it is upon this point, and this point alone, that the discussion to-day should continue. Government have said that they will protect their officers. Are Government going to protect them or not? I wonder if the Hon'ble Member realises, I wonder if other members of this Council realise what would happen to India, to any country, if when Government has given a promise it goes back upon that promise. The result would be nothing but chaos; from the highest officer in Government service down to the latest-joined sepoy and the lowest village chowkidar, every one would be afraid to do his duty; and, my Lord, I do press this upon non-official members of this Council, that the point before them is that we are not here to discuss whether Government were right in ordering martial law or not, that we are not here to discuss whether this man was rightly put in prison or was not rightly put in prison, but that we are here only to discuss one point, namely that Government have given a promise—are they to fulfil that promise or are they not?"

1-10 P.M. **The Hon'ble Rai Sita Nath Ray Bahadur**:—"My Lord, in rising to support the amendment proposed by my friend the Hon'ble Mr. Chanda, I have no desire to minimise the gravity of the situation caused by the recent events in the Punjab. But now that Your Excellency's Government have been pleased to appoint a Commission to inquire into the matter I fail to understand what harm will come if the introduction of the Bill is postponed till the Commission have submitted their report.

"I fully realise the paramount duty of Government to protect their servants who have acted under orders and acted *bona fide* and in good faith in the discharge of their duties. And had not the special circumstances in the Punjab and the popular demand induced Your Excellency's Government to appoint a Commission of Inquiry I am sure my friend would not have been justified in pressing the amendment. But as matters stand I think there will be no harm in acceding to his request. True, in the meantime suits may be instituted against Government officers. But suits of a contentious nature in which written statements have to be filed and witnesses examined cannot be disposed of before four or five months, *i.e.*, before the Council meets at Delhi. Even if urgency is felt the Government of India which will move to Delhi in about a month's time can call an emergency meeting of the Council at Delhi and have the Bill passed into law. As the Bill is to have retrospective effect, the interests of the officers of Government will in no way be prejudiced by deferring the passing of the Bill till the Commission of Inquiry have submitted their report.

"I beg to reiterate that it is the paramount duty of Government to protect its officers who in an emergency are called upon to act and who act under orders and in the discharge of their duties, and I have no mind to say that Government should not protect its servants nor any mind to minimise the gravity of the situation created in the Punjab."

[At this stage the Council adjourned for Lunch.]

2-47 P.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, if I rise to address the Council it is not with any desire to add to the number of the Punjab champions. It is perfectly true that I have spent more than half of my official career in that province. I have every affection for it, I owe every obligation to it; but I have been away from it long enough, not to believe that the Punjab is always above criticism, just, my Lord, as I also possess a very strong disinclination to join that band of thinkers who seem to consider that everything that is done in the Punjab is wrong, and that the Punjab service must be inevitably and invariably condemned, without benefit of clergy.

"My Lord, I rise simply because I have had the opportunity of studying closely many of the facts in connection with these disturbances, and although I think the Council is very well able to judge of the value of the arguments adduced by the Hon'ble Pandit in defence of his case, yet there remain a number of facts, of which the Council should, I think, be put in a position to learn the truth. I hold they have not all been represented by the Hon'ble Pandit in their actual light, and that is my reason for rising to address the Council now. The first thing, my Lord, on which the Hon'ble Pandit dwelt at some length, and I take it that this was the salient point of his case, that martial law was unnecessary. If it was introduced without justification, then he argues that the whole case for this Bill falls to the ground. I take it, and I think I have interpreted him rightly, that he holds that constitutional practice will alone justify the introduction of a Bill of this nature if martial law was in itself justifiable and introduced in a good cause. Now, he first of all drew a picture of what the state of things was before the 30th March. He said that nowhere at that time was there any inclination or any intention of rebellion. In fact, if I may say so, the only sinister aspect in the picture was a Government which persisted in passing the Black Act, and that there was somewhere in the dusty background of the North a reactionary Lieutenant-Governor who was determined to pounce upon and punish agitation. I think, my Lord, we must admit that those who originated the agitation which we hold led to these disturbances, those who originated that agitation, had no intention of producing rebellion. When in this Council we were threatened with an agitation which would disturb the good relations between the Government and the people, and when that threatened agitation was followed up in the Press and on platforms throughout the country, then I think those who promoted it had no idea of producing an open rebellion against the Crown. But I maintain they produced an atmosphere which was in itself dangerous and liable to bring about a rebellion. If they did so, it was not without warning from their own friends. As early as January last the *Bengalee* newspaper, and I quote the *Bengalee* because the Hon'ble Pandit also referred to it with approval, warned them that they were playing with fire. Later on, and I am glad to quote another of their friends, Mrs. Besant—even if she no longer ranks as such—warned them that an agitation of passive resistance would only lead to riot and bloodshed. Bengal, which knows something of the meaning of prolonged agitation, refused to have anything to do with the particular form of agitation which they originated and supported. I maintain, therefore, that those who promoted this agitation were fully warned of what was likely to happen, and I maintain that Government, if it had expected that trouble was likely to arise from that atmosphere, was justified in that expectation. However, the *hartal* came off in certain places of the Punjab on the 30th March, and I freely admit that up to that time there was no disorder. Now let me go to the second stage, that which ends on or about the 6th of April. There again there were nowhere signs of open disorder. It is true at Amritsar there were inflammatory posters put up, one of which called on the people to 'die and kill,' but the attitude of the crowds was not such as to lead anybody to suppose at that time that any disorder was contemplated. Now I go a step further, and I take the events that followed on the 6th April, the universal *hartal* of the 6th April. The Hon'ble Pandit has taken us in some detail into those events, and I must follow his narrative in detail. He first of all takes Amritsar, and he says that Amritsar was all peaceful, was all quiet, up to the 10th April, and that subsequently if any trouble arose it was due to the action of Government in first of all forbidding Dr. Kitchlew and Dr. Satya Pal to speak in public, and, in the second place, in deporting them. I realise the action of Government in deporting Dr. Kitchlew and Dr. Satya Pal needs justification. The justification is this. When subsequently a Martial Law Commission sat to decide the case of these gentlemen, it found that they had from the 30th March indulged in language which was not only likely but which was intended to bring the Government of the country into contempt. It found that on the 8th April, following the *hartal*, they had held private meetings, the sole object of which was to keep up the excitement. But what was the population in which the excitement was to be kept up, the population of the Central Punjab?

"I yield to no man in my admiration of the sterling virile and martial qualities of the men of the Central Punjab. We owe much to those qualities in many a hard contest, but they have some of the defects of their virtues. When the Rowlatt Commission was writing of men of this class, it said that in their case the interval between thought and action was very short, and if once they gave way to the appeal of inflammatory addresses, they were likely to take speedy action such as would be subversive both of law and the future of the constitution. And these were the men among whom the excitement was to be kept alive. There were moreover local causes at work at Amritsar. That is to say there had some time before been very keenly contested municipal elections, and the candidates and their enemies had engaged bands of hooligans, who, we know, were subsequently largely instrumental in perpetrating the atrocities on the 10th of April. There were besides a very large number of Kashmiri Muhammadans to whom vigorous appeals had been made to show sympathy for the cause of Turkey, and these appeals had not been without effect in inflaming their feelings. Now, a Government faced with a situation like that has to take its precautions. It would be blameworthy if it did not take such precautions, and I maintain that anybody with a knowledge of administration, with an interest in the maintenance of law and order, could come to no other conclusion than that the men who were mainly instrumental in keeping alive that excitement should be removed from the scene of their activities. That decision was announced to the Deputy Commissioner on the evening of the 9th April. On the 10th morning he took certain precautions. I do not desire to take up the time of the Council with too much detail, but I am obliged to follow the narrative of the Hon'ble Pandit in this respect. He was afraid of a demonstration by an excitable and inflammable people, a demonstration mainly directed towards the release of Dr. Satyapal and Dr. Kitchlew, and he therefore put out pickets to prevent the crowd from crossing into the civil lines. When the news of the deportation was known in the city, his anticipations were justified; a crowd collected and attempted to go to the civil lines, and it was at this point that the first conflict occurred. This is what happened. I think anybody would assume from the Hon'ble Pandit's narrative that this was more or less a peaceable crowd,—I admit that it was unarmed—that it was a peaceable crowd and could have been dealt with by peaceable methods. The words at all events, I think, that he used were that all it required was a gentle pushing back. Now, my Lord, I daresay there are some here who have had some experience of crowds. If they have, they will bear me out when I say that, if you have a picket of a few mounted men, it is exceedingly difficult to indulge in moral suasion of that kind. At all events what happened was that, so far from the crowd being gently pushed back, they violently pushed the picket back. It was reinforced by a small body of infantry. When it was further pressed back, it was then, and then only, that the order was given by a First class Magistrate to fire. Now that was the beginning of all the trouble, and the Hon'ble Pandit, I think, will have us believe that if that picket had not fired, none of the subsequent troubles of the Punjab would have ensued: I maintain that the subsequent events afford perfectly good evidence that something would have happened if that picket quietly let the crowd go past. What did happen in Amritsar is unfortunately too well-known to everybody. And with every desire to avoid embittering feelings by reciting the events, I must refer to some portion of them. It was not only that Banks were burned, that Churches were burned, that a number of Europeans were murdered; it was not only that. The fact was that the whole thing was done with the utmost ferocity; that Europeans were not only murdered but that indignities were heaped upon them. I do not say this with any desire to embitter feelings; I only say it as showing the temper that the crowd was in; I only say it as showing that even if that picket had not fired there, trouble would have arisen elsewhere. And it seems to me that it is unreasonable to say to this Council, that you must look on the previous provocation given to this crowd, as affording—I do not think the word 'justification' was used; I do not think the word palliation was used—but I think it was said that you must look on the action of the picket's firing as some sort of explanation of the subsequent action of the crowd. Disorder did not stop there; and this is a dangerous feature to which I wish to call attention; it did not stop at murder and arson; it did not stop at showing the utmost cruelty to a woman and searching out another woman with every intention of murdering her. It did not stop there. The crowd went on afterwards seeking to destroy communications. It burned Bagtanwala station; it attacked and looted Cheharta Railway Station. I find it curious that the Hon'ble Pandit omitted to call any attention to this dangerous tendency of the crowd. The Hon'ble Pandit left Amritsar for a time and went to speak of Lahore. Now at Lahore he equally said that the atmosphere between the 6th and the 10th was quiet and peaceful, and the only reason that trouble arose in Lahore was that the Government excluded Mr. Gandhi from the Punjab. First, as to the exclusion of Mr. Gandhi from the Punjab. I think that also requires explanation, and, if possible, justification. I have described something of the atmosphere that there was in the Punjab at the time, and the Hon'ble Mr. Thompson has referred to the extraordinary rumours which were set on foot regarding the operations of this Act. These were rumours which did not appeal primarily to educated people; the bulk of the rumours were such as appealed with exceptional force to the land-owning classes. He has told us, and there is every evidence to support what he said, that people were circulating rumours that the land-owning class was to lose its status; that men who had previously been proprietors were to become tenants; that land-revenue was to be raised; that produce was to be taken instead of cash; and these are exactly the type of rumours which are likely to produce among a vigorous population and cultivators trouble the end of which no man can foresee. The population at large then had been told that the Act involved such consequences, and they had learnt that there was only one man in India that could help them in the situation. I do not think Mr. Gandhi was known personally in the Punjab, but he had acquired there the reputation, as somebody said (I think it is mentioned in one of the judgments), the reputation of a *rishi* and a *wali*. I certainly have read one speech in which the coming of Mr. Gandhi was compared to the coming of Christ, to the coming of Muhammad and to the coming of Krishna. Now, that was the man who, if I should use the words of a speaker at Amritsar, was to break the power of the bureaucracy; that was the man around whom the whole of the agitation centred; that was the man who by his new device of passive resistance was to relieve the people of the burden with which they were threatened. They understood nothing of the real meaning of passive resistance. So little did they understand the meaning of this peaceful movement of Mr. Gandhi's that, as Mrs. Besant afterwards said, people who committed arson and assaulted women did so with the name of Mr. Gandhi upon their lips. We have been told—I have seen it stated in the newspapers—that Mr. Gandhi's action in coming to the Punjab was a peaceful one, that had he gone there he would have stilled all angry passions, and restored tranquillity. My Lord, I think I am right in saying that Mr. Gandhi could not even address a Punjab crowd in a language which would be understood by them. How then was he to still those angry passions? What possible effect would Mr. Gandhi's arrival in the Punjab have had except to make people believe that there was truth in these sinister rumours to make people believe that he had come there to continue the fight against Government? With a population such as that which I have described, a belief of that sort would have been bound to lead to fresh disaster. I maintain that no one with any feeling for the security of the Province could have safely allowed Mr. Gandhi to have arrived in the Punjab at that juncture.

"I have been obliged to interrupt the course of my narrative, and I will now continue it. The attitude of Lahore, the Hon'ble Pandit said, was open to no exception. There had been no trouble, there had been no disorder, everything was peaceful. Well, my Lord, a gentleman who was subsequently prosecuted, an editor of one of the newspapers, himself admitted that at this juncture the atmosphere was highly surcharged, and that the people at large were in a state of very unusual excitement. The Commission which subsequently sat to judge the facts, in what is known as 'the Lahore Leaders case,' were of opinion that the fraternisation at the Ram Naumi on the 9th was used for a seditious purpose. We know that Honorary Magistrates and members of the Municipal Committee, who were believed to have taken the part of Government and attempted to dissuade the people from closing their shops, were threatened; we know that many of them were practically confined to their houses. Then, again, we also know that the feeling of the people was being worked up by a variety of literature in the shape of posters. Let me proceed now to the actual incidents of the 10th. It has been very widely stated that all that the crowd intended to do, when it went up to the Upper Mall on the 10th, was to make a peaceful demonstration in front of Government House. It has been insinuated in various quarters that it was a small crowd of students. The best authority we have so far on the nature of the crowd and on the nature of what it did, is the judgment of the Commission. These Commissions may be attacked as having no legal authority, their sentences may be attacked as being too severe, but is this Council going to believe that these judicial officers would perjure themselves by misstating the facts on which they have founded their judgment? That is an impossible supposition. They state the case as follows, and I must quote at some length:

> 'Towards evening a large and excited mob collected in Lahore City. Leaflets were distributed to it and some of its members were heard shouting both in English and in vernacular that Amritsar had been taken and the situation was well in hand in Lahore, as three gates were already held and a fourth would soon be closed. Headed by a man carrying a black flag, the mob proceeded with shouts of 'Gandhi ki Jai', and 'Shaukat Ali ki Jai' from the Lohari Gate through Anarkhali to the Upper Mall. Some of its members entered the compound of the Government Telegraph Office, but turned back on seeing a detachment of the Royal Sussex which were guarding the building with fixed bayonets. By the time the mob had got as far as the Lawrence Statue it numbered some thousands. There it was intercepted by two Indian Police officers, with a handful of armed constables who were brought up at the double from Anarkhali Police Station through the High Court grounds. These police lined the road in front of the mob but they were pressed back for a distance of about 200 yards as far as the Soldiers' Club. It was then getting dusk.
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> 'At this juncture Mr Fyson, the District Magistrate, Mr. Cocks, Deputy Inspecor-General, Criminal Investigation Department, and Mr Clarke, Deputy Superintendent of Police, arrived on the spot. Mr. Fyson ordered the mob to retire, but they pressed round him. One of them seized him by the shoulder from behind and they began to go through the thin line of police. They also attempted to get round them by going through the compound of the Soldiers' Club. After some minutes Mr. Fyson, who, owing to the uproar, had difficulty in making himself heard, ordered the police to withdraw a little further up the Mall in order to prevent them being overwhelmed by the mob, and then, as there was no other means of stopping its progress, gave the order to fire About a dozen rounds were fired and then the mob was pressed slowly back to the city. Near the Bank of Bengal Mr. Clarke was thrown down, but his assailant escaped.'

And now comes what I consider the salient point of this judgment:

> 'It is beyond doubt that the Lahore mob which marched on the Civil Station of Lahore was actuated by the same motives as that of Amritsar It was essentially part of the same insurrection, and it was fully aware of what had happened to the neighbouring town the same day. It was rapidly becoming more threatening, and had already displayed its contempt of the authority and person of the District Magistrate. A collision was inevitable, and had the mob proceeded a little further up the Mall, it would have found a supply of deadly weapons ready to hand Had it not been checked where it was, there was the gravest danger that it would have hurried on, in the confusion and darkness, to the commission of awful crimes.'

That is the opinion of the Commission which had heard both sides of the case, and it is their deliberate opinion that, had the mob not been checked then, it would have committed grave disorders similar to those which occurred at Amritsar. There was a subsequent incident on the same day which the Hon'ble Pandit minimised in the same way as he minimised this. I find myself under the necessity of referring to this also at some length. I might say that the military had by this time arrived and were ready to assist the police.

> 'When the mob was driven back from the Mall it did not dissolve, but was slowly pushed back by a small force of police into the Nila Gumbaz Chauk and up the Anarkhali towards

the Lohari Gate. There it was reinforced by a crowd issuing from the city, and the police under Mr. Clarke, Deputy Superintendent of Police, were held up at a point a little short of the cross-roads where the Circular Road cuts across the Anarkhali. Mr. Broadway, Superintendent of Police, came up with a small body of police and cavalry, but even so the forces of order were unable to disperse the mob which showered brickbats upon the police and sowars. Two or three rounds of buckshot fired at the roofs of some houses from which the shower of missiles was most persistent failed to do more than check the attack from that quarter. A message brought Mr. Fyson, Deputy Commissioner, to the spot: he went forward into the crowd to reason with Pandit Rambhajj Dutt or Lala Duni Chand (he does not remember which) who were there, but all efforts to disperse the mob failed, and at last some half a dozen rounds of buckshot were fired. The mob was then dispersed without further firing.

'We commend to the notice of Government the admirable conduct of all concerned in dealing with the mob.'

"Now, those who listened yesterday to the description of this particular incident from the lips of the Hon'ble Mr. Chanda are at liberty to compare the two narratives, and are at liberty to attach their own weight to the statements made by him. He dwelt on this incident at some length, based his description merely on certain statements in the newspapers. He did not refer to the judgment of the Commission, although he had then, I assume, in his possession a copy of it, because later on he alluded to it. Now those were the incidents of the 10th. By 8 o'clock, as the Hon'ble Pandit says, the troops were in the city, and everything was quiet on that night and during the 11th. So peaceful was the city, says the Hon'ble Pandit, 'that a meeting was held at the Badshahi mosque.'—I have his words here—'to express indignation at what had happened.' He merely mentions an incident on the 12th to which the Hon'ble Mr. Thompson also referred, namely that a C. I. D. Inspector, Ali Gauhar, was assaulted. Now what really happened was this. I take it from the reports of the various judgments of the Commission. On the 11th all shops were closed and an enormous crowd of Hindus and Muhammadans, said to number 25 thousand people, collected at the Badshahi mosque, inside which a banner was hung with the inscription 'The King who practises tyranny cuts his own roots underneath.' This is the meeting which the Hon'ble Pandit says passed over quietly. Well, let us see the facts. After the speech of Lala Rambhuj Dutt Chowdhry, an incident occurred which will show exactly what kind of meeting it was. This incident is described in the judgment of the Commission, dated the 29th April 1919. An ex-sepoy, named Balwant Singh, was brought in. He shouted a false story that Indian Regiments had mutinied in Lahore Cantonment and were marching on Amritsar and Lahore. He also stated that they had killed about 200—250 British soldiers and that he himself had killed six. He claimed to be a soldier and was dressed as one. He was garlanded and carried in triumph to the pulpit—he, a Sikh, was carried in triumph to the pulpit—of the mosque, and there he was called upon to make a speech. This he was unable to do and he shortly afterwards disappeared. Then, states the Commission, as a result of an orgy of oratory, the rabble left the mosque, led by hooligans who carried sticks, and shouted seditious cries and destroyed pictures of His Majesty. The allusion to the band of hooligans requires some explanation. It was an organised body, described as follows by the Commission:—

'They marched two-deep carrying their sticks as if they were rifles at the slope or trail. At constant halts they knelt, by numbers, as if in a firing position. On numerous occasions Chanan Din made inflammatory speeches proclaiming that he and his band were rebels and looked, not to His Majesty the King, but to Germany, Turkey and Kabul as their suzerains. He invoked the assistance of God and of these powers to overthrow the British Government. He also made reference to the Rowlatt Bill. Chanan Din's speeches were applauded by the mob, and the 'Fauj,' as it passed along, was joined by recruits who were supplied with sticks.'

"Now, what the feelings which actuated the people who got up this affair is very well shown by a poster, which, I will not say was issued on this date, but which certainly issued either on this date or a day or two afterwards. I will read some extracts from it:

> 'When Mahatma Gandhi arrived at Palwal, the English monkey informed him that his entry into the Punjab was forbidden, and that he should please go back. He replied that he would never go back; then that big monkey arrested him. Reports of his arrest reached here at once.'

The first part is merely abuse—that matters little; but the second part is noteworthy.

> 'When the news reached Amritsar, the *Danda Fauj* of the brave Sikhs set fire to the Bank, the Railway Station and Electric Power House. They cut the telegraph wires and removed the railway line. The *Danda Fauj* of Amritsar bravely killed a number of European monkeys and their Sikh regiments have revolted and deserted. Oh Hindu, Muhammadan and Sikh brethren, enlist at once in the *Danda* Army, and fight with bravery against the English monkeys. God will grant you victory. Do not apprehend that God does not help us. Cast away such a notion out of your heart. God helps us at all times and hours. Conquer the English monkeys with bravery. God will grant victory. Leave off dealings with the Englishmen, close offices and workshops, fight on. This is the command of Mahatma Gandhi.'

And there is a good deal more, very much to the same purport:

> 'Oh Hindu, Muhammadan and Sikh brethren, do you know of the incident that took place at the Mall Road on the night of the 10th April? The Hindus and Muhammadans who were martyred that day were your own and they sacrificed their lives. Does not this incident excite you? What is the reason? Were not those who were made martyrs in Hira Mandi on the 12th April your own brethren, and died at the hands of the tyrants? Does the Prophet of God command you not to fight against the tyrant? No, never, the Prophet himself fought, and has commanded us too to destroy the tyrants as he did. Should we not be ashamed ourselves that while the tyrant is up to all sorts of cruelty, we are sitting quiet? Oh Hindu, Muhammadan and Sikh brethren, raise the cry of Allah Akbar and kill the Kaffirs. Get ready soon for the War and God will grant Victory to India very soon. Fight with enthusiasm and enlist yourselves in the *Danda* Army.'

That was the spirit which actuated this quiet and peaceable city on the 11th and 12th. But even if on the 11th and 12th there was nothing beyond what I have described in Lahore city itself, what about the state of Lahore district? On the 12th a violent outbreak occurred at the neighbouring town of Kasur, the headquarters of a sub-division in the Lahore district. The Kasur outbreak will be particularly interesting to Council because it had to be quelled entirely by Indian officers. What happened there? The crowd, excited, inflamed, went to the railway station. It attacked a train in which there were a number of Europeans. It attacked, but fortunately did not injure owing to the bravery of an Indian gentleman, a European woman and her three children; but it killed two British warrant officers and injured two commissioned officers. In that case at least I claim that no one can say that there was either justification or 'explanation' for the violence of the mob; none of that crowd had been fired on by the police or military; the only firing was the discharge of the revolvers by the two unfortunate warrant officers when they were in danger of their lives. After murdering the two Europeans, the mob continued its course through the small town and burnt all the Government property that came within their reach. That is an incident which, I think, will disprove entirely any suggestion that the action of the crowds in the Punjab where they broke out into violent excesses was due to any sort of provocation or had any sort of justification.

"I have carried the narrative up to the 12th. The date is important because it was on the 13th that a reference was made to the Government of India on the subject of the declaration of martial law. I ask the Council to note the state of things in the Punjab as a whole on the 13th, when that question came up for consideration. You cannot take these incidents as isolated; you cannot say 'After all the military had got possession of Amritsar; there were large forces in Lahore; no further trouble was to be anticipated.' You cannot say that. You have got to look at what was happening not only in those two cities, not only at what had happened in Kasur, but at what was happening all round. It is very easy to sit in this Council Chamber, my Lord, in that atmosphere of protection of life and property which is the outcome of our rule; it is very easy to sit here and threaten us with agitation; it is equally easy, again, to sit here after the atmosphere of law and order has been restored and to minimise the magnitude of the events which took place in the Punjab. Some Members of this Council may have fallen into the first mistake; I hope that none will fall into the second. Let me state, as briefly as I can, the nature of the problem as it presented itself to the Government of India when they decided to introduce martial law. There had been outrages at Amritsar, outrages which showed a strong and very bitter racial feeling. At Lahore the crowd had, at the Badshahi Mosque, openly welcomed the false news that the Sikhs had mutinied in Amritsar, had destroyed portraits of the King, had supported the formation of an organized force of hooligans, had attempted to force the closure of the railway workshops. At Kasur they had murdered Europeans and destroyed all the Government property within reach. But it goes further than that. Everywhere attacks had been made on the communications. Bhagtanwala station had been burnt, Cheharta station looted, Khem Karan and Patti stations had also been attacked, the communications had been so far impaired that, as your Excellency reminded us, it was impossible to communicate with Lahore from Simla except by means of wireless. There was every proof then that disorder was spreading outside the cities. In cities it is a comparatively simple problem to deal with disorder; you can send troops and isolate them; but when you have communications attacked, and the telegraphs cut all over the province, how are you to meet the situation? You are dealing with a warlike, virile, martial people, suddenly filled with a spirit of disorder. We know that in a number of villages in the Punjab the people had begun to believe that law and order had completely broken down. I would cite the case of the attack on the Treasury at Tarn Taran, the attempt made by villagers on the line at Gumanpura, or better still the case in which a mob of villagers burnt the records at Aulakh. I maintain that, in the circumstances, there was every proof that rebellion had broken out, and not only broken out, but was spreading through the Central Punjab. It was in these circumstances that your Excellency agreed to martial law. I will go further and say that you cannot judge of the justification of the order merely by the antecedent circumstances and facts; you ought to take into consideration also what happened immediately afterwards, since that also shows what the state of the Punjab was. The Hon'ble Pandit has referred to what happened at Gujranwala on the 14th, and as usual minimises the disorders that occurred there. He very unfairly, I think, tried to throw the greater part of the onus on the police officer in charge of the station; he said the subsequent disorders were due to the officer firing off his revolver. Will Council believe that before the revolver was fired two railway bridges had been set on fire, telegraphs cut and the Post Office also set on fire? He referred again to the hanging of a calf from the railway bridge, and he thought that the fact afforded some sort of explanation of what happened afterwards; since the public believed that the Criminal Investigation Department had done it. That suggestion caused at the time a ripple of laughter in Council, and I will therefore avoid criticising it. But, my Lord, when I hear him tell the story about this calf, and the pig said to have been killed near a mosque, I could not help thinking of the expression we so often use about a cock and a bull. There was no justification for the disorders and outrages that took place at Gujranwala, for they took place before the crowd was fired on at all. It was not, as he would have us believe, a mere fortuitous collection of schoolboys bent on wanton mischief that set fire to the railway bridges, nor was it a mere fortuitous collection of people that pulled up the permanent way or which deliberately cut the communications with Lahore. The firing by the police at Gujranwala did not result in many casualties; and it was fortunate perhaps in the circumstances, since this was a case in which a young officer, without any senior Magistrate to give him assistance, had to deal with matters on his own responsibility, and to quell disorder which resulted in the burning of the railway station and a number of Government buildings, the burning of the church, and the looting of the good sshed where there were goods to the value of eight lakhs of rupees. I protest against the allegation that there was any explanation or justification in anything that that police officer did for the action of the mob. That was one instance of what happened on the 14th, and it was not an isolated instance. If disorder had stopped there, you might say that the declaration of martial law was hasty; but it did not stop there. I have the record here of a large number of cases showing the extent of the disorder and the danger to communications, though I will not venture to try the patience of the Council by reading them all. Let me finish the record of the 14th. On that day—the day of the trouble at Gujranwala—an attack was made on a European officer in the train at Hafizabad. Wires were cut near Batala in the Gurdaspur district, there was a strike on the Railway in Hissar district, workmen stoned the time-keeper's office at the Railway workshops at Lahore, telegraph wires were cut between Lahore and Amritsar, and an unlawful assembly, at which decision was taken to indulge in general looting, was held at Padhana. Down in the south there was a railway strike at Samasata, and the telegraph wires were cut. Up in the north at Rawalpindi seditious notices were found posted calling on the people to rise during the night. At Rohtak there was a joint attack on the line by the mob and the railway staff, a railway bridge was damaged and attempts made to wreck a mail train. At Sialkot wires were cut between Sialkot and Wazirabad. Now I come to the 15th. At Gujrat a crowd attacked the Railway Station, and smashed the telegraph instruments; the police had to fire on the mob. At Malakwal junction in the same district a mob was only prevented from making trouble at the station by the presence of troops. In the Jhelum district a train was derailed on the main line at Kala. At Sialkot wires were again cut near Dhariwal. In Lahore District grass stacks were set on fire near Bhangali and Padri. At Hafizabad in the Gujranwala district the mob attempted to rescue men arrested damaging telegraph wires and the police had to fire on them. At Chuharkhana, also in the Gujranwala district, the station was attacked, railway lines torn up, telegraphs cut and the station burnt and looted. The market was only saved from the mob by the arrival of an armoured train. Close by, the Dhaban Singh Railway station was burnt and all the telegraph wires cut, and late at night the Momun station was burnt. At Wazirabad in the same district a mob pelted the troops at the station with stones, cut wires at the station, and then burnt the house of the Rev. Mr. Bayley, a missionary who had resided for very many years in the district and who (as the Commission stated in their judgment) was greatly respected by everybody; he was a linguist of wide renown, and the mob burned not only his property, but what was even more valuable, they burnt the records of many years' scientific labour. At Gojra in the Lyallpur district a mob endeavoured to get an engine driver to refuse to start his train by telling him that the troops at Multan had mutinied. A number of telegraph wires were cut in Rohtak. At Sialkot, an attempt was made to fire a railway carriage in a siding. Let me go on to the 16th. In the Gujrat district a mob entered the Town Hall at Jalalpur Jatan, insulted the Municipal Commissioners, and damaged the furniture, and at night the railway line was dismantled near Malakwal resulting in the derailment of a train next morning and the loss of two lives. In the Jhang district telegraph communication was interrupted between Jhanj and Subhaga. In the Lahore district telegraph wires were cut at Changa Manga and at Raewind. In Rawalpindi, telegraph wires were again cut. In Sialkot, the permanent way was attacked between Sialkot and Wazirabad and the wires cut. In the Gujranwala district all the wires were cut near Sangla station and a murderous attack made on a European telegraph Inspector. Wires were cut in four other places on the Sangla-Shadara line.

"I leave the 16th and come to the 17th. In the Gurdaspur district telegraph wires were cut between Chhaina and Dhariwal, and three other places, and telegraph wires were cut between Kaler Kalan and Kunja in the Jullundur district. In the Lahore district, near Jhallo and Harbanspura, an attempt was made to derail a train by placing obstructions on the line. In the Lyallpur district a party proceeded to a neighbouring village and returned after breaking the telegraph insulators and cutting telegraph wires *en route.* At Lyallpur itself a stack of Government *bhoosa* valued at Rs. 50,000 was set on fire and burnt. In Rawalpindi, telegraph lines were interrupted near Gujar Khan. Trouble did not even stop on the 17th. On the 18th, in the Ferozepore district, obstructions were placed on the railway line ; in the Gurdaspur district canal wires were again cut. In the Jullundur district Sidhwan flag-station was burnt. On the same day, the 18th, at Lyallpur, an attack on Moman Kanjan station was only interrupted by the arrival of troops, and a gang of villagers from a village colonised by Manjha Jat Sikh colonists, came out at night and tried to wreck the line between Toba Tek Singh and Jhaniwalla. Well, I fear, I have already wearied you by narrating this series of events, but it was essential in order to prove my point that I should bring them to the notice of the Council. It is impossible to allow any minimising of what happened in the Punjab between the dates I have mentioned. I maintain, and I repeat to the Council, that not only should we take into consideration what happened before the declaration of martial law, but we are entitled to quote as justification of our action what happened immediately afterwards as showing the real state of the province.

"Now I will not attempt to deal at any length with the legal aspect of the case. It was necessary, for the declaration of martial law under Regulation X of 1804, that there should be either war or open rebellion. I understand that jurists have differed as to what constitutes open war, but, I believe, it is fully accepted that to establish the existence of war you do not need the existence of an army with all its paraphernalia. What is quite certain, and what, I think, I may with confidence place before the Council is this, that to justify a declaration of open rebellion, it certainly does not require the existence of an army or of an attack by armed forces. Why the Hon'ble Pandit himself referred in the course of his speech yesterday to open rebellion in the Gordon riots. I maintain that the Gordon riots, which were treated by martial law, were in no wise as serious as what happened in the Punjab on the dates I have mentioned. There you had a case, and readers of 'Barnaby Rudge' will remember it well, in which crowds assembled more or less out of religious animosity, burnt chapels and ended up by burning distilleries ; yet under the law of England it was held to justify the application of martial law ; what is more, the action taken to suppress disorder was held to justify the application of an Indemnity Act. I put it to the Council that the justification necessary for Government to declare the existence of a state of rebellion, is a matter of common sense, and I maintain that the account which I have given of what happened in the Punjab in the middle of April would justify any Government in declaring that there was a state of rebellion in the Punjab. If the Council will agree with me that Government merely exercised ordinary common sense in making that declaration, then, I think, a great part of the Hon'ble Pandit's case falls to the ground.

"His contention was that if martial law was not justified, then an Indemnity or Validation Act is not justified. I maintain the state of things in the Punjab shows very clearly that martial law was justified, and it follows as a corollary that you must have an indemnity and that you must have a validation.

"My Lord, when I began to speak I intervened more or less as giving evidence of facts. But there is one other consideration which, before I sit down, I should like to put to the Council. India is only now on the threshold of its political career, and it will not escape all the surging troubles which have come to the world since the war, since the beginning of unrest in the world at large. The officers of State, Indians as well as Europeans, and in the future probably more Indians than Europeans, will have to deal with those troubles. I have quoted to you one case at least in which an Indian officer, without any European support, had to deal with very serious trouble, the case at Kasur: there are other cases, such as that of Tarn Taran and Hafizabad. I ask the Council to reflect whether it is wise that officers of State, and particularly Indians, should feel that they are without support in dealing with troubles such as those I have enumerated. I feel myself the case of Indians to be infinitely harder in this respect than that of Europeans. They are liable to criticism of the most intimate nature, I mean in their families and in the circle of their friends. If they do anything which is thoroughly unpopular, they are liable to social, and perhaps even to religious, ostracism. Is it right, is it fair, to hesitate for one second to give them support for the reasonable use of their discretion? I appeal to the Council to view this case with some sense of proportion, and with something of insight into the future. I appeal to it not to look at it in any spirit of partisanship. If I may, I should like to quote the words of one who, I think, was not less distinguished by patriotism and by love of his country than those who have been most keen in their attack on this Act in the last few days. Before the Hon'ble Mr. Sastri left Bombay, he spoke as follows:—

> 'At the same time he was one of those who believed that the Punjab Government had had good cause to use strong measures—perhaps the measures they had used were excessively strong, far stronger than the necessity of the case required—but they had had a case for the use of strong measures. No Government in the world, however mild or sympathetically disposed, would have sat quiet without using stringent measures to restore order when they had a mob sprinkling kerosine oil on buildings and burning them down, clubbing and burning Europeans to death. They were bound to render to Government the most cordial co-operation in bringing things once again to a normal state.'

"Now I quote those words, my Lord, because, I think, they show that an Indian public man, distinguished for his public spirit, can yet give Government its due, can yet recognise the gravity of the situation in the Punjab, and can retain his right of free criticism, without falling into the attitude of the persistent and unreasonable partizan. It is the spirit of that speech which I commend to the Council in dealing with this question."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, in the course of the last few days I find I have been called upon to address this Council for the second time upon the Punjab affairs. On the first occasion it was due to the Resolution of my friend, the Hon'ble Pandit Malaviya, that I had to address this Council; now it is in connection with a Government Bill that I find I have again got to express my opinion. The Hon'ble the Home Member in introducing the Bill yesterday and asking for leave of this Council made a speech, which if I may say so without impertinence, was free from any trace of bitterness or acerbity. If anything, it was a little unnecessarily forceful, due perhaps to his emotional Celtic temperament, but otherwise I have no grievance against it. And, I may say in justice to him that, in introducing the Bill his opening words were solicitous of the co-operation of non-official Members of this Council, and he begged of us not to import into our speeches any needless acrimony or bitterness. I may venture to say, my Lord, that the Indian Members who have so far spoken have, on the whole, adhered to the suggestion thrown out in such a friendly way by the Hon'ble the Home Member. But I wish I could say that the suggestion had been as well received and acted up to, in the spirit in which it was sought to be pressed, by the European Members in this Council. I am sure I am voicing the unanimous opinion of almost all the Indian non-official

Members of your Lordship's Council when I say that the friendly admonition of the Hon'ble the Home Member was completely lost upon the Hon'ble Mr. Thompson, about which it will be necessary for me to say a few words later. But before I do so, I desire to express, if I may be allowed, my whole-hearted appreciation of the spirit underlying the Hon'ble Mr Hailey's speech. Mr. Hailey has presented, it seems to me, the case for the Government in a spirit of such remarkable fairness and with such skilful advocacy as to carry conviction to a certain extent even to the minds of his opponents, and this is the highest compliment I can pay to him. If all speeches, my Lord, on the Government side were as fair and as skilful, I am sure the non-official Members of this Council could be easily persuaded, even on most contentious matters to see, at least partially, eye to eye with the Government. But before I make my submissions to your Lordship in regard to the Bill and the reasons why, after most careful consideration, I have not been able to agree with the Hon'ble the Home Member as to the desirability of its introduction at the present moment, I should like to say—and I am sure some of my European Colleagues here, if not all, will agree with me—that the language which was indulged in this morning by the Hon'ble Mr. Thompson is to be strongly deprecated. Because we non-official Members of the Council express opinions which may not suit the views and sentiments of our European Colleagues, for them to indulge in the style and language and make personal attacks as did the Hon'ble Mr. Thompson on Mr. Malaviya, I submit, my Lord, with the greatest deference, is highly objectionable. Mr. Malaviya is a gentleman who is quite capable of defending himself: he will survive Mr. Thompson's attack, as he has done others in this Council and outside. He is a gentleman held in the highest esteem throughout the length and breadth of India for his devotion to the country, and, however much you may differ from his views or his manner of presenting his case, there can be no justification for anybody to have made a personal attack on him as Mr. Thompson did this morning . . . .

The Hon'ble Mr. J. P. Thompson:—"My Lord, may I rise to a personal explanation? I did not attack the Hon'ble Pandit for his opinions, but for his statement of fact."

The Hon'ble Mr. Sachchidananda Sinha:—The Hon'ble Mr. Thompson told us—I quote his words—that he was a great admirer of Sir Michæl O'Dwyer. Those who listened to his speech this morning hardly needed that assurance, for those who remember the famous speech of Sir Michæl O'Dwyer in this Council must have felt satisfied that the Hon'ble Mr. Thompson's own way of handling facts is reminiscent of the methods of the late Lieutenant-Governor of the Punjab. When I find the Hon'ble Mr. Thompson charging the Hon'ble Pandit Madan Mohan Malaviya with distortion, exaggeration and misunderstanding, when I find him, again, charging Pandit Madan Mohan Malaviya with credulity, gullibility, a lack of the sense of proportion and the power of closing his eyes to the political situation, and when I find him subsequently winding up his peroration by saying that in intelligence and mentality he was correlated with the lower orders, I bespeak to these the attention of the Council and venture to ask whether it is a fair presentment of the case or one that can be justified.

"Now, my Lord, I shall pass on to other matters. The Hon'ble the Home Member was pleased to commend to the attention of this Council—and, I think, he particularly looked hard at me when he did so, as if he tried to stare me out of countenance—certain articles which had appeared in the 'Civil and Military Gazette' of Lahore on this question by an anonymous scribe who signs himself as 'An Indian student of Constitutional Theory and Practice'—a rather long and pompous designation under which he takes shelter. The Hon'ble the Home Member asked us particularly to read those articles which, he said, put before us the whole case in defence of the Bill which we are now discussing. The Hon'ble the Home Member did not at the same time ask us to read a reply to those articles which appeared in the 'Tribune' of Lahore. Perhaps he had not seen it himself. Now, this writer, my Lord, who has taken refuge in anonymity, says some very interesting things in his articles which have a bearing upon the point we are discussing now. I believe the Home Member asked us to read the articles for the reason that the writer says :—

> 'Indian publicists and Indian editors (I am afraid I come under both these categories) should have, therefore, no sort of quarrel or dispute with the coming Indemnity Bill. Any unreasoned or obstinate opposition will show how ill-equipped and ignorant of the very A B C of the constitution are our leaders in the Legislative Council and the writers in the Press.'

I fear it was for this particular reason that the Hon'ble the Home Member commended the articles to our special attention. Further on, I find that this anonymous writer who comes to teach us the elementary principles of Constitutional Law concludes by saying :—

> 'I also hope that the Indian Members of the Imperial Legislative Council, and particularly the Hon'ble Mr. Malaviya, on whom the mantle of the irreconcilable Oppositionist seems by an irony of circumstance to have descended, will not fritter away their energy and their time in an unreasoned, purposeless and infructuous opposition to a constitutional practice that stands hallowed by the observance of centuries in democratic England itself.'

Personally, my Lord, I shall be sorry, indeed, to waste a minute of my time in any unreasoned, purposeless or infructuous opposition to a Government measure. It has been my effort all my life to offer reasoned criticism and not to lead a purposeless, infructuous opposition. The writer seems to forget that, whatever weight of reason there may be on our side, any opposition here to a Government measure is bound to be, so far as we are concerned, infructuous, because, when the Government bring in a measure, there are behind the Front Government Benches the serried ranks and solid phalanx of our official friends, 35 strong, who sit here for the purpose of supporting the Government in any measure the latter like to bring in, whether it affects the European non-officials or the Indian.

'Theirs not to reason why,
Theirs not to make reply,
Theirs but to vote and die.'

What is the good in a Council like this for any of us to try and persuade the Government? Once they have made up their minds that a measure has to be got through this Council, the old shibboleth of the responsibility for maintaining law and order being on the Government is trotted out and there are those 35 valiant soldiers to vote down any opposition that we may have to offer. Therefore, it is not for the purpose of carrying on any infructuous opposition that I have to place before your Lordship a few observations. The reason for it is this. Your Lordship's Government, as the Executive, have done certain things, have taken a certain line of action. Your Lordship's Government now come before this Council to ask the moral assent of the non-official Members to the view taken by the Executive. If I am not asked for my moral assent, if the Government simply ignore me, I shall make no grievance of that. I shall not take up in that case a minute's time of this Council. But when the Hon'ble the Home Member gets up and puts forward reasons and arguments before me and asks me to give my moral assent—for my vote does not count for anything—then I am bound to examine his arguments and make my submissions as I conceive them to be.

"Coming, therefore, to the question of moral assent, my first submission is that in the preamble of this Act I find it stated—

> 'Whereas owing to the recent disturbances in certain districts in the Punjab and in other parts of India, it has been necessary for the purpose of restoring order to resort to martial

law,' and so on, and so forth.

Now supposing the preamble had been worded like this:—'Whereas owing to the recent disturbances in certain districts in the Punjab and in other parts of India, the Governor General in Council had deemed it right and proper to establish martial law therein', I would have had nothing to say against it. But when your Lordship's Government ask my assent to the declaration that it was necessary to proclaim martial law, I am entitled to say that, quite apart from whatever views I may hold, it will be prejudicing the work of the Committee your Lordship's Government have been pleased to constitute, if I were to give my assent now to this preamble as it stands. Therefore, quite apart from the facts as to what transpired in the Punjab—I have heard different versions of them; one was given by the Hon'ble Pandit Madan Mohan Malaviya who put forward the cases of those persons, subjects of His Majesty the King-Emperor, who are said to have grievances in the matter, while contrary versions have been given by Messrs. Thompson and Hailey who say that the facts are not exactly as the Hon'ble Pandit Madan Mohan Malaviya put before the Council—what I say is this. You have constituted a Committee to go into this matter, to analyse and sift the evidence and to come to certain conclusions. What will be the value of those conclusions if we now assent to this preamble that it was necessary for the Government to declare martial law? Therefore, my submission is, that by assenting now to this preamble the non-official Members of this Council, whether Europeans or Indians, will be making the work of the Committee infructuous, and here I may be permitted to refer to one or two observations which were made . . .

The Hon'ble Sir William Vincent:—"May I inquire, my Lord, with a view to shorten the debate, if the Hon'ble Member's objection to the Bill is confined to this statement in the preamble? Because, I may say now, my Lord, that Government are quite prepared to reconsider the question of this preamble."

The Hon'ble Mr. Sachchidananda Sinha:—"That, my Lord, is but one of my objections. That is No. 1. But certainly if the Government will meet us half-way, it will be of great importance. I hope the Hon'ble Member will agree to that alteration. Now, my Lord, when the Hon'ble the Home Member put that question, I was going to deal with one or two observations of my friend, the Hon'ble Mr. Crum. Without the least desire to cast any aspersion of even the mildest character on my esteemed friend, I do say that I can quite understand his difficulties in not being able to appreciate the points—the legal points—involved in this Bill. To him the matter of fact is that Government have done certain things; they gave certain promises to their officers, and why should not those promises be carried out by the Government? That is the way it strikes him and he, therefore, characterised the attitude of those who oppose this Bill at the present stage as dishonest, ridiculous and piteous—rather unnecessarily strong words those, for which there is no justification. He also said that it seemed to him that the only object of those persons who are offering opposition to this Bill is to persuade the public outside this Council that the Government have done something wrong. Well, I desire to assure him that, far from that being the object of those of us whose misfortune it is to differ from the view of the Hon'ble the Home Member, we are trying to persuade the Government to do what we conceive to be right. That is my answer to the Hon'ble Mr. Crum. I think that in saying what he did he did a great injustice to us, who come here at the sacrifice of time, money and energy from different places in British India to serve our country to the best of our lights.

"Now, my Lord, this Bill deals, leaving the preamble alone, with martial law and indemnity, and to be able, therefore, to appreciate the points involved, we must have a clear notion of what these two are. I am aware that I am addressing the official benches and also the Hon'ble the Law Member, who is a great authority on the subject. But I make these submissions for his attention also. Now, what is martial law? Martial law is defined, my Lord, in various standard works of legal literature; but I have no desire whatever to quote them. I shall only invite your Lordship's attention to what I find Lord Morley in his memorable 'Recollections' wrote to Lord Minto, when there was some talk of martial law being established a few years back. He said: 'Martial law is only a fine name for the suspension of all law.' And again; 'If you declare martial law in India, it will be a gigantic advertisement of national failure.' Well, it is not for me to say whether the declaration of martial law in the Punjab this year was or was not a gigantic advertisement of national failure on the part of British statesmanship; but we must remember that when we talk of martial law in the Punjab, it means that for the time being there was no law at all, that the whole legal machinery was suspended, and that, as a matter of fact, things were done which would never have been done otherwise than under the cloak of martial law. I shall now, with your Lordship's leave, read out one short passage from a judgment of Lord Chief Justice Cockburn in the well-known case of Phillips v. Eyre (4 Q. B. D. p. 225), to show what an act of indemnity really amounts to. He said: 'There can be no doubt that every so-called Indemnity Act involves a manifest violation of justice inasmuch as it deprives those who have suffered wrongs of their vested right to the redress which the law would otherwise afford them, and gives immunity to those who have inflicted those wrongs not at the expense of the community for whose alleged advantage the wrongful acts were done, but at the expense of individuals who, innocent possibly of all offences, have been subjected to injury and outrage, often of the most aggravated character. It is equally true, as was forcibly urged on us, that such legislation may be used to cover acts of the most tyrannical, arbitrary and merciless character, acts not capable of being justified or palliated even by the plea of necessity, but prompted by local passions, prejudices or fears, acts not done with the temper and judgment which those in authority are bound to bring to the exercise of so fearful a power, but characterised by reckless indifference to human suffering and utter disregard of the dictates of common humanity. On the other hand, however, it must not be forgotten that against any abuse of local legislative authority in such a case protection is provided by the necessity of the assent of the Sovereign acting under the advice of Ministers, themselves responsible to Parliament.' Now, I can quite understand an Act of Indemnity not working unnecessary hardship on the subject population, where the measure is assented to by the Sovereign on the advice of his Ministers and with the assent of Parliament. But, here, my Lord, where the Government of India, the executive of the King-Emperor in this country, do certain things and then come and ask for the assent of this Council, with a standing official majority at their back, surely that cannot possibly convince the people that the action of the Government was right; and that the Government in asking this Council to pass this Bill will not be asking assent to a measure which might be of the most tyrannical and arbitrary character. That is the whole difficulty which we have to face in regard to this Bill; and that is why we have to be so very careful. Now, my Lord, apart from that, we find that in this Bill there are provisions of a very serious character, and it is, therefore, difficult for us to assent to the policy of this Bill. Take, my Lord, for instance, apart from the preamble, the provision in clause 2, which fixes the period of immunity from 'on or after the 30th of March 1919' and brings it down to the time when martial law had been completely withdrawn. In other words, by making this provision your Excellency's Government are asking our assent to give the operation of martial law retrospective effect. Now, this question was raised in the House of Commons in 1906 by Mr. Ramsay MacDonald who, your Lordship may remember, was appointed a member of the Royal Commission on Public Services in India by His Majesty's Government. I mention this fact so that it may not be said by the Hon'ble the Home Member in referring to Mr. Ramsay MacDonald : 'Oh, he is a crank,' and all that sort of thing. Well, he raised the question as to whether it was desirable to give retrospective effect in legislation of this kind to the administration of martial law. This is what he said : 'The second point was that this incident, the murder of two policemen, took place on the 8th February, and martial law was proclaimed on February the 9th ; that the incident took place at a time when there was no martial law in the colony, at a time when the civil law was still in operation ; yet the natives accused of the murder of the policemen were tried by martial law. Was martial law to be made retrospective in the future ? Bad as martial law undoubtedly was and unjustified as those were, as he thought, who declared it, ten thousand times more unjustifiable was it, that this negation of all law should be made retrospective and to cover acts committed previously to its being proclaimed.' The Right Hon'ble Mr. Winston Churchill who was called upon to defend that measure giving retrospective effect to it said this in reply : 'Martial law is no law at all. Martial law is brute force. The only restriction on martial law is, that no more force is used than necessary, and where more force is used than necessary, persons may afterwards be called to account unless covered by an Act of Indemnity. The Hon'ble Member for Leicester suggested that it was illegal to try these men by martial law for an offence committed before martial law was proclaimed. Of course, all martial law is illegal, and an attempt to introduce illegalities into martial law is like attempting to add salt water to the sea.' Now, under clause 2 it is proposed to give retrospective effect. The Hon'ble the Home Member advanced no sounder argument than did Mr. Churchill when he talked of adding salt water to the sea. Then, we find in clause 3 of the Bill that the ordinary rule of evidence is completely reversed, and we note that the burden of proof is cast on the plaintiff or the prosecutor . . .

The Hon'ble Sir George Lowndes :—"I think the Hon'ble Member is making a mistake when he says that the burden is thrown on the prosecutor."

The President :—"I think it was a slip of the tongue."

The Hon'ble Mr. Sachchidananda Sinha :—"It is hard for your Excellency to realise what our difficulties are in speaking a foreign tongue in this Council. We are apt to make mistakes. Then, I find here further in one clause, that there is no limitation as to the places where officers are to be protected. I have no desire to take up any further the time of the Council, but my submission is that many cogent reasons have been advanced by us why your Lordship's Government should postpone the consideration of this measure. Firstly, by the words in the preamble we shall be nullifying the effect of the report of the Committee. We shall be calling upon them to assume that it was necessary to declare martial law. Now, Mr. Hailey may be satisfied as to that and Mr. Thompson also, who was Sir Michael O'Dwyer's right hand man. I daresay he is, but we naturally feel a certain amount of diffidence about this point. Secondly, I have shown that the Bill is open to great objection in the matter of giving retrospective effect. Your Lordship's Government are no doubt aware that since it was announced in the 'Pioneer' of Allahabad that the Government were going to bring in an Indemnifying Bill, Indian public opinion has been roused. It has been insistent that this Bill should not be proceeded with at the present time. My Hon'ble friend, Mr. Malaviya, referred in some detail this morning to the strong volume of public opinion on this subject. He showed by quotations from a well-known London paper that public opinion, even in London, sees no justification for the Government's action in this matter. In India, I can assure your Lordship, almost every shade of public opinion, the so-called moderate and the so-called extremist, is unanimous in asking Government to forbear from pressing this Bill. Not only people of supposed advanced views, but even such a moderate man as Sir Narayan Chandavarkar, an ex-Chief Justice, whom, I believe, the Hon'ble the Home Member appointed last year as one of the advisers of Government....

The Hon'ble Sir William Vincent :—" He was appointed by the Bengal Government."

The Hon'ble Mr. Sachchidananda Sinha :—"Then the Government of Bengal are entitled to praise for their choice in having appointed him as their adviser. I understand from the papers that even he sent to your Lordship a telegram asking your Excellency not to press this Bill at the present time. He has also written a long article in the 'Indian Social Reformer' from which the Hon'ble Mr. Malaviya quoted certain passages. Now, my Lord, I do venture as a responsible adviser of your Government to say that it is not right for the Government of India to flout public opinion in this way and say to us: 'Oh, we are reponsible for maintaining law and order, the responsibility is cast on us by Parliament, and we shall do what we think proper.' That, my Lord, is a wholly wrong attitude. Public opinion has got to be appreciated; it has got to be considered and given due weight to. We are apt to believe that public opinion came into existence in this country only with British rule, and that it came here along with certain other Western ideas. As a matter of fact even in the early days people who had not acquired English education knew the value of public opinion. My Hon'ble friend Mr. Shafi will appreciate the well-known lines of the great Hindustani poet, A'tash

'Sun to sahi Jehan men hai tera fisana kya
kahti hai tujhe khalk-e khuda ghaebana kya'

which means 'do for God's sake listen to what people are saying about you and pay some respect to it.' That shows that public opinion was held in great respect even in earlier days. Therefore, I say, put off the Bill for two or three months. I understand the Committee will soon be out and will submit their report by the end of the year. Is there any advantage in pressing this matter at this stage notwithstanding public opinion to the contrary? I protest, my Lord, against the Government acting in defiance of public opinion; the result of such action in the past has been acerbity and ill-will on the part of His Majesty's Indian subjects. It is not desirable that the Government should repeat that experiment. I feel strongly that that would be a blunder. I do not want an indefinite postponement; if that was meant I should vote against it. I am in favour of a Bill of Indemnity—the only question is, should it be passed now, before the autumn Session is over? I do hope your Lordship will take into your careful consideration the view I have put forward. A large number of Indian Members of this Council, including the Hon'ble Maharaja of Kassimbazar and the Honb'le Rai Sita Nath Ray, take the same view as I do. My Lord, your Government will be in a stronger position by listening to and accepting the suggestion we have jointly made."

4-26 P.M. **The Hon'ble Mr. H. McPherson** :—"My Lord, I have no desire to prolong this debate unduly, but I have a point of view to explain which, I think is of some importance and do not see why we others, who are here only to vote and die as my Hon'ble friend Mr. Sinha says, should be precluded from stating our views to the Council because one Member takes up an extravagant and quite unfair proportion of its time. I will try to be as brief as possible. I do not propose to follow previous speakers into the details of the unhappy events in the Punjab, but merely to say a few words regarding what I conceive to be the general attitude of the Indian public in other provinces towards the late disturbances, and the present situation, for I consider that this is by no means fairly represented either by the writings which appear in the public press or by the speeches made in this assembly, including that of my Hon'ble friend Mr. Sinha from Bihar and Orissa who has just appealed so strongly to public opinion. From these writings and speeches, one might imagine that the whole of India is boiling over with indignation against the measures taken to suppress the Punjab disturbances, and that it is entirely opposed to the passing of the present Bill, regarding it as a mere device to save from the just consequences of their acts those responsible for these measures.

" My Lord, I venture to think that this is a wholly false picture of the general attitude of the Indian public towards these troubles, and that in order to gain a true perspective for the consideration of the present Bill, it is necessary to realize a little more clearly and a little more impartially what India outside the Punjab really thinks about the recent unhappy events in that province.

" Speaking for my own province, Bihar and Orissa, I most emphatically deny that the province as a whole or even any considerable section of the educated classes in Bihar and Orissa shares the views which have been placed before the Council by the Hon ble Mr. Sinha and other non-official Members.

" I do not ignore the fact thatMr. Sinha's views coincide with those which twice a week are thundered forth in the ' Searchlight,' nor that they were endorsed a month ago by the Bihar Provincial Conference assembled at Darbhanga, when resolutions were passed deploring in the strongest terms the Punjab disturbances and condemning the methods used for their suppression. Nor do I forget that Mr. Sinha is the chosen representative of the non-official members of the Local Legislative Council, while I am a mere official, but even an official, my Lord, has eyes and ears, opportunities of observation and sources of knowledge, and, speaking as one who was in close touch with all shades of opinion in Bihar and Orissa during the critical times of April last, I can honestly say with the fullest confidence that in this matter neither Mr. Sinha's views nor the resolutions of the Darbhanga conference, nor the writings in the 'Searchlight' are any index to the true sentiments of the province.

" Through the dark days when the tragedy of the Punjab was unfolding itself and every hour brought fresh news of senseless outrages committed under the reign of mob law, of dastardly attacks on isolated Europeans and defenceless women, of the mad destruction of property both sacred and profane, of the wholesale interruption of communications, there was no feeling present, in the minds of all classes in Bihar and Orissa except one of nervous apprehension lest the epidemic of madness might not be checked, but might spread to our own borders and there revive that spirit of lawlessness of which we had had bitter experience less than two years before. We could not forget our own dark days when in one district, Shahabad, mob rule had prevailed for a time and neither life, property, nor the honour of women was safe. I venture to think that amongst our people the Hon'ble Pandit would find few to subscribe to his theory that the Punjab mobs never indulged in the game of pillage, arson and murder till they had been provoked by the indiscretions of the police or the troops, and that as soon as they had finished their little game, they resumed the role of quiet and inoffensive citizens, on whom to impose martial law was a terrible mistake.

" And when the prompt and decisive measures taken in the Punjab to restore law and order at length proved successful, there was, I assert, no feeling left in the minds of people but one of profound thankfulness that the helm of the State had been held by strong hands, that danger had been averted, and that India had been spared the horrors of a Civil war. Later this feeling of grateful relief was acutely intensified when the menace of war appeared on the North-West Frontier, showing in its true light the significance of the Punjab outbreak, and it dawned upon them that the peace of India had been rudely threatened by the combined forces of internal disorder and foreign invasion.

"There was, my Lord, little, in those days, of criticism that the measures adopted in the Punjab had erred on the side of severity. This was a new fact which it was left to a certain school of politicians in the province to discover four months later when they met together at Darbhanga. There assembled in the full security of public peace, while they mildly deplored the outrages of the Punjab (some went so far as to ascribe these to a sinister desire on the part of certain officials to discredit the Reform Scheme), they strongly condemned the measures taken to suppress the disturbances, and suggested that the situation was one which might have yielded to 'tactful and delicate handling.'

"As the Hon'ble the Home Member mentioned the other day, these hostile critics who denounced the stern methods of the Punjab were the same people who two years before blamed the Local Government of Bihar and Orissa because they did not adopt more drastic measures at the outset and nip the Shahabad riots in the bud.

"They belong, I fear, to a school of thought which can see no good in any act of Government, and think that any stick is good enough to belabour the poor official.

"My Lord, I can assure you that there is, happily, in my Province a vast body of sane and sober-minded citizens who have no sympathy with these critics, who had nothing but gratitude for the suppression of the Punjab outbreak, and who regarded the resolutions of the Darbhanga conference, in the language of at least one local paper, as monstrous, futile and uncalled for.

"This large class is not very vocal; perhaps not as vocal as it should be: its sentiments are not to be gathered from the reports of public assemblies: it is apt to be thrust aside and overborne on such occasions: but it is a very large class indeed and its feelings are none the less deep and genuine that they have to be gathered from private utterance rather than from public speech.

"And no one, I say, can seriously deny that this large class, and the still larger class of cultivators, who have little time for politics and no desire except for peace to earn their daily bread, pray for nothing more ardently than that maintenance of law and order which was secured in the Punjab, and which is the sheet anchor of India's prosperity.

"My Lord, I venture to express the opinion that the class, for whom I have tried to speak, now desire nothing better than to forget the past and reach forward to the promise of the future. They do not even want a Commission or Committee to rake up evil memories. Nothing would please them more than a whole-hearted and complete response to the eloquent appeal which your Excellency made on the opening day of this Session, to avoid futile wrangling over the past and the fanning of racial bitterness.

"If confronted with the present Bill, I have no doubt that they would acquiesce willingly in its provisions, regarding it as a necessary sequel to those measures which proved the salvation of India's peace, and a bare act of justice to those officers of Government who were charged with the unpleasant task of suppressing public disorder.

"It amazes me, my Lord, that in spite of your Excellency's appeal there are those in this Council who seem determined to keep the unhappy memories of the past alive, and who appear to value the personal safety of riotous mobs above the peace and prosperity of India. Equally with them, I deeply deplore the loss of human life which occurred in the Punjab, and it is the saddest of reflections of all that amongst those who were killed were certain persons who were innocent of evil and even children, but that is the tragedy of these occasions not uncommon. I have here a recent issue of the 'Pioneer' in which there is a brief account of the late Boston riots. It runs thus :

> 'Following the police strike, rioting was renewed last evening when two men and a boy were killed and a number injured, including women and girls, in collisions between the mob and troops who used a machine gun. Finally cavalry cleared the streets.'

"My Lord, the lives of these innocent victims in the Punjab lie at the door, not of the Military and the Police who only did their duty, but of the law-breakers who composed the mobs and still more of the recreants who pulled the strings from behind and worked the mobs to fury. We must not forget that had these lawless crowds not been sternly checked, their example would have spread desolation throughout the length and breadth of India, when the question would have been one not of hundreds but of thousands or tens of thousands of lives, and the growing prosperity of this great land would have received a blow from which it would never have recovered.

"With these words, I would appeal to my non-official Colleagues in this Council to accept the present Bill and show their faith in the British justice, which they so often invoke. They have witnessed the tremendous sacrifices of blood and treasure which the British race has willingly offered in the cause of righteousness and freedom, and they have only a week ago joined in the tribute to these sacrifices. Is it reasonable to suppose that the same race should have laid aside its noblest instincts in its dealings with fellow citizens in India who have borne their full share in these sacrifices ? If there has been in the Punjab even a hairbreadth's departure from the spirit of British justice, we may have every confidence that the distinguished Committee which has been appointed to investigate the whole question, will not fail to bring it to light. Let us not meanwhile deny to the mere agents of Government the protection to which they are entitled by every precedent of history."

The Hon'ble Lieutenant-General Sir Havelock Hudson :— 4-41 P.M.
"My Lord, my only reason for intervening in this debate is to clear up one or two remarks which have been made by my Hon'ble friend the Pandit as regards the action of certain officers and others connected with the suppression of rebellion in Amritsar. I do not think the Hon'ble Member has given these events in their clear perspective, or in their proper perspective. The first event to which I shall refer is the Jallianwala Bagh, and in order to give the situation as it would appear to the Officer Commanding at Amritsar, I must ask your Lordship's permission briefly to state the situation at Amritsar on the 10th of March. We have the attempts of the crowd in the Civil Lines, the troops stoned and ordered, after due warning, to fire ; the attack on the Telegraph Office ; the Telegraph Master rescued by an Indian Officer when in the hands of the mob ; the murder of a European guard at the goods station ; the murders of the Manager and Assistant Manager of the National Bank ; the murder of the Manager of the Alliance Bank ; the attack on the Chartered Bank ; firing of the Town Hall and its sub-post office ; looting of other post offices ; attack on the Zenana Hospital ; the assault on Miss Sherwood ; the burning of the Indian Christian Church, and attempt to fire the C.M.S. 'Girls Normal School ; the murder of a sergeant of the Military Works Department ; a second attempt of the mob to break into the Civil Lines ; troops again stoned and ordered to fire, later on towards nightfall systematic destruction of all lines of rail and telegraph communicaion ; and, finally, the destruction of two small railway stations and the looting of a goods train.

"My Lord, does not this read rather like the preamble of the Indemnity Act on the Gordon riots of which the Hon'ble Pandit kindly made us a present ? The above would be the situation as it would appear to an officer who found himself in a position such as confronted the General when he assumed command at

Amritsar on the 11th April last. It will be realised, I think, that the situation was one of unexampled gravity. The Commissioner of the Division had definitely stated 'that the situation had passed out of his control,' that he must rely on the military authorities to restore order by the exercise of military force. The city was in the hands of an unruly mob; organised attacks had been made on Government property; Banks had been burned and looted; railway and telegraph communications had been interrupted; inflammatory posters inciting to 'die and kill' had previously been posted on the clock tower in the heart of the city, and the lives of Europeans had been taken in circumstances which I shall not describe in detail. It would be clear to the officer in command that the rebellion was not confined to Amritsar alone. He would be aware of the riots at Delhi and Lahore, and he would have had an opportunity of gauging the temper of the people by his personal observation. He would have been aware of the danger of the spread of the rebellion into the surrounding districts. As an officer in a highly responsible position he would know that it was his duty to take all measures necessary to restore order, and that his actions would be judged by the measure of his success in so doing. He would also know that he would be held personally responsible for any action of his which might be considered to be in excess of the reasonable requirements of the situation. You cannot conceive that any officer on whom such a responsibility had been thrown would enter on his task in any spirit of light-heartedness; nor would an officer of his seniority and experience (he had 34 years' service) set about his task with a disregard of the sanctity of human life or with a desire to exact reprisals for the acts of rebellion which had already been committed. His first act would be to dispose his troops with a view to the protection of life and property. His second would be to warn the populace as to the result, if it became necessary, to use military force in the suppression of further disorder. These are the steps which were in fact taken by the officer in command at Amritsar.

"On the 11th and 12th he re-organised his troops and on the 12th he marched a column round and through the city in order that a display of force might have its effect on the minds of the populace. We have it on record that the bearing of the inhabitants was most insolent, and that many spat on the ground as the troops passed. From the shouts of the mob it was clear that they were in an entirely unrepentant spirit. No military force was used on this occasion as the officer in command decided to issue proclamations as to his future intentions before employing such force. From a military point of view he would have been quite justified, I hold, in using force on that day, but the General Officer Commanding decided to pursue his policy of patience and conciliation. A proclamation was issued on the evening of the 12th and on the morning of the 13th April, the Officer Commanding marched with a body of troops through all the main streets of the city, and announced by beat of drum his intentions of using force should occasion arise The people were permitted to collect in order to hear the proclamations.

"The announcement that unlawful assemblies would be dispersed by fire was received with jeers and cries indicating that the mob had no belief in the sincerity of the warning given. While the troops were still in the city, information reached the Officer Commanding at about 12 o'clock that, in spite of his proclamation, a big meeting of rebels would be held at the Jallianwalla Bagh at 4-30 that afternoon. As this place had been used before for meetings, and as large assemblies had been addressed by the heads of the agitation on the 29th and 30th March and the 2nd April, and as a dense mass meeting had assembled here on the 6th during the *hartal* and had listened to speeches intended to bring Government into hatred and contempt, it would have been clear to the officer in command that he might expect deliberate defiance of his orders. Now, he was well aware of the events of the 10th of April when the murders of Europeans and the attacks on property had been made and when the firing which had been employed to suppress these disorders had been totally inadequate. The Officer Commanding at Amritsar had to decide about midday on the 13th of April how he would act if the projected meeting took place in direct defiance of his authority. After making dispositions for the safety of his command, he found that he had but a small striking force at his disposal. I believe the number was 25 men of one regiment and 25 men of two other regiments, belonging to the Indian Army, and, in addition, 40 Gurkhas armed with *kukris* only, and two armoured cars. Realising the gravity of the situation the officer commanding did not send, as he might have, a subaltern in charge of this small force. He realised that it was an occasion on which he, and he alone, must exercise the full responsibility. He marched this force straight to the Jallianwalla Bagh leaving the armoured cars which he had also taken with him behind, because they could not get into the Bagh. On reaching the Bagh his force was confronted by a vast assembly, some thousands strong, who were being harangued by a man who was standing on a raised platform. The Hon'ble Pandit would give us to believe that this was a fortuitous meeting of villagers and that they were listening to a lecture. That was not so in accordance with the facts, so far as I have been able to gather. It was clearly the duty of the Officer in Command to disperse this unlawful assembly. Realising the danger to his small force, unless he took immediate action, and being well aware of the inadequacy of the measures taken to restore order on the 10th of April, he ordered fire to be opened. The crowd was dispersed and the force was withdrawn. I have given the Council this narrative to show how the situation would be viewed by the soldier, and will content myself with saying that from a military point of view the sequence of events justified the exercise of military force, and that the object of its exercise was fully attained. Also, from a purely military point of view, the Officer in Command would have been gravely at fault had he permitted the elements of disorder to continue unchecked for one moment longer.

"The next point which I wish to turn to is another one to which reference has been made. It is the issue by the Officer in Command at Amritsar of orders that any persons who wished to pass the scene of the assault on Miss Sherwood should be made to crawl on their hands and knees. As this incident has been described at a meeting of the Bombay Provincial Congress Committee and All-India Home Rule League as a 'petty assault on a woman', I think it only right to remind this Council of what actually had occurred. In the first place, I would say that this is not merely an isolated instance of an attempt to assault European ladies. We have it on record that on the 10th of April the mob entered the Zenana Hospital in their endeavours to find the lady doctor in charge, who however escaped. After leaving the building the crowd again returned, on information given by a disloyal servant, to search for her again, breaking open the rooms and cupboards in their search which was fortunately fruitless. On the same day the mob attempted to set fire to the Church Missionary Society's Girls' Normal School, in which were four lady missionaries who remained hidden. I am sorry to have to refer in some detail to the assault on Miss Sherwood, but it is necessary, because I wish this Council to view the situation as the Officer Commanding on the spot must have viewed it. This lady had for many years been working in the city and was greatly respected, and the assault on her was characterised by extreme brutality. The following abridged account is taken from the judgment of the Commission which tried her assailants :—

> 'When she was bicycling from one of her schools to another, she encountered a mob which raised cries of 'kill her! she is English'. She wheeled round and tried to escape but took a wrong turning and had to retrace her steps. She reached a lane where she was well-known and thought she would be safe, but the mob overtook her and she was also attacked from the front, being hit on the head with sticks. She fell down, but got up and ran a little way where she was again felled, being struck with sticks even when she was on the

ground. Again, she got up and tried to enter a house but the door was slammed in her face. Falling from exhaustion she again struggled to get up, but everything seemed to get dark and she thought she had become blind.'

"Her dress was seized, her hat was pulled off, she was struck with fists, she was caught by the hair and beaten on the head with shoes and was finally knocked down and struck on the head by a *lathi*. She suffered grave injuries to the scalp and was in a critical condition when she left for England.

"I feel sure that the Council will agree that it is not surprising that the Officer in Command took the view that some unusual measures were necessary to bring home to the mob that such acts of violence directed against defenceless women could not be tolerated. Something was required to strike the imagination and impress on all the determination of the military authorities to protect European women. This Council can readily understand how easily the feelings of soldiers would be outraged by acts of this nature and that they might be led to uncontrolled reprisals. Incidentally it is worthy of note in this connection that we have no charge against any of our soldiers during this rebellion. It is easy, my Lord, to criticise the orders issued by the Officer in Command at Amritsar, but the circumstances were altogether exceptional and the punishment, though humiliating, was not such as to cause danger to life or physical hurt. Except on one occasion when a body of prisoners were brought down the street in which Miss Sherwood had been assaulted, no compulsion was brought to bear on any individual to submit to the order. The order remained in force for a period of five days and there is good reason for the belief that, except for the party of prisoners already mentioned, those who were subjected to the order came voluntarily to submit to it for the sake of notoriety or martyrdom. One man after going down the street on his hands and knees three times had to be stopped giving further exhibitions.

"My Lord, the order was of course an unusual one and not one which might have been considered necessary by other officers in like circumstances. The Officer in Command at Amritsar will doubtless be prepared to justify his action should he be called upon to do so.

"The next point to which I wish to refer is, the use of aeroplanes at Gujranwala. I am not concerned in justifying to the Council the order given by responsible authority to send aeroplanes to Gujranwala on the 14th and 15th April. I merely wish to explain from the point of view of an officer who receives such orders how he would act in aid of the civil power and for the protection of life and property when so ordered. The situation, as far as it was then known, would be explained to him and his action would be left to his discretion. In this particular instance information was received by the military authorities at Lahore that a mob had attacked the railway station at Gujranwala, had looted the goods shed and had set fire to the Tehsil, the Dâk Bungalow, the courthouse and the Church. It was known that there was only a small body of police at Gujranwala at the time and no troops. Owing to the interruption of communications, to despatch troops would have involved excessive delay. If any measure of protection were to be afforded in time, the use of aeroplanes provided the only possible solution. Well, I think, I must explain to the Council the limitations of aeroplanes when used for such a purpose. It is not possible for the pilot or observer to communicate with persons on the ground, either to obtain information or to issue warnings as to the measures he intends to adopt. In the first place, the noise of the engines precludes all verbal communication, and aeroplanes have not yet reached that development when they can hover in mid air. From their bird's eye view the pilot and observer are able to ascertain that buildings are burning, that railway communications have been interrupted and trains destroyed, and that crowds are collected; they cannot easily discriminate between the innocent and the guilty; but, on the other hand, from this bird's eye view the observer is able to get a much better idea of the general situation than an officer who is only on foot. When, however, it is clear from the nature of the damage that general rebellion is in progress it may be a reasonable assumption that the crowds are collected with criminal intent. The presence of an aeroplane over a crowd is in itself a warning to those engaged in disorder that they are likely to be taken to account unless they disperse; and the dropping of the first bomb (the effect of which is local but the noise of which is considerable) affords a further warning which can hardly be mistaken. It may of course be argued that a bomb cannot be dropped nor a machine gun fired from an aeroplane with any great degree of accuracy. This may be true, but when the mark aimed at is an unlawful assembly it is not very material whether those in front or behind are made to suffer. It may be remembered that it is often just those persons who are most responsible for incitement to disorder who keep in the background and urge others forward to commit excesses. There is even a third category which never appears on the scene at all. Even admitting that the aeroplane in its present state of development is not an ideal instrument for enforcing order, still where as in the case of Gujranwala no other military assistance was available, we must not blame the Officer Commanding the aeroplane for the limitations of his machine. My Lord, my object in recounting to this Council in some detail the measures taken by the military authorities to reconstitute civil order out of the chaos produced by the state of rebellion, is to show that there is another side to the picture which is perhaps more apparent to the soldier than to the civilian critic. No more distasteful or responsible duty falls to the lot of the soldier than that which he is sometimes required to discharge in aid of the civil power. If his measures are too mild he fails in his duty. If they are deemed to be excessive he is liable to be attacked as a cold-blooded murderer. His position is one demanding the highest degree of sympathy from all reasonable and right-minded citizens. He is frequently called upon to act on the spur of the moment in grave situations in which he intervenes, because all the other resources of civilisation have failed. His actions are liable to be judged by *ex post facto* standards, and by persons who are in complete ignorance of the realities which he had to face. His good faith is liable to be impugned by the very persons connected with the organisation of the disorders which his action has foiled. There are those who will admit that a measure of force may have been necessary, but who cannot agree with the extent of the force employed. How can they be in a better position to judge of that than the officer on the spot? It must be remembered that when a rebellion has been started against the Government, it is tantamount to a declaration of war. War cannot be conducted in accordance with standards of humanity to which we are accustomed in peace. Should not officers, and men who through no choice of their own are called upon to discharge these distasteful duties, be in all fairness accorded that support which has been promised to them? My Lord, I feel before I conclude, I must make a reference to the amendment which the Hon'ble Mr. Chanda has proposed. I must confess that I heard this with some amazement. I suppose there is no class that has really suffered more by the disturbances in the Punjab than the forces of the Crown. Here they were at the close of four years of war; most of them were looking forward to demobilization and their hard-earned leave and many of them to a return home. They were suddenly called on to perform what is the most distasteful duty, as I have said before, which soldiers are ever required to carry out. They had nothing to do with the outbreak of the disturbances or with the imposition of martial law. They only did their duty and, as a recognition, the Hon'ble Member suggests that Government should defer till some indefinite date the fulfilment of their promises of support. My Lord, it may be within the recollection of Members of this Council that Hon'ble Members both inside and outside this Chamber have repeatedly referred, and that with legitimate pride, to the services rendered by India and more especially the Indian Army. It was only last week that this Council listened to the Hon'ble Mr. Sarma's eloquent tribute to the services of that Army, and yet it is that very Army that the Hon'ble Mr. Chanda by his callous amendment to this Bill would leave in the lurch. For what effect would the amendment have if accepted? Officers and men would be liable to prosecution for any illegal act committed under martial law, and as martial law is in itself no law, all their acts under that law would be illegal. Actions for damages, for illegal arrest and a host of other charges could be preferred against them, and the question whether they acted in good faith would have no force with the courts which try their cases. My Lord, I think all soldiers would view with suspicion, if not horror, the airy suggestion that Mr. Chanda made that the actions would not come up at once, that they would be postponed for a month, then perhaps for two and then again for three months and so on indefinitely. The Manual of Military Law, which is the soldier's only guide, is silent as regards martial law; there is only one chapter in the whole of that book relating to martial law, but that chapter is written by Lord Thring, and there is one sentence in it, which is the soldier's sole guarantee, which I quote below: It runs as follows :—

> 'It is only necessary to add that, when a proclamation of martial law has been issued, any soldier who takes, in accordance with the official instructions laid down for the guidance of those administering martial law, such measures as he honestly thinks to be necessary for carrying to a successful issue the operation of restoring peace and preserving authority, may rely on any question as to the legality of his conduct being subsequently met by an Act of Indemnity.'

"The Government, my Lord, have taken the only honourable course and that is to introduce an Indemenity Bill on the earliest possible occasion. To have done otherwise would have been the negation of Government and repudiation of its obligations."

5-5 P.M. **The Hon'ble Rao Bahadur B.N. Sarma** :—"My Lord, I am glad before I vote I have had an opportunity of listening to the statement of the case on behalf of the Punjab Government and of the military authorities. It is a matter of very vital importance that we should look at the question impartially and dispassionately and not fall into the error of saying 'ditto' to whatever the people say, at the same time reviewing the course which the Government may ask the Council to ratify. What does the Bill ask us to do? In the first place, it asks us to state as legislative authority that martial law was necessary to restore order in the Punjab. I do not think that is open to argument. The second point is, we are asked to protect the civil and military officers who have acted under the orders of Government in accordance with the promises made to them that they would be protected in whatever they did recently for the purpose of carrying out what Government had in view. I may note in this connection, my Lord, that the Bill does not confine its operations to the events which have occurred after martial law had been declared. It relates to events which preceded the declaration of martial law in the various districts of the Punjab. Therefore, I may say at once that there is a complete answer that people can give to this Bill as it stands, namely, that it is not a Bill intended merely to carry out the promises which Government made to its officers after martial law had been declared, but also to ratify the action of the Military and Civil authorities in the suppression of these disorders before martial law had been declared. It is open to the Government to bring in a Bill for the purpose of giving protection to its Civil and Military officers. As to what took place before martial law I quarrel with the position. This is a vital point. Then clause 3 throws the onus on the people of saying that any particular act which Government wished to carry out was not *bonâ fide*. If the question stopped there, there might be something to be said for the Bill, but we are asked to go further. We are asked to say here whether we feel martial law was justified or not; whether martial law was kept in force longer than the necessity required ; whether it was legal on the part of the Government; whether they were right in passing

Ordinance No. V or not. In any event we are asked to ratify all the convictions and sentences of the Summary Courts in respect of which the public are not in a position to know whether justice has been done or not done by reason either of the absence of the record or the absence of the full judgment. I ask the Council's attention especially to this aspect of the question, because the Hon'ble Mr. Crum and those who followed him had taken into consideration the fact that we are asked to keep in prison those who might have been wrongly convicted, convicted on the passion of the moment, the matter may have assumed a different aspect. I am one of those who believe that any disorder whatever should be sternly put down at the initial stage. I am not going to quarrel with any measures that Government thought necessary for this purpose. I go further and say that those responsible should be severely punished. I go further and I agree with the Hon'ble the Home Member that, whether the Government were right or wrong, the officers who carried out their duties under the orders of Government, especially in a country like India, ought to be protected if they acted humanely and in accordance with the dictates of a civilised Government. There is no quarrel with the Government on that score, but, my Lord, (I feel that the constitutional issues at stake in this controversy between the people and the Government are of such vital importance that we would do well to consider carefully before according sanction to this step. I understand there is justification for the belief held by the people that if there is grave disorder, the Government are prepared to treat the people of India like cattle—no consideration is necessary so long as it is expedient to bring about peace and order and to protect the lives and property of Europeans.) That, my Lord, is our issue that has been raised by this unhappy controversy, and it is therefore necessary to examine in detail whether these are real issues insanctioning this Bill, and as to whether people are merely clamouring for the punishment of officers who have carried out their duties in a difficult time with reasonable precautions and regard to human life and suffering. It is not necessary in this case to consider whether some of the old dicta uttered by constitutional writers really justify Government in their action in declaring martial law necessary. On that basis I think people have some justification for thinking that in some of the occurrences, it may be riots and disorders, in the case of an unarmed mob, there was no justification for the employment of martial law. I am not going to take up the time of the Council longer, because whether martial law is employed or not, I take it that the civil power has every right and justification for asking the military and the police to come to its aid in suppressing disorders, and provided the duties are carried out *bona fide*, in good faith, and with due caution, there is no necessity for any mere technicalities; but on the question of constitution it has been said that martial law having been declared, it is necessary to introduce this Indemnifying Bill, but, I think, my Lord, it is necessary to state that in the view of many of us martial law was unnecessary and should not have been declared. In this connection I would draw the attention of the Council to what Mr. Dicey says on this question. He says :—'The question for our consideration is, on what principle, and within what limits, does armed resistance to the authority of the Crown, either on the part of an invading army, or on the part of rebels or rioters, afford a legal justification for acts done in England by the Crown, its servants, or loyal citizens, which, but for the existence of war or insurrection, would be breaches of law.' Throughout the question is treated as one of civil war, and, I think, the essence of the whole thing is, whether a section of the population, whether large or small, resisted with arms the authority of the Crown.

"Now, my Lord, the second point to which I would invite the attention of the Council is, whether according to all writers on martial Law, it is not considered to cease the moment the necessity ceases. I do not think there is any single writer who states that in order to prevent a future trouble, in order to prevent similar mishaps, in order to preserve order, even though the disorders have been suppressed, martial law can be continued especially during a time when civil courts are in working order. Therefore, my second point would be, my Lord, that after the 21st or 22nd of April when according to the Press Communiques order had been restored in the Punjab, it was not right, it was not proper, for the Government to have continued martial law and to have created those tribunals to exercise jurisdiction in respect of all offences, whether those offences were committed or not. This has a vital bearing upon the question as to whether the Council will be justified in confirming the convictions and sentences passed by those tribunals, even though the Government have given us the assurance that they would be re-considered by two High Court Judges.

"Then the third point, my Lord, and what I look upon as the more important point, is this, and that is the moral aspect of the question. There are two theories of Government, one theory which attempts to employ only the civilized methods, however long and protracted may be the struggle between the forces of order and disorder. And the other based upon the theory that in a country which is not thoroughly civilized, it is open to the Government to resort to terroristic methods if the object in view is an honest one, if the end to be achieved is the restoration of peace and order, and that it would not be wrong to humiliate a whole race, to subject them to indignity or to do whatever is necessary to terrorise or cow the population if the object in view is to be achieved. My Lord, if the second theory is advocated, and that was the example that was set to us by some of the old sovereigns and perhaps it would be advocated even now by a few, but which has been repudiated most whole-heartedly by all civilized Governments in the world, and for the suppression of which theory Great Britain herself has allowed herself to run into a debt of 8 thousand millions and the de-population of her fair provinces. The question, my Lord, now is as to whether any British officer of the Indian Government can be allowed to rule India on the second theory, because the view I take of the facts is that there are several British officers who are under the impression that so long as order and peace are restored, if a person believes that it is reasonable to do anything which attains that end, and if that theory is to be accepted, then certainly the Government are perfectly right in bringing forward clause 2. But if that theory is repudiated, as I hope it will be repudiated by every true Britisher and by the Government, then it seems to me, my Lord, that on the face of it, it is impossible to throw the onus upon the Punjab Public of proving that the several acts, both by the military and civil authorities, are acts which can be justified by rules of morality or by rules of humanity. It is therefore I find it difficult to give my vote to this clause, although I agree that the officers are to be protected. It is necessary that my view, which I believe is also the view of a large section of the people, is open to criticism and it must be demolished if it is unfair, because it is the view held by a large section of the Indian population, and it is well that the hollowness of that view should be exposed in all its bareness in order that people may take a right view of the situation. My Lord, how do we look at the situation? The way in which we look at the situation is this, and it is easier for me to do so because I am not hampered by some considerations which may hamper others. Although I objected to the Rowlatt Act, I never was in favour of an agitation on the lines of the Satyagraha movement. I was unpopular on that account, and therefore I say I am able to speak with greater fulness than many others. But, my Lord, it must be said, that it was not the Satyagraha movement which was responsible for these unhappy events, although it was the occasion, and although—here I agree with the Hon'ble Mr. Hailey—it created a certain atmosphere which led to these disturbances, it was not the real cause, but it was the unhappy view of the Punjab Government that the prestige of the British race should be upheld against the warlike races of the Punjab by methods which cannot be justified in other provinces. We find that on the 30th of March there was no disorder; on the 6th of April there was no disorder. I assume for argument's sake that Satyapal and Kitchlew were preaching sedition and were trying to bring about excitement. Was there anything to prevent the Government from arresting these men and putting them on their trial? There is nothing to which the Indian public submits so cheerfully and loyally as an open trial. It is this theory of keeping up prestige by deportations, by secret methods, which the public have been resenting, and it was the deportation of these two men, whatever action may have been justifiable against them, which was resented. That is the way in which we look at it. Well on the 10th some precautionary measures were taken. Assuming that the mob was unruly and assuming that it was incumbent on the officers to shoot some members of the mob, that would not afford any justification whatever for the lawless action of the mob after that. That is reprehensible and it ought to be put down with a stern hand. I agree with that also. But it affords an explanation of this tension between the British Government and the people on some subjects which has been produced, especially in the Punjab on account of the difficulties in that Province and other causes. It is that tension which led to this racial difficulty. When the mob thought that they were unjustly dealt with, they did not distinguish between the British citizens and the British Government or between individuals. It affords an explanation, as I have said, but no justification. And then followed the unhappy incidents of the mob on the 10th. Hon'ble Members will notice that up to the evening of the 10th there was no unhappy incident in Lahore. Communications were interfered with for a little time, but there was time for the news from Amritsar to reach Lahore before the unhappy incidents in Lahore took place, and therefore—I will not say it is right—there are many people who believe that the unhappy incidents in Lahore were the result, the natural result of the provocation which was given to the British community by the savage doings of the mob in Amritsar on the morning of the 10th. Then a large number of Indian lives were sacrificed; it may have been right, I will not question that now. But, my Lord, I cannot help thinking that, after the explanation which was given by General Hudson, people would be willing to think that the Jallianwala episode was not the result of the unhappy tension and temporary dislocation of certain officers who wanted to show what their attack upon European lives would mean. I think it was by way of reprisals. The public will still unhappily continue to think that it was by way of reprisals, by way of revenge, and not for a possible violation or disobedience of the orders of the authorities in prohibiting a meeting. They think that was taken advantage of to teach the mob a lesson, because it is impossible for us to conceive that when men from all parts of the Punjab, Jats and other cultivators who had nothing to do with politics, were collected in large numbers for the *Bysaki* fair, no precautions would be taken against shooting down such a large mob simply on account of the reason that it was a lawless mob which violated and disobeyed the injunctions of the Government. Hon'ble Members will notice that it was only that morning that the Seditious Meetings Act was proclaimed to be in force. It was on the 13th morning. There was hardly time for the public to know that meetings were prohibited under that Act. But I should assume that a certain section of the people did know of the prohibition and in spite of the prohibition went there, and others gathered there from curiosity or because there happened to be a fair. But no explanation has been forthcoming to the effect that the mob resisted or did any act which justified the shooting down of any person. And what is more important to notice is, assuming, for argument's sake, that a few shots were thought to be necessary to cow down the people and send them away, there was no justification for shooting down 300, 500 or a thousand as is generally believed. That, my Lord, is the crux of the whole situation. There was one reference in General Hudson's speech which gives a partial support to this. The General Commanding felt that the punishment that was awarded on the 10th was not sufficient to teach the people a lesson; they were still continuing to be insulting, and therefore it might be, inasmuch as good order and peace were in his hands, he felt that a few more drastic measures had to be taken and hence this unhappy incident.

"I must meet a point raised by the Hon'ble Mr. Hailey, and that was in regard to the incident at Kasur. The incidents at Kasur on the 12th are partly explainable by the incidents at Amritsar on the 10th and the incidents at Lahore on the 10th. I am not justifying the acts of the mob; I am not in any way palliating what they have done; I am only suggesting that it is an explanation, but an explanation which would show that there was no rebellious tendency in the land, that it was only bitter resentment at the thought that British officers should have shot down Indians, and Indians thought it was unjustly done. I do not say it was unjustly.

"Then what follows after the 13th? I think the papers will show that the news reached Gujranwalla before the 14th morning when a train was held up there. And it must be remembered that shopkeepers and all classes came to Amritsar for the *Bysaki* fair from all parts of the Punjab and carried back reports, it may be exaggerated reports, of what had taken place in Gujranwalla all over the Punjab, and there is nothing surprising in people becoming lawless suddenly when they felt that they were most inhumanly dealt with. I do not say it is a right feeling or a wrong feeling, but that is the feeling, and is there anything impossible in the view that with such inflammable material in the Punjab, as we are told, the mob should have behaved in that way? Then in Gujranwalla we find, possibly after the spreading of this news, it is impossible to say without an inquiry, because there was time for the news to reach them, after the spreading of this news, we find all the incidents in Gujranwalla taking place, the burning of the railway station and the other actions of the mob. Here, my Lord, I must as a Legislative Council Member decline to sanction the action either of the civil authorities or the military authorities in using bombs and aeroplanes. Even in a state of war—but we are not concerned with that. At any rate in peaceful times, even with a lawless mob like that in Gurjanwalla, they are not justified. That is a doctrine to which we should not give our legislative sanction. It would be most mischievous and harmful and dangerous.

"And there seems to be absolutely no necessity for the authorities to have asked for this aeroplane to drop bombs not merely there but in adjoining villages and it can only be considered to be vengeful? Various issues of the *Civil and Military Gazette* of that date show that the mob were dispersing. General Hudson says 'How was the officer commanding to know whether the mob was dispersing or not?' Of course, if the civil authorities had given the military authorities the necessary sanction, I would not blame the military authorities. They have to support the civil authorities and their action might be justified. But, I think, the civil authorities do not give any explanation as to why they allowed the use of bombs or whether they sanctioned their use. And whatever may be the merits, as regards the action of the military authorities, the civil authorities cannot be exonerated in respect of this action. And this was done before martial law was proclaimed, so that the action of the officers who shot down people in Amritsar and Lahore and the action at the Jhallianwalla Bagh on the 13th and the action at Gujranwalla before the proclamation of martial law, which was between the 15th and 17th—I speak subject to correction—would not come within the purview of this Act and within the preamble of this Act if you justly follow the procedure which has been followed in other countries by following up martial law with an Indemnity Bill. Therefore, I have to deal with this simply because the Government have asked this Council to give protection to officers who acted before martial law was proclaimed. Ordinarily, they are liable to be brought before the courts, the civil and military authorities would be liable to be brought before the civil Courts, and I do not know whether on previous occasions protection has been given—I am speaking subject to correction—but at any rate the preamble does not justify it. Now the action of the authorities in dropping bombs, if that is true, is a matter which I think cannot and ought not to be brought within the purview of this Act. The answer of the Hon'ble the Home Member may be 'Yes, but why argue this. We say if it is not done *bona fide* and in a reasonable belief to produce a particular result, the officers will be condemned by the Courts ; we do not protect them.' But, my Lord, if the whole transaction from start to finish proceeds upon the basis that British officers are justified in humiliating the Indian public and in the employment of any means that may be necessary to bring about the desired result, if we accept that theory, what justification have we in allowing any British officer to be punished ? Therefore we shall have to make up our minds as to that at the outset. Assuming that that was the belief of British officers, or of Indian officers for the matter of that or of the Government for the matter of that, assuming that they felt that any humiliating action is justified, any drastic action is justified, in order to bring about the result, then all we can say is that we shall have nothing to do with the Bill. We can never subscribe to that doctrine. I argue simply because I believe that the Government would not subscribe to that doctrine, British officers would not subscribe to that doctrine and no Britisher would subscribe to that doctrine.

"Then, my Lord, we find that there were incidents on the 11th, 12th, 15th, 16th, 17th, and so on. May I say in this connection, my Lord, that I believe that the attempt to humiliate the educated classes has been indirectly responsible for these unhappy events. There is no going away from that point. Sir Michael O'Dwyer has told us and in distinct terms on more than one occasion that he did not believe in these mild methods, that he did not believe that the country is in a fit state for the introduction of any reforms on a reasonable scale. He has told us that the educated Indian is really a menace to the British Government . . . .

The Hon'ble Mr. W. M. Hailey :—"May I rise to a point of order."

The Hon'ble Rao Bahadur B. N. Sarma :—"I beg the pardon of the Council for using that. I meant a section of the educated community is really a menace to the British Government."

The Hon'ble Mr. W. M. Hailey :—"My Lord, I merely rose to a point of order. I desired to obtain some verification for the statement which the Hon'ble Mr. Sarma has made. He has now corrected it."

The Hon'ble Rao Bahadur B. N. Sarma :—"I think the speeches of Sir Michael O'Dwyer—I am not accusing him of dishonesty, I only mention his view, his honest view of what is right and proper—show that he thought that a section of the educated Indian public was pursuing a career which was ruinous to the Government as well as to the country, and there was no love lost between the Indian Press and himself. Bearing these facts in mind, and bearing in mind the fact that the Commissioners in their judgments look upon various acts of these educated men as having brought about these results, there was nothing surprising in the action which was taken by the Punjab Government against various educated men, leaders in various cities, vakils and others, in handcuffing them and subjecting them to trial and punishment. There is nothing surprising in that. They may be justified in doing it, but I am bringing this out to show that that led to a storm of indignation throughout the province. If at a crisis like that the Government chooses to shoot down the mob, the Government chooses to punish all educated Indians, to humiliate them, to make every educated Indian salaam a European, to make them crawl on their bellies, I ask, my Lord, has not that very action produced the results which were meant to be remedied? Therefore, here is an explanation, not a justification, for the action of the mob or for the action of the educated classes. If they went wrong throughout the Punjab there was a very good explanation for the occurrences. But, my Lord, it is not necessary to go at any greater length into what occurred in the Punjab, except by way of supporting my proposition that the whole of India feels that she has been disgraced. That is the feeling, my Lord, and I hope the Government will try to assuage that feeling and show that it is unjustified. Unfortunately, the whole of India feels that the Indian public have been grossly insulted by the action of the authorities in the Punjab. Well, there may be some who are sceptical on the point, but, turning to the statement of trials by summary courts and area officers, in the districts of Lahore, Amritsar, Gujranwala, Gujrat and Lyallpur, I find a number of cases in which men have been whipped for not salaaming European officers. Well, take that for granted that it might have been done in a reasonable belief to teach the Indians a lesson. That is not the question at issue. The order should not discriminate between Indian and Indian because we are living in democratic times. But there was nothing to prevent the troops from whipping a High Court Judge for disobeying this order and refusing to salaam a European. Is it, therefore, wrong on the part of the Indian public to deeply resent this action of the authorities as being wholly unjustified and as the Government of India ask us to ratify the convictions based upon such grossly uncivilized methods? That is the point at issue, my Lord. If the Government say that these convictions would be set at naught, that the men would be released, then it might be quite a different thing. But we are asked by the Government of India to ratify the convictions of these men who have suffered gross indignity for opposing an illegal and inhuman ordinance passed by the military authorities. I therefore submit, my Lord, that as the Bill stands, it is self-condemned. We appeal to the moral convictions; of course we know perfectly well that legalities have not much force and validity in troublous times; but all authorities in England and elsewhere are agreed on this point, that moral considerations must prevail, that the officers who seek protection must appeal to morality and to say that they have behaved as humanly and in as civilized a manner as possible. I submit, my Lord, on behalf of the Indian public that it is impossible for them to ratify and sanction these convictions if they have a spark of self-respect in them, if they have anything worth considering in them. I have already alluded to the fact, my Lord, that it is impossible, having regard to the events at Jallianwalla Bagh and elsewhere, to raise the presumption in the manner in which it is sought to raise it. I pray that the Government will deal only with cases which took place after the martial law ordinances were issued. Then that would exclude from the purview of our consideration a large number of actions which have to stand on their merits under the common law of the land. If they are to be brought in on the ground that the essence of martial law is a necessity and that those people are entitled to protection, then I humbly pray, my Lord, that the onus of having acted in good faith and in a reasonable manner should be laid upon them. I also ask, my Lord, as to why there is in this clause the phrase 'reasonable belief that those measures are necessary for the purpose of maintaining order, etc.' in addition to the words '*bona fide*'? Hon'ble Members will see that it would be extremely difficult, if not impossible, for any plaintiff or any prosecutor to show that the officers who were concerned in the discharge of these duties did not believe them to be necessary. That would be an impossible position to take up. The only point would be as to whether they were reasonable in believing them to be necessary. But if it is the sentiment of the British public as voiced loudly by several European papers that they are very sorry that Sir Edward Maclagan should have pursued this clemency policy which is likely to mar all the good work done by his distinguished predecessor, when we see that that is the atmosphere, if I would think that this was the mentality at the time, that this was the atmosphere at the time, then I say, my Lord, it is necessary that we should carefully consider what they might consider to have been a reasonable belief that their actions were justified by necessity. But we, my Lord, as legislators, find absolute difficulty in ratifying any action which is based upon ideas of revenge, reprisals or upon methods which should not be pursued which are acknowledged should not be pursued. That is my real difficulty. My real difficulty is not that I am unwilling to protect officers, even though the martial law proclamation and orders were wrong—even assuming that I am prepared to protect the officers, but not all officers who have acted in particular ways.

"I have only a few words to add with reference to clause 4, and that is this. Hon'ble Members will find that these summary courts were established or have acted in exercise of powers granted to them by Ordinance IV. The Ordinance, my Lord, gives these tribunals power to deal with any offences whether they were connected with these troubles or not, any offences which occurred after the 30th March, in accordance with the law of the land, but I suppose following the procedure of Ordinance No. I of 1909 as far as may be . . . .

The Hon'ble Sir George Lowndes:—"I think the Hon'ble Member has made a verbal slip; that Ordinance has nothing whatever to do with summary courts; it deals only with commissions."

The Hon'ble Rao Bahadur B. N. Sarma:—"Or rather courts which were empowered to deal with cases just as summary courts-martial are empowered to do . . . .

The Hon'ble Sir George Lowndes:—"The Hon'ble Member is, I think, mixing up two different things. Commissions were appointed under the first Ordinance, and under Ordinance No. 4 the Commissions were entitled to try these persons. In addition there were summary courts appointed by the martial law authorities."

The Hon'ble Rao Bahadur B. N. Sarma:—"I shall be glad to proceed upon the footing that these courts should have followed the ordinary procedure and should have dealt with these cases and have ordered those punishments which are awardable under law. I have made a mistake. It is true that under the first Ordinance the Commission shall have all the powers of a general court-martial under the Indian Army Act, and shall, subject to the provisions of this Ordinance in all matters, follow so far as may be the procedure regulating trials by such courts-martial prescribed under the said Act. Provided that where in the opinion of the convening authority a summary trial is necessary in the interest of the public safety such authority may direct that the Commission shall follow the procedure prescribed for a summary general court-martial by or under the said Act, and the Commission shall, so far as may be and subject to the provisions of this Ordinance, follow such procedure accordingly. Provided further that sections 78, 80 and 82 of the said Act shall not apply to any trial under the Ordinance. Then this is the other Ordinance which I was referring to. 'This Ordinance may be called the Martial Law (Further Extension) Ordinance, 1919.' I shall be glad to hold the other view notwithstanding anything contained in the Martial Law Ordinance I of 1919 the Local Government may by general or special order direct that any commission appointed under the said Ordinance shall try any person charged with any offence committed on or after the 30th March 1919. There is no limitation there. Thereupon the provisions of the said Ordinance shall apply to such trials accordingly and the commission may pass in respect of any such offence any sentence authorised by law. I think, therefore, that it was competent to the officers who dealt with cases under this

Ordinance to follow the procedure that was prescribed in Ordinance No. I. Even in respect of trials which did not fall within Ordinance No. I but were matters under the Penal Code or which were taken up by the convening authority before these tribunals. However, that is a matter which I shall leave now. Hon'ble Members turning to this statement will find that a very large number of convictions in accordance with this Ordinance were passed towards the end of April, the beginning of May, June and July. This was dated the 21st April when according to the Press Communiques order had been restored and everything was quiet, barring a few incidents here and there. I do not say that there was no fear of a recurrence of those events, that is unnecessary for my argument; but the Press Communiques that were issued would show clearly . . . I will take one.

"I take one. On the 22nd of April the following Press Communique was issued: 'Situation seems to be well in hand . . . . disturbances except the cutting of telegraph wires.' I am not going to argue that reports of disorders were not coming in, it is unnecessary to argue the point, there may have been disturbances, but all I can say is that the disturbances had been quelled by the 30th. My point is that martial law cannot be invoked and should not have been invoked after the 21st of April for the purpose of administering justice for the further prosecution of measures of Government—we are not concerned with them. My submission is that on the 21st or 22nd of April the ordinary courts should have been allowed to proceed. It may be said that if that were done it would not have been possible to get through the work expeditiously. There was nothing to prevent Government from appointing additional tribunals to deal with the offenders. I take strong exception to the ordinary safeguards which are open to the public being removed by executive action in a time of peace . . . ."

The Hon'ble Mr. J. P. Thompson:—"My Lord, in the absence of Mr. Hailey, may I explain for the Hon'ble Member's information that disturbances were not over by the 20th of April? There were several cases of cutting of telegraph wires."

The President:—"Order, order. The Hon'ble Member may rise to a point of order or for a personal explanation, and if Mr. Hailey is not here, Sir William Vincent who has yet to speak, can reply to the point."

The Hon'ble Rao Bahadur B. N. Sarma:—"Subject to correction, I should like to say that though these disturbances continued till May or June there was no justification for the continuance of martial law. It was not necessary for a sporadic disturbance. According to all constitutional writers this rebellion, which I am assuming for the sake of argument, would justify martial law coming to an end by the 21st or 22nd of April. Therefore we need not ratify the action of the Executive Government in introducing a new procedure in removing the normal safeguards to which British Indian subjects of His Majesty are entitled. My submission is that the ordinary tribunal and normal procedure should have been followed. The judgments show that the normal procedure was not followed. There were 236 offences tried and my submission is that we as a legislature would not be justified in ratifying and validating all these convictions and sentences. Sir William Vincent had a very powerful argument in support of his position when he said that the Government of the Punjab felt that if these convictions are not upheld and if the men are let loose there will be no safety. Another argument was that if these men were tried over again this would lead to great public expense. My Lord, there is no escape from that. I do not want any man rightly convicted to escape, but Government could put these men on their trial in the ordinary courts and the public peace will not then be disturbed, people will have confidence that whatever may have been done in a time of panic, if done honestly and *bona fide*, Government rightly recognise any injustice that may have been committed and therefore will follow the normal procedure. Let the man be tried under the usual procedure, with the usual safeguards, a certain amount of money may have to be spent, but it would be usefully spent. There is no difficulty in the way of accepting the suggestion that has been thrown out that two High Court Judges, or ten High Court Judges should go into these sentences. My Lord, unless the Judges see the statements made by witnesses which have been recorded, I cannot see how the Judges are to deal with all the cases. I am sure where the records are full it will be competent for the Judges to set aside these convictions or advise the Government of India to do so. But where we have only pencil notes or no notes of evidence or where the evidence is meagre, my submission is the Judges will not be able to remedy matters, in some instances at least, inasmuch as we know a record has not been kept. It is impossible for the Government of India to inspire public confidence, and I feel it would be well for the Government not to press for clause 4, asking us to ratify whatever has been done under martial law by these tribunals. My Lord, a word, I think, is necessary from me in addition to what the Hon'ble Mr. Sinha said in reference to what fell from Mr. Malaviya. I have asked for certain information to be given, and for the publication of certain correspondence. The Government felt very rightly that in the public interests this should not be disclosed. I cannot help thinking that in the interests of the public it should be disclosed, so that both the parties may be ready for the tribunal. I think it would be well if both parties should state their case so that the truth may come out ; on the other hand, the view of Government may be justified on various points and the other people would not press it, so both parties would come prepared. In the absence of that information, and inasmuch as there is an uneasy feeling in certain sections it was the duty of the Hon'ble Mr. Malaviya to bring forward the grievances of the people. This duty he has discharged and we are grateful to him for it. I maintain that in regard to the statements made, no one would have been more happy than many of us if these facts were untrue. But beyond one or two statements of officials, namely, whether a C. I. D. officer had been murdered or European officials suffered some injury I do not think there was any reply worth mentioning, but beyond one or two statements of an inconsequential nature, namely, as to whether a C. I. D. officer was insulted and as to whether particular European officers did not receive injury, I do not think on essential points there was any reply worth mentioning. That is a question, I suppose, of difference of opinion amongst the Council, but at any rate some of those points were not answered.

"Then, my Lord, ridicule is properly applicable to show up a man who makes pretensions which are absolutely unjustifiable. That is a perfectly legitimate weapon, but what was the occasion for the use of the strong language that was employed in regard to the Hon'ble Pandit Malaviya ? The Hon'ble Pandit has kindly shown me the correspondence, and we find that, unless the Hon'ble Mr. Thompson made a personal inquiry into the question of a corpse that was found in the well, which has absolutely no political aspect, it is rather difficult to say who is in the wrong. The people think that the administrators of this land lend a ready ear to those who always flatter them, to the police and to other officials. That is the trouble. Now the Hon'ble Mr. Thompson takes up the position of a Municipal Commissioner and tells us that 12 or 13 others went to the well and found nothing and 8 days afterwards they found a corpse. Meanwhile, it would not have been possible for that corpse to have been removed. As a matter of fact even the Commissioners seem to have taken the pains to see what was there. I only allude to this to show, my Lord, that on such scanty materials Hon'ble Members of this Council do not deserve attack and they require protection. Of course the protection is both ways, but, I think, my Lord, the Hon'ble Members were perfectly right.

"My Lord, I have tried my level best to see whether I could support this Bill. I have some difficulties along with the Government in pressing for a complete postponement of this measure. It is true that the officials have to be protected. I agree with Sir Sivaswami Iyer that it is incumbent upon the Government to bring in a Bill by way of a temporary measure to safeguard the interests of the officers who were employed in the work and protect them pending the result of an inquiry before Government makes up its mind as to how best to deal with these officers. That no reasonable man can object to. But, my Lord, notwithstanding some safeguards, there is great danger in giving undue protection to these officers, some of whom do not at least deserve any protection having regard to the events which have transpired. The officers, my Lord, were very anxious that their doings should not be known to the public. They shut out the general public from the Punjab; the Indian press in the Punjab was muzzled. Even Mr. Andrews who wanted to go there was prohibited. Under those circumstances is it strange in our saying they should wait patiently until the general public has had an opportunity of judging as to what has actually transpired? The officers did not want to take the public into their confidence, and therefore it is not unreasonable for us to ask that this measure should be postponed until the Committee of Inquiry has submitted its report; but I do not do even that, I ask the Government to give them temporary protection. But I cannot see my way either to ratify all these convictions and sentences or to give complete protection irrespective of the inquiry to every officer even subject to the safeguards mentioned."

6-12 P.M. **The Hon'ble Sir George Lowndes**:—"My Lord, this has been a day of telegrams and I should like to add my quota. I have received, as I am sure I ought to inform the Council, a telegram from the Wardha Home Rule League protesting against the introduction of this Bill. I have no doubt that this protest will meet with the consideration it deserves in this Council. The Hon'ble Pandit also referred to, and read out a telegram from, the Indian Association of Lahore. Members of this Government have also received the same telegram, but in their case it has not been signed, and it would be interesting if the Hon'ble Pandit could let us know by whom his copy is signed. The Secretary of that Association, I understand, is now confined in one of His Majesty's jails, and, I think, we ought to know who has signed it on his behalf. (After a pause).

I do not think I need wait till the Hon'ble Pandit . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"Perhaps I have given it to the Reporters. So far as I can remember, it was not signed, but I am sure it was signed. I can say, my Lord, that the Indian Association is an Association of long standing in Lahore. (After a pause).

I have just got the original telegram. I had it in my pocket, I thought I had given it to the Reporters and it had not come. The telegram is not signed."

The Hon'ble Sir George Lowndes:—"My Lord, I begin my remarks by saying that I regret very deeply the events which have happened in the Punjab and in other parts of India. No one deplores more than I do the loss of life, both Indian and European, which has occurred, and I would add no one deplores more than I do that it is in most cases the dupes who have suffered and the agitators behind them who have escaped. But my object in rising at this late hour in Council is not so much to express my regret, though I am glad to have the opportunity of doing so, but to deal as shortly as I can with the constitutional position of martial law in our polity in India.

And I doubt if, with all that has been said, the real position has been explained to the Council. The Hon'ble Pandit, I think it was, on a previous occasion contented himself with saying, as has been repeated to-day, that martial law is the negation of law. But an epigram like that never can contain more than a germ of the truth, and it was hardly sufficient for the Hon'ble Pandit and other lawyers who have followed him to dismiss the whole subject of martial law as summed up in that short epigram. There is a great deal more behind it which it is essential that we should consider in connection with this Bill. No doubt it is true in one sense that martial law is the negation of law, but in every civilized country in the world it steps into the place of the civil law when occasion requires. It is not only in our own Empire and in our own history that martial law has a definite place. It will be found in the constitution of pretty well every continental country of Europe. It is specifically provided for in the French constitution and is there known as a 'state of seige,'—I am translating of course. It can be declared, in France, by the President on the advice of his Ministers if the Chamber is not sitting. In our own constitution it has been known from the very earliest days. But before I come to the historical side, which I shall deal with—as shortly as I can—I think I should explain the basis of it. The law of which it is said to be the negation is the thing that provides for normal conditions, but for normal conditions only. Abnormal conditions are left to be met by extraordinary measures. The Code of Criminal Procedure in this country provides for police measures to deal with riots. If they get beyond the police, the police can call in the military to their aid, but it is still the civil arm which is dealing with what has occurred, and the military are called in to their aid only. If matters go beyond this, charge must be taken completely by the military. The law does not attempt to provide further than that. Abnormal conditions have now arisen, and the enforcement of law and order is, and has to be, handed over to those who can do it by force of arms. The line, I think Hon'ble Members will agree, between riot and insurrection and revolution is a very thin one in every case. What is a riot this morning may be an insurrection this afternoon, and a revolution to-morrow. If you are unable to put it down at the outset, you may find that a fire has been lighted which all the fire-engines of the country cannot extinguish. It is that thin line which is the difficulty in all such cases. There is the line first of all between disturbances which the police can quell by themselves, and others for which they must call in the aid of the military, and there is the line between what the police aided by the military can deal with, and the situation that must be handed over entirely to the military arm. Once that last line is overstepped, it is no longer a mere riot, conditions are no longer normal; it is a case for what we have called martial law, that the name is a convenient one and no more, I quite agree. It arises only when the civil arm is no longer able to maintain order. That is why it is a negation of the civil law; it is a negation of the law because the law has failed and for no other reason. Whatever we may like to call it, a rebellion or an insurrection, —whatever politicians in this country may like to call it—, we have to deal with the facts not with the words we use to describe them. The question we have to consider here is, whether at the time when martial law was put in force in India the situation was such that the civil authorities were unable to cope with it. Therefore, let us not quarrel over words or discuss the difference between rebellion, insurrection and revolution. The practical question before the Council is, whether there had arisen in the Punjab at this time a state of things with which the civil authorities were unable to deal. We have been told in this Council that no such state of things existed. I would much rather have left the question where my Hon'ble friend, Sir William Vincent, left it in his opening speech, not discussing whether it was necessary to proclaim martial law, but leaving that to be considered by the Commission. I would rather merely assume that martial law was declared, for, as my Hon'ble Colleague put it, it follows essentially from that that there must be an act of indemnification and validation. Some Hon'ble Members, led by that redoubtable champion of the liberties of the people, who is still sitting here after his temporary disappearance, thought fit to go into all the happenings, for what purpose, I frankly say, I cannot conceive. What this Bill proposes is that only acts which were done *bona fide* and which were believed to be reasonably necessary for the restoration or maintenance of order are to be the subject of indemnification, or validated in part, nothing else. The Hon'ble Pandit spent some hours telling us of a number of acts that would not be covered by the Act. He went through the whole history of what had happened in his own way recounting to us a great number of things which he told us could not have been *bona fide*, which could not have been necessary, and therefore, if I may say so, would not have been touched by this Act. What was his object, I repeat, I cannot conceive, unless possibly the time has come when it may be necessary for the Hon'ble Member again to seek re-election, and we may consider this as an election speech, in which, *pace* Mr. Sinha, terminological inexactitudes are often thought to be excusable. But it was not only the Hon'ble Pandit, but other Hon'ble Members have taken up definitely the position that there was never any situation (I am not attempting to put it in their own words) with which the civil law could not have coped. We began the other day with my Hon'ble friend Raja Sir Rampal Singh, whose absence I greatly regret to-day, for I dislike criticising any one in his absence, but he has, I may presume, thought it wise to beat a strategic retreat. The Hon'ble Raja Sir Rampal Singh, coming from the fastnesses of his ancestral castle in Oudh, said there was no rebellion, no insurrection—only a few little disturbances! Of course, sitting at home in safety, it was quite easy for him to say to himself there is no fire going on; there is no trouble! If you are a long way away and your house is not in danger of the conflagration, it is easy to take up this attitude. I strongly suspect that my Hon'ble friend from Oudh did not want to see the fire and I suggest that the most charitable way of looking at his speech is that it was written for him by a friend.

"Then we have my Hon'ble friend Mr. Ayyangar, who indeed is present, but whom I fear I shall not be able to make cognisant of my words at the moment. From the religious solitude of far Madras, he tells us again, that there was no rebellion, nothing serious was going on at all. I think the expression he used, so far as my memory serves me, was that only 'a few rash acts' were committed in the Punjab.

"Then we come to my Hon'ble friend Mr. Chanda. He put it in the forefront of his argument that there was no rebellion there, nothing that the civil arm could not deal with. And where does the Hon'ble Mr. Chanda come from? Assam! He too has come from the confines of India to say there were no serious disturbances in the Punjab. Can nobody tell us any better than this? Are there no members here who belong to the Punjab, who have been in the middle of these disturbances, who know what happened, who have seen what happened? There are surely many of them in this Council, but has any one of them told us that there was no rebellion in the Punjab, that there was nothing that could not be put down by the civil arm? Is it not an extraordinary fact that to find support for the opposite view you have to go to a member from Assam, a member from Madras—I am glad I do not have to speak in the plural of Madras—a member from the fastnesses of Oudh and, if I may say so, the self-constituted Special Commissioners from the United Provinces. Now, if other members of the services who sit here had not replied in detail to what I do not hesitate to call the monstrous statements of the Hon'ble Pandit, I should have taken some pains to reply to them in detail; but it is not necessary for me to do so now. Let me come now to the speeches of my Hon'ble friend Mr. Sarma and of my Hon'ble friend Mr. Sinha, who seems to think that we come here to talk about martial law and the doings in the Punjab with kid gloves on our tongues. I do not. Let us all say what we think. I shall not blame any Hon'ble Member who says what he really thinks, and surely in this Council I am entitled to say what I really think. But I will only say that the speech of my Hon'ble friend the Pandit was characterised by certain terminological inexactitudes, a phrase which has, I believe, parliamentary sanction. I have said that no member from the Punjab has come here to tell us that there was not a rebellion in the Punjab; I only use that word for convenience. But is there no one else to whom I can appeal who, at all events, does not bear the ticket of Government upon his back? I seem to remember one Horniman as somewhat of an ally of the party which the Hon'ble Pandit, I believe, now leads. I have some recollection of a letter of his published in the newspapers. It did not seem to accord with the view which is taken by his lieutenant now. I have got the words here - the expression used by Mr. Horniman of Bombay Chronicle fame, if I mistake not, was 'the recent deplorable revolutionary outbreaks'. Then there was another stout ally, a former ally at all events of that same party, Mrs. Annie Besant. I am sure many Hon'ble Members in this Council will remember the words of wisdom that fell from her with regard to the situation in the Punjab. Let me remind them, I quote from her letter in the 'Times of India' of the 19th of April 1919:—

> 'I ventured to urge before this movement was started that its logical result was riot and bloodshed, and to point to the danger of a revolutionary movement here. Surely what had happened in Europe was warning enough and I even noted the elements here on which Bolshevist propaganda might work. Are there not in the Punjab signs of such a movement? The cutting of telegraph wires, the derailing of troop-trains, the burning of railway stations, the attacks on banks, the setting free of jail birds, are not the actions of Satyagrahis nor even of casual rioters, but of revolutionaries.'

I understand that Mrs. Annie Besant has now been disowned as an ally of the party over which my Hon'ble friend, the Pandit, now presides with such skill, but those were words coming from the very party of which the Hon'ble Pandit is now the lieutenant, and I doubt if there is any Member of this Council who, if the proposition is put in the way I have put it, namely, whether there was a situation with which the civil arm was unable to cope, could do otherwise than admit the fact.

"Let us get so far in the argument. Now the next question that arises—I am dealing largely with theory now—is, is it or is it not the duty of every stable Government to maintain law and order in the country? I might go a little further, and say, is it not the first duty of every stable Government to do this? There again I think that even the Hon'ble Pandit will not venture to answer me in the negative. If it is so, if it is the first duty of Government to maintain the public peace, if that is accepted, does it not follow essentially from that that the Government must have the power to do so? If it is necessary to go beyond what I call the civil arm and invoke the direct intervention of the military, the situation is that which we describe as martial law. If it is the duty of Government to do that, do not Hon'ble Members think that it must follow that Government has the right to do it, and that there must be some sanction behind it? Writers on Constitutional Law have always struggled to find the sanction for martial law. There are three schools of thought which have existed in the past. The first school of thought, which has very much behind it historically, asserts that it is in the inherent power of the Crown to proclaim martial law. Let me not be misunderstood. I mean that if it is in the power of the Crown to put martial law in force, then the municipal courts are unable to take cognizance of cases arising out of it, because what has been done has been by the prerogative of the Crown. I say there is a great deal historically in favour of that view. I do not wish to trouble the Council at length with this, but I think it might interest Members to hear what such a great man as Pitt said in introducing the second Irish Indemnity Bill. He said:—'The Bill which I have to propose is not one to *enable* the Government of Ireland'—mark the word 'enable,' I am not merely emphasising it, it is in italics in the report—'to *enable* the Government in Ireland to declare martial law in districts where insurrection exists, for that is *a power* which His Majesty *already* *possesses* '. That is probably the *locus classicus* of the doctrine that it is a right and a power which the Crown inherently possesses, but it goes possibly a little further than that, because it has been recited that the Crown has that power in at least two Statutes which have been passed by Parliament, and therefore Parliament has at all events tacitly acquiesced in that doctrine. However many constitutional lawyers doubted whether the right of the Crown to enforce martial law could exist after the Constable's Court by which it was ordinarily enforced and by which trials were held had been abolished—and that was in the late Tudor times—and therefore they struggled to find a substitute for the prerogative of the Crown in the sanction of the Common Law itself which the opposite school always denied.

"Here again I do not wish to labour the point. The argument was that the power, as we lawyers say, flowed from the duty, the duty connoted the power following the legal maxim '*necessitas, quod cogit, defendit*,' and there is a considerable school of thought who still maintain that position. But in more recent times another school of thought has taken what is possibly a half way course and argues that though there may be a prerogative right in the Crown, though there may be a power under the common law to enforce martial law, the safer view at all events to take is that martial law should be followed by validation and indemnity. I think Hon'ble Members will see that this is common sense in many ways. After the disturbances have been put down. we do not want the battles fought all over again in the Courts; what we want is peace and quiet. For this reason the policy has always been to validate afterwards in order to prevent these discussions in the Courts when the crisis is over. That view certainly holds the field in modern times, namely, that though martial law may not be necessarily the negation of law, though it may have a foundation in the law, yet it undoubtedly takes the place of the ordinary civil law in abnormal circumstances, and therefore it is always desirable, always even necessary, for the reasons I have given, that a Validation or Indemnity Act should follow it. Hon'ble Members have referred, particularly Mr. Sarma, to the Regulation of 1804, under which martial law at all events in some districts was put in force. That Regulation, as no doubt Hon'ble Members will remember, gives to the Government powers to establish martial law and for trials to be held by courts martial. Now, power to establish martial law is in itself a statutory sanction for martial law; remember that 'martial law' means, I need not cite again the quotation from Steven's History of Criminal Law, to which the Hon'ble Pandit has referred. Martial law means the military taking the place of the civil arm in order to enforce law and order. This power to establish martial law is derived from the Legislature, in the case of the Regulation of 1804, and we have to read into the words 'martial law' the various things which it connotes, that is to say, if we have statutory power to establish martial law, that makes legal *ipso facto* every act which can be justified by martial law. We in India therefore are in the position of having statutory power to proclaim martial law though it none the less leads us to resort to indemnity. But martial law has not been enforced under the Statute in all districts. It has been enforced under the inherent power in other places. I need only refer to the case of Bombay which is probably not covered by the Bengal Regulation. But notwithstanding that we have statutory power to put martial law into force in some parts of India, it is none the less necessary, for the reasons I have already given, to have an Indemnifying and Validating Bill. This, if I may say so, is agreed to by every sensible Member of this Council. The only argument I have heard against it is that of the Hon'ble Members who said that there were no serious disturbances in the Punjab, and of those who said ' By all means let us have an Indemnity Bill, but not to-day. ' Well, that it is necessary to have some Indemnity Act is beyond question. I will tell the Council in a moment what a length of precedent there is for it. But apart from its being strictly constitutional, I should like to put the question very plainly indeed to some of my Hon'ble friends in this Council, and I would appeal especially to my Hon'ble friend the Maharaja of Kassimbazar, whose speech indicated a somewhat hesitating acceptance of the proposals now before this Council. Do you or do you not want to be protected in your lives and property, whatever may happen in India ? Do you wish the Government to do what I have spoken of as the first duty of the Government, namely, to protect your life and property ? And that if they cannot do it through the Police, do you wish them to do it by the use of the Military ? Let us have a plain answer to that question from any one who is not prepared to agree to a Validating Bill. If you do not want it, tell the Government you do not want and the Government will not do it. Let me tell you this that if this Council will not indemnify the soldiers who have had to enforce martial law in order to preserve the public peace, they will not willingly do it again. You cannot place these unpleasant duties on your officers and at the same time leave them, as Mr. Chanda suggests, at the mercy of the Courts. That is not the way to treat officers whom you have asked to protect your lives and property. You have got to indemnify them at the earliest possible opportunity, and unless, I say, you do that, they cannot be asked to take any risks in protecting you. Why should they ? Why should a man, in order to protect your life and property or to protect my life and property or anyone else's, do that which he knows may subject him to the direst penalties of the law ? Remember when we talk of indemnifying officers, it is not the high officers of Government that you are asked to indemnify. It was the Gurkha soldiers who fired on the mob and, may be, killed people ; it is the Indian soldiers and Indian officers whom you are asked to indemnify just as much as the British officers. Every soldier who fires according to orders and, may be, kills a person may be liable under the common law of the country to be indicted for murder. If my property is in danger, or my life is in danger from a mob, whether it be in Amritsar, Delhi or Lahore, can I ask the soldiers to fire upon the mob to protect me if I am not prepared to back them up afterwards by an Indemnity Act at the earliest possible opportunity ? Surely not. Let Hon'ble Members come out into the open, let them say that they do not want to be protected, they do not want their lives and property to be protected, let them do what the Hon'ble Pandit suggested, constitute among themselves a body of watch and ward, let us get rid of the police . . . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"We do not want our lives to be protected at the expense of others."

The President :—"Order, order. The Hon'ble Member has had his say."

The Hon'ble Sir George Lowndes :—"I thank the Hon'ble Pandit. It reminds me of a statement once made by one of the most eminent Judges in India to counsel who protested against being interrupted. He said do not worry, Mr. So-and-so ; an interruption always shows me where the shoe pinches. . . . . . .

(The Hon'ble Mr. Malaviya here rose to interject a remark.)

The President :—"The Hon'ble Member has for a long time been a Member of this Council and knows perfectly well what order means. I must ask him to observe order."

The Hon'ble Sir George Lowndes :—"It may interest the Council to hear that I had the curiosity to have looked up in our reports the number of interruptions recorded in this Council during the whole of last year. The total was 51. Of these, the Hon'ble Pandit was responsible for 29. It appears to me that he has had rather more than his due share.

"Now, I say if you want officers of Government and soldiers under their orders to protect the lives and property of people, you must be prepared to indemnify them. I say it is necessary, and in accordance with common sense, and that it is in accordance with the practice of hundreds of years in this great Empire to which we have the honour to belong. The limits are perfectly well understood. The limits within which indemnity will be given are the limits of good faith and doing that which is reasonably necessary.

"They are clearly laid down in every book on Constitutional Law. We are not asking Hon'ble Members in this Council to go beyond that. I shall show in a moment that we are not asking them to go nearly so far as has been done in some cases. If Hon'ble Members will look back to constitutional history, they will note that in the earliest days the turbulent Barons were controlled by martial law.

"In Wat Tyler's rebellion in the time of Richard II martial law was put in force, and though it was directly contrary to the terms of the Magna Charta, men who had taken part in that rebellion were tried by court-martial or even put to death without any legal form of trial at all. Coming on to later times we find again put in force in Jack Cade's insurrection in Henry VI's reign. I do not want to go back for a precedent to ancient days. I only want to make it quite clear to the Council that the enforcement of martial law has been a part of the British constitution from the very beginning, from Norman times through Tudor times, down to the days of the Hanoverian House and on to the present day.

"When we come to the Georges, the questions involved are probably more important, as we get the Acts which have already been referred to. I do not propose to refer to them in any detail except to correct certain inexactitudes which have crept into the Hon'ble Pandit's arguments with regard to them. We have first of all the 1715 Act to which my friend the Hon'ble Pandit referred. I regret to have to refer to it again, but with almost characteristic inexactitude the Hon'ble Pandit only read from the preamble of the Act and forgot to read the operative part of the Act. He told us that the Act did not do what as a matter of fact it does. One cannot always, I am afraid, collate from the preamble to an Act what is enacted by it. But let me read on after the long preamble,—the enacting part is there. The only part which the Hon'ble Pandit did not read, as far as I remember, was this: 'All personal actions, etc., for anything done in order to suppress the Rebellion in 1716, shall be discharged. And if commenced again, the person sued may plead the General Issue, etc., Double Costs.' But the preamble was the only part in which the Hon'ble Pandit was interested, because he preferred to . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"May I rise to a point of order?"

The President:—"On a point of order."

The Hon'ble Pandit Madan Mohan Malaviya:—"I want to explain that I was arguing on the preamble, and it was not necessary for me to read the whole of the Act."

The Hon'ble Sir George Lowndes:—"Neither necessary, my Lord, nor advisable for my Hon'ble friend's arguments.

"I do not think I need say anything more about this. Hon'ble Members have heard the Act read, apart from the operative part, by my Hon'ble friend the Pandit.

"Next we come to the 1745 Act, and there again the Hon'ble Pandit's researches did not go far enough. The Hon'ble Pandit referred to 19, George III, Chapter XX, which was an Indemnity Act, and which was passed after the disturbances, but he apparently did not find out that before the rebellion began Parliament passed another Statute authorising martial law being put in force. Therefore, they began before the Pretender's invasion by authorising the putting in force of martial law, *i.e.*, you have got curiously enough, almost the same position which we have in India now, that is to say, they were allowed by Statute to establish martial law, as we are here, yet after it was all over they proceeded to indemnify by the Statute to which the Hon'ble Pandit referred. The Indemnity Act of 1745 is practically in the same terms as the one of 1715. The Hon'ble Pandit put forward a tentative argument with regard to these Acts that they can be no model for us because they were dealing with invasions from outside, 'rebellions' in what may be called the technical sense. He suggested that that was quite a different case. There he said 8,000 Scotsmen flocked to the Pretender's flag and there was a regular war. But I am afraid that argument is destroyed entirely by the next Act of 1780 which dealt with the Gordon riots,—as the Gordon riots were nothing in the world if not a purely internal disturbance. My Hon'ble friend Mr. Hailey reminded you of their history,—most Members of this Council will no doubt remember the story in 'Barnaby Rudge,' it was hardly more than a riot, but a riot in the morning which might have been a rebellion in the afternoon, and it had to be dealt with by martial law. In that case there was, I believe, no statutory power given to proclaim martial law, but afterwards Parliament granted an indemnity in respect of all the acts that were done. I may perhaps read from the Act of 1780 again. It is very interesting, because it shows how far Parliament went. After the part the Hon'ble Pandit cited namely:—'Divers Acts which cannot be justified by the strict Forms of Law, and yet were necessary'—that is the part the Hon'ble Pandit read—it goes on 'That All Personal Actions and Suits, Indictments and Informations, which have been, or shall be, commenced or prosecuted, and all Molestations, Prosecutions, Proceedings whatsoever, and Judgments thereupon (if any be), against the said Magistrates, or other Persons for, or by reason of any Act, Matter or Thing commanded or done on the Occasions, and for the Purposes aforesaid, or any of them before the twentieth day of June, one thousand seven hundred and eighty, shall be discharged and made void; and every Person, by whom any such Act, Matter or Thing, which shall have been commanded or done, before the said twenty-fourth Day of June, one thousand seven hundred and eighty, shall be freed, acquitted and indemnified, as well against the King's Majesty. * * * '

"It will be seen that the Hon'ble Pandit was again somewhat inaccurate in saying that it had only a very limited application. It may seem so if you read only the preamble, but if you read the operative part of the Act, it indemnifies and makes good every act done by every person for the suppression of that rebellion.

"Well, let me continue the history as shortly as I can. We come next to the Irish trouble in 1798, which resulted in what is often called the Battle of Vinegar Hill.

"There, again, they not only had the Indemnity Act, 41 George III, C. 104, but Parliament gave beforehand power under Act 39, Geo. III, C. 11, to enforce martial law. So, again, the position was almost exactly what we have here. First of all the power given by the Legislature to put martial law in force, and secondly, the indemnity for anything done under it. It is in connection with the 1798 rebellion in Ireland that the case of Wright and Fitzgerald arose. I think the Hon'ble Pandit referred to it, or, at all events, to the summing up of Mr. Justice Chamberlayne. It is a typical and illustrative case and, I think, the Council may like to know just a little bit more about it. Fitzgerald was a

High Sheriff and Wright, as the Hon'ble Pandit told us, was a school master. Fitzgerald ordered Wright, at any rate according to the allegation, to be flogged with 500 stripes (they did not do things by half measures in those days), and he was flogged, and according to the evidence flogged in Fitzgerald's presence, under the most harrowing circumstances, circumstances, I may say, almost as harrowing as those which the Hon'ble Pandit, with such oratorical effect, described to us yesterday. The Judge summed up, as the Hon'ble Pandit has told the Council, there was a sympathetic Irish jury, and he was awarded £500 damages. The Hon'ble Pandit did not care to read any further than that. If he had looked on a little further, he would have seen that the case went on to the Court of Exchequer and was quashed and Fitzgerald, the High Sheriff, got his full costs. Therefore, the end was not quite where the Hon'ble Pandit left it. So much for Vinegar Hill and Wright and Fitzgerald.

"Now let us pass on to 1803, Emmett's Insurrection it is usually called. That was a case which was curiously like the present one. A mob went about in Dublin killing everybody they met who did not belong to their persuasion. In a fit of what, I suppose, my Hon'ble friend Mr. Ayyangar would call rashness, or it may have been pleasantry, they killed the Lord Chief Justice. There was no time for Parliament to authorise the proclamation of martial law, but the Government put it in force and they passed the usual Indemnity Act 43, George III, C. 117. I do not wish to speak about martial law in Ireland at this day, though it is a matter which touches us very nearly. Many Members of this Council may no doubt know that Ireland is at present under martial law, but they have not got to the indemnity stage yet. Let us now go to South Africa. I am only endeavouring to show the Council how entirely constitutional the putting in force of martial law is when the civil arm cannot cope with disturbances, and that in every case it is almost necessarily followed by an Indemnity Act at the earliest possible moment. In South Africa, the story begins with 1835; again in 1846, and again in 1850, martial law had to be put into effect, and in every case there was an Act of Indemnity passed by the local Legislature. The case, therefore, is in this respect nearer to our own. Then in 1900 and again in 1902 and again in 1914 in South Africa, we find martial law in force and Indemnity Acts passed which the Hon'ble Pandit has or would have referred to, if he had had the books. In 1900 there was Act VI of 1900 which was a full Indemnity Act, much fuller than this one. I think perhaps I may go into the terms of it very shortly. Hon'ble Members will find in that Act that very objectionable clause which, I think, my Hon'ble friend Mr. Sarma, and, if I remember aright, Mr. Sinha, have referred to; 'every such act, matter or thing referred to in the preceding sections shall be presumed to have been advised, commanded, ordered, directed or done, as the case may be, in good faith until the contrary shall be proved by the party complaining.' The terms are little wider than in our Bill. By that Act they indemnified people in respect of 'any acts, matters and things whatsoever in good faith advised, commanded, ordered, directed or done as necessary.' I draw attention to those words because, in drafting the Bill which is before the Council, we have had all these models before us, and what we have in the Bill about 'in the reasonable belief that it was necessary,' is merely a translation of the expression I have quoted which you find all through these recent South Africa Acts—I mean '*done as necessary*.' I think any lawyer will agree with me that 'done as necessary' means done in the belief that it was necessary. But in order that there should be no doubt about it, we have thought it was better to translate it into plainer language.

"When we come to the second of the more modern South Africa Acts, we find exactly the same words; it is to be an indemnity 'for or on account of or in respect of any acts, matters and things whatsoever in good faith advised, commanded, ordered, directed or done as necessary for the suppression of hostility and the establishment and maintenance of good order.' Then, again, there is exactly the same clause with regard to the presumption; 'every such act, matter or thing referred to in the preceding section shall be presumed to have been advised, commanded, ordered, directed or done, as the case may be, in good faith until the contrary is proved.'

"Let me for one moment dismiss, if I can do so, the argument that has been raised on this. It has been suggested that we are doing something outrageous in providing in this Act that the onus of proving ill-faith is to be on the man who alleges. But is this not the essence of our criminal law? I may be wrong in thinking so, but this is why I ventured to interrupt my Hon'ble friend Mr. Sinha, who put forward, as I thought, the suggestion that it was not for the prosecution in criminal cases to prove intent or ill-faith. But, is it not the basis of the law which we have inherited from the British constitution, that you presume every man to be innocent until the contrary is proved? And does this go any further than that? At all events, it has been adopted in every modern Validation Act, and we have frankly followed on the same lines. I was asked by the Hon'ble Pandit whether I had taken the Act of 1906 for my model. I told him that the actual model was the most recent Act of all, the 1915 Act. I think probably the Council will agree with me that, so far as I am responsible for the drafting of any Bill, I follow the most recent model; and that is what I have done, though, as I said before, we have, I believe, examined every Indemnity Act we could get before we started to draft this Bill.

"Now as to Act XI of 1915, of which I am glad I was able to give my copy to the Hon'ble Pandit though I am afraid rather late. It provides that 'every act, matter or thing referred to in sub-section (*1*)—the general words are in the previous section—'shall be presumed to have been advised, commanded, ordered, directed or done (as the case may be) in good faith until the contrary is alleged and proved by the party complaining.' We have that again. Then we have the specific provision with regard to sentences, which again I may read and, I think, Hon'ble Members will see that our Bill does not go nearly as far as this really.

'The several courts-martial and military and special tribunals constituted and convened by or on the authority of the Government or its officers during the period aforesaid for the trial and punishment of persons guilty of treasonable, seditious or rebellious conduct, or of persons subject to military law shall be deemed to have been constituted in accordance with law, and the several sentences pronounced by all such courts and tribunals, as well as by Magistrates' courts or other inferior courts, for any contravention of, or failure to comply with, any law or statutory regulations known as martial law regulations, or any orders or instructions, given on the authority thereof, are hereby confirmed.'

Hon'ble Members will notice that we have not gone as far as that in our Bill. Sub-section (*2*) says:—

(*2*) 'Every person confined in any prison, gaol, lock-up, or in any other place whatever under and by virtue of any such sentence aforesaid shall continue liable to be confined therein or elsewhere as the Minister of Justice may direct, until the expiration of such sentence, or until released by the Governor General in the exercise by him of the Royal mercy, or until otherwise discharged by lawful authority.'

(*3*) Every such sentence shall be deemed to be a sentence passed by a duly and legally constituted court of the Union, and shall be carried out or otherwise dealt with in the same manner as the sentences of such a court.'

Those are the material sections of the latest South African Act, and there is a great deal more in it that my Hon'ble friends will see follows largely the previous models of 1900 and 1902.

"Then if I may pass away from South Africa and follow up the other cases in which martial law has been proclaimed and followed by indemnity, we have the very well-known case of Jamaica in 1865. A long pamphlet dealing with all that happened has been published at the Tribune Office, an office, I think, not unknown to my Hon'ble friend the Pandit; and it was to me rather remarkable that he did not refer to the contents of that pamphlet in any way at all. Perhaps we should be glad he did not or he might have been addressing the Council till now. But there was much in that pamphlet which, I am sure, gave him food for reflection. It deals with the well-known case of Governor Eyre. He arrested a man called Gordon, who was believed to be the centre of the insurrection in Jamaica, outside the martial law area altogether, and executed him. An Indemnity Act was passed by the local Legislature, and then Gordon's widow came to England and prosecuted Eyre under an Act which allows Colonial Governors to be prosecuted in England, for the death of her husband, claiming damages. The case was a *cause célèbre* at the time, and allegations much like those that have been made by the Hon'ble Pandit were made with regard to the doings in Jamaica. The case came before the Grand Jury. The Grand Jury were charged by one of the greatest of Judges, and they did as they were entitled to do, as men of common sense would do presumably in such a case, they threw the indictment out and there was an end of it; they would not allow it even to be tried. There was another case to which the Hon'ble Mr. Sinha, if I remember aright, referred in connection with the Jamaica riots. That was the case of Eyre and Phillips. But the sole question there was, whether Eyre the Governor was within the Indemnity or not; there was no other question concerned. My Hon'ble friend Mr. Sinha has referred to the report of the case in the Queen's Bench. I should have liked to refer to the report in the Court of Exchequer, but when I asked for the book, I found that the Hon'ble Pandit had unfortunately taken it away to the farthest end of Simla. It has now been given to me, but too late for me to quote. All I need point out is, that the only question before the Court was whether this case was covered by the Indemnity Act or not, whether an Indemnity Act passed by a local Council could indemnify its own Governor because he was a party to it. I am speaking from recollection, but, I think, the Hon'ble Mr. Sinha will agree that that was substantially the sole question decided in that case.

"Then let us come nearer home, to Ceylon. In Ceylon, they had martial law in 1848 and they had a local Indemnity Act there, but I am afraid I have not got it. The same thing happened in St. Vincent in 1862; martial law proclaimed and followed by an Indemnity Act. And as the Council have been told, in India, after the Mutiny, we had an Indemnity Act, Act XXXIV of 1860. It is rather material perhaps to refer to that Act because Hon'ble Members will at all events see that, in bringing this Bill before the Council, we have not gone as far as we might have. The Act of Indemnity of 1860 was in very wide terms. I need only read section 2, which is the material one.

> 'All acts done since the tenth day of May, 1857, in connection with the late disturbances by officers of Government or by persons acting under their authority or otherwise, in pursuance of an order of Government, or which shall have been or shall be ratified by the executive Government, are hereby confirmed.'

That meant that the Executive Government was made the sole arbiter as to whether a man was to be indemnified for a particular act or not. Surely we have got a good deal more liberal a measure here, in that we leave it to the Courts to decide whether any act complained of was done *bona fide* and in the reasonable belief that it was necessary for the suppression of disorder.

"With regard to the question of reasonable belief, which has been somewhat attacked, it may be useful to read to the Council what one of the greatest Lord Chancellors said in the House of Lords in a debate on the Gordon Riots in 1780. It appears to me very material on this point. Lord Thurlow was the Lord Chancellor at the time, and he came down from the Woolsack to address the

House. Of course I am not going to read the whole speech, but only a very short passage. Hon'ble Members will remember that the Gordon Riots were purely civil disturbances. There was no case of an invasion from outside. The Gordon Riots were very similar to the present case. They were an attempt to overawe the Government and induce them to repeal the Catholic Disabilities Act which had recently been passed. The cry was 'No Popery' 'Repeal, repeal.' This was very much like the object of these disturbances in the Punjab which was to get this very timorous Government to repeal the Rowlatt Act. Lord Thurlow said:

> 'Under these circumstances it was, and after it had been in vain endeavoured to quell the riots by the intervention and authority of the Civil Power, that the Military were employed; and therefore, the case being so far similar to the Rebellion in 1715 and 1745, that there was an actual insurrection, that the laws of the land were trampled under foot, and the King's Government opposed. The military as well as everyone in a brown coat were justified in the commission of such trespasses and acts of homicide for the purpose of restoring the public peace as were justifiable in the year 1715 and in the year 1745.'

This disposes entirely of what I may call the argument of the Hon'ble Pandit that martial law is only applicable where there is a case of invasion. In the Gordon Riots the military and private persons were entitled to do everything that they were entitled to do in 1715, and in 1745 when martial law, as Hon'ble Members will remember, had actually been declared by Act of Parliament, though here it had not. I will continue my quotation 'to do everything that was justifiable in the years 1715 and 1745 for the purpose of putting an end to the rebellion then on foot in the Kingdom. Not that he meant to say that either soldiers individually or collectively any more than private persons might not in their endeavours to quell the outrages, etc., lately committed have been guilty of some things which, under a cool legal investigation would appear to be contrary to law and punishable either by the Common or Statute Law of the Realm, for, undoubtedly, in opposing, repressing, and quelling such daring outrages as had been perpetrated, the military, as well as individuals, must necessarily have been forced into excesses; but when the occasion was duly considered, and the extreme hurry and violent confusion in which all men who joined in restoring the public peace were obliged to act, those excesses would be seen to have been unavoidable, and to be the proper objects of an Act of Indemnity, but not an Act more necessary for the military than for other persons who had done as the military had done, and been instrumental in effecting that good purpose which the military had effected.'

"My Lord, I think three points emerge very clearly from this speech of Lord Thurlow. The first is, that the power of enforcing martial law where disturbances have gone beyond the civil arm is very akin to the right of self-defence; it is so not in the case of soldiers only, but of everybody else. Secondly, it shows that we should look at the acts done in the light in which the Council are asked to look at them under this Bill, namely, considering whether the persons who did them did them in good faith and in the reasonable belief that they were necessary. The third point is quite clear from what the Lord Chancellor says. In doing that we have to take into account the circumstances of the time, the excitement of the moment, and the fortunate fact that the man may have no one to consult. These are the legitimate circumstances which have to be taken into account. That, I venture to submit, is very material. In this connection I draw the attention of Council to the fact that the Bill reserves power to Government to prosecute in any case where it may find it necessary. No one in dealing with this Bill has referred to that point. Clause 6 (*c*) runs 'Nothing in this Act shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.' Thus Government is not precluded from taking any action against an officer that is necessary. Then I draw attention to clause 6 (*b*), in which though we have confirmed sentences we have not gone nearly as far as was the case in the South Africa Acts. We have left the right of appeal to the Privy Council fully open. Under that clause if any appeal goes to the Privy Council, it will be decided as if this Act had not been passed. We cannot do more. If these sentences are monstrously unjust, if these tribunals have no jurisdiction, if there has been a denial of justice, if there has been a travesty of justice, (I believe I am correctly repeating expressions which have been used in this Council), the Courts are open and in England, the Privy Council will listen to any appeal on these grounds if a case can be made out. Years ago in Dillet's case it was laid down on what lines the Privy Council will hear appeals in criminal cases. If, as I say, there has been any denial of justice, we have left it open to the person aggrieved to go to the Privy Council, if there has not been a denial of justice, surely the sentences must be confirmed.

"There is much I should like to say in answer to my Hon'ble friend Mr. Sinha and again in answer to the speech of my Hon'ble friend Mr. Sarma, but I am afraid that at this hour I must resist the temptation. However, I cannot help referring in conclusion to one dictum of my Hon'ble friend Mr. Sinha. He said 'what is the good of my trying to persuade the Government.' I think I may console myself with the retort 'What is the good of my trying to persuade Mr. Sinha?'"

7-20 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"My Lord, I did not intend to make a speech of more than 10 minutes, but after the very lucid and illuminating speech of my Hon'ble friend the Law Member I shall detain them for even a briefer time. I think every Member of the Council must feel grateful to Sir George Lowndes for his very clear and convincing exposition of the legal and constitutional technicalities to which the Hon'ble Pandit and the Hon'ble Mr. Sarma had taken such pains to expatiate on in their respective speeches After the light thrown on these technicalities by Sir George Lowndes and the terse manner in which he expounded the facts and the circumstances under which the various Indemnity Bills referred to by the Hon'ble Mr. Malaviya had been enacted, I am fully convinced that there cannot be any two opinions on the expediency of the introduction of the Bill originally. I am free to confess I was in favour of the amendment for the postponement moved by the Hon'ble Mr. Chanda, but I repeat I cannot help supporting the legislation after the clear exposition of the Hon'ble the Law Member. Before the Hon'ble the Law Member made his speech I was a little doubtful as to whether or not I should accept the Bill, but having heard it explained to-day by the Hon'ble the Law Member with his usual forensic ability, a fact with which we were familiar in Bombay before he came here, I think the Council will be satisfied that the Bill should be allowed to pass. Well, there was one point that puzzled me and it is this. In all the cases put before us I should like to know from the Hon'ble the Law Member or the Hon'ble the Home Member whether the inquiry that is now going to be made will clash with the Bill, that is to say, what will be the effect if the Commission think that certain officers had committed such excesses that they could not be tolerated and therefore of course that they must not be indemnified. I should like to know also if there are any instances, as in the present case, of an Indemnity Bill being followed by a Committee of Inquiry."

The Hon'ble Sir George Lowndes:—"My Lord, may I answer the question?"

The President:—(Addressing Sir Dinshaw Wacha). "Do you wish Sir George Lowndes to answer that question?"

The Hon'ble Sir Dinshaw Wacha :—" Yes, for this reason that a doubt exists in the minds of some people in Bombay and other places. They think that a postponement is necessary in order that we may know exactly the scope of the inquiry."

The Hon'ble Sir George Lowndes :—" The question has rather a double barrel aspect. In the first place as regards the South African case there was a Commission of Inquiry appointed by the very Act which granted the Indemnity. That very Act created the Commission; therefore although there was a Commission of Inquiry an Act of Indemnity was passed. The Commission appointed by His Majesty was empowered to inquire into sentences and they validated the Acts just as we do now.

" The second aspect of the question was whether the Act will in any way affect the position. I have not the least hesitation in answering that question. The only thing that we by the Bill seek to validate are acts done *bona fide* for the maintenance of law and order, and the Council may take it from me that this Bill will not in any way prejudice the Commission of Inquiry."

The Hon'ble Sir Dinshaw Wacha :—" I am satisfied, my Lord, and I hope other Members of Council are satisfied too. I support the Bill."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—" My Lord, I cannot attend the night Session of the Council as my health does not permit of it in this cold Simla night, however much I may wish to be here to cite my reasons against the introduction of the Bill. So I have to forego the discharge of my duty I owe to my Punjab brethren. 7-25 P.M.

" But I have to say a word in connection with the remarks of the learned Law Member who has charged me for minimising the Punjab incidents, for my saying that some of those disturbances were rash acts, committed by stray individuals. This is quite a different charge from that brought by the Home Member the other day! By rash acts I only meant that the disorders were due to the passing excitement of some stray members of the crowd, and that they were not at all due to an organised conspiracy. I had separately mentioned the horrible murders of Amritsar and other places and so by rash acts, I was referring to the unlawful incidents at Lahore and similar places where the mob did not obey the orders of officers but assembled in meetings and joined processions.

" I did not at all minimise or tried to minimise events at the Punjab either the murder of Europeans or that of Indians. On the other hand, my Lord, some of my European friends charge me for over-estimating the events there and caring too much for them. I did not say that murder and arson committed by the mob were rash acts or the loss of life of nearly 300 people, as the Hon'ble the Home Member put the estimate of deaths, was a rash act. I was and am only grieved to find that the sacredness of human life and human misery has not at all been seriously taken into consideration either in the Punjab or in the discussion here. While the massacre of the Armenians gives so much uneasiness that it outrages the sense of humanity and all the finer instincts of the English nation, it is only unfortunate that the grave incidents committed at the Jullianwalla Bagh, the throwing of bombs from aeroplanes at Gujranwala and such other incidents do not provoke similar sentiments in the same nation.

"I cannot but commend to the Council the suggestion which my Hon'ble friend, Mr. Sarma, pointed out and which emanated from Sir Sivaswamy Iyer, the President of the Madras Liberal League. Sir Sivaswamy Iyer has wired to the Secretary of State as follows :—'Introduction now of the Punjab Indemnity Bill is exciting much dissatisfaction. Adjustments of principle and scope of indemnity to necessities of the case will be practicable only after the Inquiry Commission. If immediate legislation is needed, we would strongly suggest a mere suspensory Bill, suspending actions and prosecutions against officers pending the Commission and appeals in Privy Council, and suspending limitations against the parties aggrieved.' This expedient should satisfy the Government, but should the Government insist on the Indemnity Bill, it should be followed by an Amnesty Bill vouchsafing amnesty to all those who are dealt with by martial law. This will go a long way to soothe the bitter feelings."

7-29 P.M. **The President** :—"Before calling on Sir William Vincent to reply to the debate, I should like to state that Mr. Chanda who moved the amendment is absent to-day through ill-health, and that is the reason why Mr. Chanda is not here to reply to the debate on his amendment. Hon'ble Members will remember that when this debate was begun it was on the clear understanding that there should be one debate on the amendment as well as on the substantive motion for leave to introduce the Bill, and I told Mr. Chanda at that time that that would not preclude him from having a right of reply on his amendment. I now call on Sir William Vincent to reply."

7-30 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I do not know if I shall be in order if, before replying on this debate, I give to Council some new information, with reference to the Committee of Inquiry. I think the Council will be interested to know that the Secretary of State has now sanctioned the addition of one Indian and one European member to that Committee. This information has really no connection with the Bill, but it is a matter in which the Council is greatly interested.

"My Lord, when I closed my opening speech on this Bill, I said that I had avoided, as far as possible, prejudicing any question that would come before the Committee or saying anything that might provoke racial feeling. I believe it has generally been accepted by this Council that that was my attitude. But I was a little surprised to be accused by the Hon'ble Mr. Malaviya, of all people in this Council, of attempting to prejudice the work of the Committee and that, because I had ventured to put it to the Council,—and I think Sir George Lowndes also said the same thing,—that if the Committee of Inquiry appointed to inquire into this matter found that a man had acted reasonably and *bonâ fide*, I was quite sure they would not hold him in any way to blame. Well, after I spoke the Council heard the various statements made by the Hon'ble Member himself, attempts to create prejudice, to minimise various facts and to place before Council *ex parte* statements as to particular incidents on which it was suggested that this Council should condemn particular officers or particular actions. My Lord, the Hon'ble Member has received such severe . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"May I rise to a point of order, my Lord?"

The President :—"Personal explanation or point of order?"

The Hon'ble Pandit Madan Mohan Malaviya :—"A correction, my Lord."

The President :—"Personal explanation?"

The Hon'ble Pandit Madan Mohan Malaviya :—"Exactly, my Lord. I never said that the Council should condemn any officer on *ex parte* statements. I said their actions should be sifted by the Committee of Inquiry and then judgment pronounced."

The Hon'ble Sir William Vincent :—"My Lord, the Hon'ble Member has received such severe castigation from the Hon'ble the Law Member that it really would be an act of cruelty to say anything more of his speech. I can only say that, even if I had in any way been guilty of attempting to prejudice the decision on any point by the Committee or of creating an atmosphere of bias in respect of any matter, it would have been a case of Satan reproving the sin, for no man has been more guilty in that respect than the Hon'ble Member himself. But I leave it to Council to judge if I said anything which could prejudice the inquiry. My Lord, I regret very much, however, that an attempt has been made by the Hon'ble Member and by others to place particular incidents before the Council to make *ex parte* statements as to what happened on particular occasions, because I think that statements on the one side necessarily evoke from others contradiction, and that this Council was therefore placed in a very unfortunate position in regard to such incidents—incidents of which as the Hon'ble Mr. Sinha said, the Council do not know much of which they now have had stories from one side and stories from the other, and I feel that it would have been much better if both sides had left all these incidents alone. Such a course would not havelaffected this Bill and Council could have left the whole of the facts to the Committee of Inquiry to decide.

"I must, however, myself quite clearly disclaim any intention to justify any particular action. It was for instance suggested that I was attempting to indemnify officers who were concerned in the Jhalianwalla Bag incident. My Lord, I had no such intention, nor can such an intention be deduced from the Bill. The question whether these officers will be indemnified or not will depend on the findings of Courts as to whether their action was *bona fide*, and reasonable or not. I do not seek in any way to prejudge the point.

"In the course of the debate the Hon'ble Sir Dinshaw Wacha inquired whether the passing of this Bill would in any way affect the Committee of Inquiry. The answer has been given. The Committee of Inquiry is an administrative Committee. Its report will have no legal effect. The result will be, when it reports that the opinions and recommendations will have to be decided by the authorities in order to see whether any person is to be punished or censured or commended administratively; but that has nothing whatever to do with the Courts. That Report will not be evidence in the Court. The legal liability of those concerned is a separate matter and can only be settled by either the common law or a Bill of this character.

"My Lord, it has been said that martial law was not necessary. I was anxious to abstain from expressing any view on the point at present; but as the subject has been dealt with at such length, I wish to add one word to the discussion, and that is to read the actual message—if I may with your Lordship's permission do so—on which the Government of India declared martial law. The Council have learned from Mr. Hailey's speech and from other Members all the incidents which preceded the 13th of April, and it is not necessary for me to reiterate them. Well, on that day, all other telegraphic communication being cut, we received the following message by wireless telegraph :—

'Railway stations between Kasur and Amritsar looted, British soldier killed.' (As a matter of fact there were two) 'Two British officers injured at Kasur.' (There were more people than two injured) 'Bands of rebels reported on the move, Kasur treasury attacked; state of open rebellion exists in parts of the districts of Lahore and Amritsar. Lieutenant-Governor with the concurrence of the General Officer Commanding the 16th Division and Chief Justice of the High Court requests the Governor General in Council to direct him to suspend the functions of the ordinary criminal courts in Amritsar and Lahore districts and establish martial law therein and direct the trial of offenders under section 2 of Regulation 18 of 1914. Situation critical. Moveable column starts marching from Ferozepore to Amritsar through worst tract with guns to-morrow.'

"I want to put it to any Member of this Council whether, if he had been a Member of the Government of India at that time, with the information which is now before the Council, on receipt of a telegram of that kind, he would not have acted exactly as the Government of India did: if any officer would have dared to take the responsibility of not accepting a recommendation of that character. That is all, my Lord, on the question of martial law, but I think that this message adds to the information before the Council.

"My Lord, it has been said that this present Bill goes too far. I do not think it necessary for me in any way to discuss that point. It has been fully debated already by the Hon'ble the Law Member. Many detailed criticisms of various clauses were put forward which, if I may say so, appeared to me to be irrelevant in a debate of this character. We ought now really only to discuss the question as to whether an Indemnity Act of this character is necessary or not, and that is a question about which, I believe, nearly all the Members in this Council have been now convinced. It has been said, however, that we ought to postpone the Bill, because actions will not be brought at once, or if they are brought, postponement may be secured. Another suggestion was, 'you should bring the Act in now, but make it an Act which will only suspend civil or criminal proceedings against officers.' I would point out in answer to these suggestions that an action begun now may be decided before any Indemnity Act could be passed after the report of the Committe is received, and any lawyer member of this Council will know how difficult it would be to pass an Indemnity Act in regard to a suit either commenced or decreed. As to pending suits, is it fair that we should leave officers who, *ex hypothesi*, as I said before, have done their duty, with a possibility of being sued—or that we should say to them 'Well, you may be indemnified for doing what was right or you may not, we will tell you that six months later, when the Committee of Inquiry, which has nothing really whatever to do with your legal liabilities, has decided some other point.' I submit that is not a right position for Government to take.

"My Lord, there is only one other matter to which I wish to draw attention and that arises out of the remarks made by the Hon'ble Sardar Sundar Singh Majithia. He asked me to give him an assurance that those who gave evidence before the Committee would in no sense be harassed by the police. I am glad to give him that assurance, and I am quite sure that His Honour the Lieutenant-Governor will give full effect to it.

"Another point was that I was asked whether if the Committee should find that any officer of Government had been guilty of improper conduct, he would be punished. My Lord, I have already said that it is our hope that we may be able to publish the report of this Committee, and it is certainly not our intention to treat the recommendations of this body as of no account in so far as we may accept their views. Any recommendations which they make will have to be considered, and such action as we think necessary will certainly be taken upon them."

The motion for postponement of the Bill was put and negatived.

The motion that leave be given to introduce the Bill was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

The Council then adjourned till Tuesday, the 23rd September, 1919, at 11 A.M.

SIMLA;	H. M. SMITH,
	Officiating Secretary to the Government of India,
The 1st October, 1919.	*Legislative Department.*

APPENDIX.

[Referred to in answer to question No. 1.]

Area and yield of cotton in each Province (including Indian Stat in India for the five years ending with 1918-19.

Provinces and States.	Area in thousands of Acres 1914-15.	1915-16.	1916-17.	1917-18	1918-19. (Provisional estimates.)	Yield in thousands of bales of 400 lbs. 1914-15.	1915-16.	1916-17.	1917-18.
(a) Bombay (including Indian States).	7,798	5,905	6,330	7,697	5,038	1,773	1,051	1,475	1,408
Central Provinces and Berar.	4,708	4,061	4,402	4,562	4,211	1,097	1,105	691	591
Hyderabad State ...	3,605	2,964	3,201	3,451	2,406	400	450	500	450
Madras	2,115	2,081	2,168	2,592	3,178	245	215	847	450
Punjab, including Indian States.	1,857	902	1,163	1,800	1,541	496	195	335	307
United Provinces ...	1,551	834	1,155	1,315	853	426	262	309	193
Central India States ...	1,519	939	1,419	1,454	1,233	293	216	311	116
Rajputana States ...	421	244	334	435	250	165	62	128	54
Sind (including Indian States.	336	161	240	267	299	116	49	78	53
Burma	270	167	223	247	347	42	27	40	48
Mysore	103	92	126	154	124	14	14	16	23
Bihar and Orissa ...	70	67	68	69	79	16	16	16	17
North West Frontier Province.	60	26	23	33	89	14	4	6	5
Bengal	90	88	73	71	73	34	30	20	19
Ajmer-Merwara ...	54	23	47	70	80	15	3	35	14
Assam	34	32	32	32	33	12	10	11	13
Baroda	(Included	under Bo	mbay) 707	914	815	(Included	under Bo	mbay) 171	239
Total ...	24,595	17,746	21,745	25,183	20,497	5,209	3,738	4,439	4,000

NOTE.—(a) Includes figures for Baroda for 1914-15 and 1915-16.

(b) The figures for 1918-19 are provisional estimates and are taken from the Final General Memorandum on the Cotton of 1918-19 published by the Director of Statistics in the Supplement to Part II of the Gazette of India, dated February 1919.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Tuesday, the 23rd September, 1919.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C.S.I., K.C., *Vice*-President, *presiding*, and 41 Members, of whom 36 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. W. E. Crum asked :— 11-5 A.M.

Exclusion of Germans and enemy subjects from India.

1. "With regard to the position of subjects of late enemy countries and their return to India, will Government be pleased to state :—

(*a*) for how long they are prepared to exclude Germans and subjects of other late enemy countries from India ?

(*b*) what steps they are taking regarding Article 438 of the Peace Treaty ?

(*c*) whether they are prepared to permanently exclude German missions from India ? and

(*d*) what circumstances will guide them in making exceptions to repatriation of interned enemy subjects ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The Government of India are in correspondence with the Secretary of State for India on the subject of the admission into, or exclusion from, India of subjects of countries which are or have been at war with His Majesty. They hope to be in a position very soon to make a public announcement of their policy in this matter.

(*b*) The properties and undertakings of all German missions in India, including the Basel Mission Trading Company, have been vested in the provincial Custodians of Enemy Property, boards of trustees have been formed, and the properties and undertakings are being transferred from the Custodians to the trustees in accordance with Article 438 of the Peace Treaty.

(*c*) The Government of India will act in accordance with any decision which may be arrived at by His Majesty's Government. His Majesty's Government have decided that missionary and other philanthropic societies or organizations of alien enemy nationality, and their individual members of alien enemy nationality or birth, irrespective of their religious belief, cannot be re-admitted to India for a period which may be defined hereafter.

(*d*) The Government of India have decided that every German and Austrian at present in India is to be repatriated, subject to exceptions only in cases where there are very special reasons for granting exemption from repatriation. Each case will be considered on its merits. Exemption might be granted on the ground that an individual was by birth a British subject; that he has married and brought up a family in India and has entirely severed his connection with his own country; or that he is a native of territory which has ceased to be German or Austrian territory as a result of the Peace Treaty. But it is impossible to specify all circumstances which the Government of India might think sufficient.

In the United Kingdom, in the case of Germans married to British-born wives and deported from England to Germany, the wives have been allowed to stay in England or follow their husbands to Germany, as they preferred. In the case of British-born children of such parents, the law does not authorize the deportation of British subjects, but it has been the practice in England to include the names of very young children in the mother's permit. When the children are of school-going age or over, each case has been dealt with individually. In such cases the practice has been to make inquiries and try to ascertain whether the children wished to go or stay, and in the latter event whether there were relatives in England who could take care of them. The Government of India propose to be guided by the same principles in dealing with British-born wives and children of Germans and Austrians who were interned in India and are to be repatriated."

"**The Hon'ble Mr. W. E. Crum** :—"May I ask a supplementary question? Can the Hon'ble Member say how soon he will be able to give a definite answer to (*a*)?"

The Hon'ble Sir William Vincent :—"We have telegraphed about this matter to the Secretary of State recently, but I am unable to say the exact date on which a final decision will be reached."

The Hon'ble Mr. W. E. Crum asked :—

Evasion of Indian Income-tax.

2. "(*a*) Has the attention of Government been drawn to an announcement reported to have been made by the Secretary of State in the House of Commons on 17th July regarding apparent evasion of Indian income-tax?

(*b*) What steps are Government taking to improve the machinery of collection and to prevent evasion?"

The Hon'ble Mr. H. F. Howard replied :—

" (*a*) Yes.

(*b*) The Government of India are fully aware of the importance of improving income-tax assessment and preventing evasion. Before the passing of the new Act they had put to Local Governments (which, it should be remembered, are in charge of the administration of income-tax) the question whether the time had not come for the more general employment of specially trained and whole-time income-tax establishments. The importance of tightening the administration has been generally recognised; and though the diversity of conditions in the several provinces renders the application of any uniform system impracticable, the majority of Local Governments are, it is understood, taking up the suggestion, and it may interest the Hon'ble Member to learn that recently in the cities of Calcutta, Bombay and Rangoon, the income-tax establishments have been considerably strengthened. Special additions have also been made to the staff in the Punjab, the United Provinces and Madras, while certain improvements in the machinery have been introduced in the districts of Bengal. It is hoped that with this strengthening of the assessing staff a progressive improvement will be secured in the direction of enforcing liability to the tax where it is now being evaded. The Government of India also hope to obtain from Mr. Watkins, the expert in income-tax administration, whose services have been kindly lent to them in connection with the Excess Profits Duty by the Board of Inland Revenue of the United Kingdom, useful advice in connection with the whole subject."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

3. " Will Government be pleased to state approximately the rough estimates of the world's production of gold and silver during 1919-20 and 1920-21."

World' d ctio gold a silver.

The Hon'ble Mr. H. F. Howard replied :—

" The Government of India have not seen any authoritative estimates of the world's production of gold and silver during the current and next years, and in view of the various uncertain factors involved, they do not think that it will serve any useful purpose for them to attempt to frame any such estimates for the public information."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

4. " (*a*) Has any conclusion been arrived at in fixing the salaries of Europeans and Indians serving in India and doing the same work?

(*b*) Is there to be any differential treatment, and, if so, on what principle?

(*c*) Is the European allowance to be the same in respect of all services or to vary with the service and status, rank and length of service of the individual? If so, what are the differences?"

System adopted in fixing the salaries of Europeans and Indians serving in India.

The Hon'ble Sir William Vincent replied :—

" No conclusion has been arrived at."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

5. " What is the value of the gold and silver employed in arts in the various countries during the ten years prior to the war?"

Value of gold and silver employed in arts.

The Hon'ble Mr. H. F. Howard replied :—

" The information asked for by the Hon'ble Member is not available except as regards the United States, where in 1916 the amount of gold consumed in the industrial arts was valued at slightly over 51 million dollars, *i.e.*, about £10¼ million, while the silver consumed amounted to somewhat over 32 million fine ounces.

In the case of India, it is impossible to say how far the gold and silver which has gone into consumption is held in the form of coin, and how much has been melted down for use in the arts."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Exchange compensation allowance.

6. " Will Government be pleased to state the reduction, if any, in the expenditure under exchange compensation allowance (1) during the official year 1918-19, and (2) during the four months ending on 31st July 1919, and the reduction anticipated during the succeeding eight months?"

The Hon'ble Mr. H. F. Howard replied :—

" The expenditure on account of exchange compensation allowance was reduced from Rs. 43¾ lakhs in 1917-18 to less than Rs. 7½ lakhs in 1918-19, and to *nil* during the first four months of the current year. No expenditure on this account is anticipated during the remaining eight months."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Collection of taxes.

7. " Do Government propose to consider the desirability of arranging for the collection of some taxes during the slack months of the trading season?"

The Hon'ble Mr. H. F. Howard replied :—

" The Hon'ble Member's question is not understood. The collection of Government taxes goes on through both the slack and the busy seasons of the year."

The Hon'ble Rao Bahadur Sarma :—" May I request that the dates of the collection of revenue be postponed so as to enable the money to be used for the benefit of the trade?. That is the question I wish to ask."

The Vice-President :—" I understand that the Hon'ble Member desires to ask a supplementary question."

The Hon'ble Mr. H. F. Howard :—" I am afraid I did not catch what the Hon'ble Member said."

The Hon'ble Rao Bahadur Sarma :—" May I ask the question as to whether the dates of collection of certain of these taxes might be postponed till the slack season so that during the busy trade season the money may remain with the trade?"

The Hon'ble Mr. H. F. Howard :—" I am afraid, Sir, that we want all the money that we can get as early as we can get it. That is the answer to the Hon'ble Member's question."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Differences in prices of foodstuffs in various districts.

8. " (*a*) Do very wide differences exist between province and province, adjoining districts and even parts of the same district in prices of foodstuffs ?

(*b*) Are Government in a position to say whether this is due party to the inability of the Railway Companies to meet the normal traffic demands ?"

The Hon'ble Mr. R. A. Mant replied :—

"Full details of the wholesale and retail prices of food-grains in the different provinces and districts of India for the second half of July will be found in the Supplement to the Gazette of India for the 13th September. An examination of these statistics discloses considerable differences in the retail prices of food-grains, but it is not possible to assign any one cause for these variations. Marked differences in the price of rice, for instance, in adjoining districts may be due purely to local causes as when communications are temporarily interrupted by floods, or they may be due to the fact that District Officers have not reported the price of the same quality of rice. But the principal cause is probably that suggested by the Hon'ble Member, namely, the inability, of the railways to cope with all the traffic offering. This has compelled Government to control the inter-provincial movements of food-grains, and retarded the levelling process which is ordinarily promoted by free communications. The Government of India are now advised that the railway position is improving, and they are consulting Local Governments as to the possibility of relaxing control over the internal movements of food-grains."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Metallic and paper currency.

9. " (*a*) Will Government be pleased to state to the extent of the latest figures available, the existing currency in cheques, notes and metal in the various countries having principal trade relations with India ?

(*b*) Is there in such countries sufficient metallic currency behind the cheque and paper currency according to the accepted standards prior to the war ?

(*c*) What proposals, if any, do Government contemplate for assisting India to compete industrially and commercially successfully with other countries ?"

The Hon'ble Mr. H. F. Howard replied :—

" (*a*) I lay on the table a statement* giving the latest information available regarding the note circulation, and coin and bullion reserve held against the latter, in the United Kingdom, Japan, the United States of America, France and Italy. No information is available regarding cheques or the metallic currency actually in circulation.

(*b*) Government regret that they have no information on the point.

(*c*) This opens up such very wide matters that it is not practicable to deal with them by means of question and answer. I can only refer the Hon'ble Member to the Report of the Industries Commission. "

The Hon'ble Rai Sahib Seth Nathmal asked :—

Imperial Preference.

10. " (*a*) With reference to the policy of Imperial preference, reported to have been announced by the Chancellor of the Exchequer in the House of

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* *Vide* Appendix A.

Commons, were the Government of India previously con ulted or was Indian public opinion on the subject in any other way presented before His Majesty's Government?

(*b*) If the answer be in the negative, do Government propose to represent to His Majesty's Government the considered public opinion in India after ascertaining the same?"

The Hon'ble Sir George Barnes replied :—

"The Government of India were consulted on the general question of fiscal policy arising out of the Resolutions of the Paris Conference held in June, 1916, though no specific reference at that time was made to Imperial preference. The Government of India did also ask Local Governments for their views on general questions of trade policy after the war, and in doing so, made a reference to the question of preferential tariffs. The replies of Local Governments indicated that a scheme of Imperial preference would, on the whole, receive the approval and support of the majority of the commercial community in India. But no discussion of the general principle has been invited. The replies were placed before the Secretary of State."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Consideration of the establishment of a State Bank in India.

11. "(*a*) Is it not a fact that the Chamberlain Commission on Indian Finance and Currency in 1913 suggested the appointment of an expert committee to examine the question of the establishment of a State Central Bank in India?

(*b*) Do Government propose to ask the Secretary of State to refer the matter to the committee now sitting in London for consideration and for working out in detail a definite scheme capable of immediate adoption?"

The Hon'ble Mr. H. F. Howard replied :—

"The answer to (*a*) is in the affirmative and to (*b*) in the negative. I may add that I propose to give a brief explanation of the position in connection with the Resolution which Mr. Sarma will shortly move."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Katarpur Bakrid riot case.

12. "(*a*) Has the attention of Government been drawn to the editorial column of the 'Amrita Bazar Patrika' of the 18th August, 1919, relating to the Katarpur Bakrid riot case and the severity of the sentences passed on the accused, in which it is stated that 8 have been condemned to death and 135 sentenced to transportation for life, that among the 8 condemned there are 3 *mahants*, one doctor and one aged banker, and that among those transported for life there are high *pandas*, municipal commissioners and secretary, zamindars and bankers as also a Sub-Inspector of Police?

(*b*) Do Government propose to take any action to reduce the sentences or to grant pardons in the above case?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The attention of Government has been drawn to the article in question.

(*b*) It is understood that the sentences are being considered by the Local Government. The Government of India have not received any application from any of the convicted per sons."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Ayurvedic and Unani systems of medicine.

13. "With reference to the reply given in this Council by the Hon'ble Sir Reginald Craddock in answer to a question asked by the Hon'ble Maharaja Sir Manindra Chandra Nandi on the 19th September 1916, will Government be pleased to state what further action the Government of India and the various Local Governments have taken for placing the ancient systems of medicine on a scientific basis and for increasing their usefulness ?"

The Hon'ble Sir William Vincent replied :—

"Local Governments have been consulted in the matter and their unanimous opinion is that before anything can be done in the direction of placing the Ayurvedic and Unani systems of medicine on a scientific basis, it is essential that there should be a strong movement among indigenous practitioners to reform and organize themselves, and of such a movement there is at present little or no evidence. The Government of India consider, however, that the scientific investigation of the properties of indigenous drugs is likely to be fruitful, and may help to achieve the object which the Hon'ble Member has in view, of increasing the usefulness of the ancient Indian systems of medicine. An investigation on these lines is to be made by the Drugs Manufacture Committee which has recently been appointed. This Committee will, amongst other matters, inquire into the value of indigenous medicines and will collect information regarding the mineral and vegetable drugs not included in the British pharmacopœia which are at present most commonly used by those who practise the Ayurvedic and Unani systems."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Constitution of a Chief Court at Nagpur.

14. "Will Government lay on the table the correspondence, if any, between the Government of India and the Central Provinces Administration relating to the constitution of a Chief Court at Nagpur ? What action do Government propose to take on the proposals made by the Central Provinces Administration ?"

The Hon'ble Sir William Vincent replied :—

"A decision on the question of constituting a Chief Court at Nagpur has been postponed for the time being on financial grounds. As no final decision has yet been reached, the Government of India are not prepared at this stage to lay the papers on the table. I shall be glad to give the Hon'ble Member further information privately if he wishes."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Higher appointments on Railways.

15. "Will Government be pleased to lay on the table a statement showing the superior appointments, *i.e.*, gazetted appointments, made to the various branches of the Railway service during the years 1916-17, 1917-18, and 1918-19 classified as below :—

Europeans. *Eurasians.* *Hindus.* *Muhammadans.* *Others.*"

The Hon'ble Sir Arthur Anderson replied :—

"A statement* is laid on the table. The figures given therein do not include officers of the Audit and Accounts Department, State Railways, who are provided by the Indian Finance Department.

The Hon'ble Rai Sahib Seth Nathmal asked :—

Expenditure on New Delhi.

16. "What is the actual expenditure on the construction of New Delhi from the date of the undertaking of the works up to 31st March 1919 ?"

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* Not included in these Proceedings.

The Hon'be Mr. R. A. Mant replied :—

"The outlay on the New Capital at Delhi up to the end of 31st March 1919 was as follows :—

		Rs.
Actual expenditure to end of 1917-1918	...	... 2,63,02,409
Approximate expenditure in 1918-1919	...	... 41,27,000
Total	...	... 3,04,29,409 "

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked :—

Appointment of a non-official commission to inquire into the Calcutta disturbances of September 1917.

17. "(*a*) Is it a fact that the Calcutta public appointed a non-official commission consisting of Messrs. L. P. E. Pugh, A. Tyabji, H. D. Bose, C. Vijayaraghavachariar and Agit Prasada to inquire into the Calcutta disturbances of September, 1917; that the said commission sat for about a month in Calcutta and after an open public inquiry, submitted a report to Government?

(*b*) Will Government be pleased to lay the said report on the table and to state to what extent they propose to give effect to the recommendations of the said commission?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*) No such report has reached the Government of India."

The Hon'ble Mr. N. F. Paton asked :—

Government Loan and hoarding of Silver Rupees.

18. "(*a*) Is it a fact that a very small amount of new money has been invested in the recent Government Loan as compared with the very large sums subscribed and being subscribed to Joint Stock Companies?

(*b*) Are Government satisfied that the terms of their recent Loan were such as to enlist the full financial support that might otherwise have been obtained?

(*c*) Is it a fact that very large quantities of silver rupees are being hoarded throughout India?

(*d*) Are Government prepared to consider the advisability of commencing issues of Premium Bonds concurrently with the issue of the next Loan, with a view to bringing into circulation these hoarded rupees?"

The Hon'ble Mr. H. F. Howard replied :—

"(*a*) Government do not consider that the amount subscribed to their recent loan, namely, over 21 crores, compares unfavourably with the sums now being invested in companies.

(*b*) Government are satisfied that the terms of their loan were as liberal as the circumstances justified.

(*c*) Government have no exact information as to the amount of rupees now in hoards, but it is probable that the facts are as stated in the question.

(*d*) Suggestions for the issue of premium bonds were carefully examined two years ago. Even if the issue of such bonds were a measure free from objection *per se*, Government do not consider that it would have any material effect in bringing hoarded rupees into circulation."

The Hon'ble Mr. Sachchidananda Sinha asked :—

The value of the sovereign.

19. "(*a*) What truth, if any, is in the following statement of alleged facts as given by the *Statesman* :—

" If you land in the country with a sovereign the Government will take it away from you and give you eleven rupees three annas in return. If you are in the country and happen to have a sovereign and take it to the Currency Office you will get fifteen rupees for it. On the other hand, if you take it to the bazar you will find purchasers at twenty-one rupees. But if you accept it you will be committing an offence.

(*b*) If the facts be as stated above, do Government propose to take any action in the matter and, if so, what action ? If no action is proposed to be taken, will Government state the reasons ? "

The Hon'ble Mr. H. F. Howard replied :—

" (*a*) The facts are substantially as stated.

(*b*) Government recognise the present anomalous position in which there are three prices for gold, namely, (1) the bazar price, (2) the price paid by Government for gold acquired by them on import into India, and (3) the legal tender rate at which sovereigns are received at the currency office. The anomaly should however, disappear when the present artificial restrictions on the movement of gold into India are removed, and when the ultimate rate at which gold will be legal tender in India has been determined as a result of the deliberations of the Currency Committee now sitting in London. As regards the bazar price of gold the Hon'ble Member will no doubt have noticed that the premium has recently been greatly reduced owing to the fortnightly sales of gold by Government."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Jail administration of Bihar and Orissa.

20. " (*a*) Has the attention of Government been drawn to the Resolution of the Government of Bihar and Orissa on the administration of the Jails in that province in the year 1917-18, showing that 13,777 prisoners were admitted to hospital as against 6,579 in the previous year, that the daily average number in hospital was 662 against 310, the total number of deaths rose from 237 to 584 and the death rate from 32·9 to 63·4 *per mille* ?

(*b*) Have Government in their possession information about the Jail administration of any other province or provinces, during the same period, showing either an equally bad or even a worse state of affairs ? If so, will Government be pleased to furnish the same ?

(*c*) If the answer to (*b*) be in the affirmative, has the Provincial Government concerned tried to explain the situation by urging the same view as the Bihar and Orissa Government that 'it is difficult to resist the conclusion that the officers of the provincial service who have taken their places as medical officers or Superintendents of Jail work have been unable to adapt themselves to it or to control their subordinates' ?"

The Hon'ble Sir William Vincent replied :—

" (*a*) Government have seen the Resolution of the Government of Bihar and Orissa on the administration of the jails in that Province in the year 1918.

(*b*) A statement* is laid on the table showing for each Province in 1917 and 1918 the ratio per mille of average strength—

(*i*) of admissions into hospital,

**Vide* Appendix B.

(*ii*) of daily average number sick, and

(*iii*) of deaths from all causes.

(*c*) Almost every Local Government has at one time or another drawn attention to the deterioration in the efficiency of the administration of the Jails Department during the last few years owing to the absence on military duty of many regular officers of the Indian Medical Service belonging to that Department.

The increase in the death-rate in most provinces is greatly deplored by the Government who are endeavouring to secure the speedy return to civil duty of as many officers of the Department as possible."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Acceptance of "dalis" by Government officers.

21. "(*a*) Has the attention of Government been drawn to a Resolution dated Ranchi, the 16th July 1919, issued by the Lieutenant-Governor of Bihar and Orissa on *dalis*, in which His Honour in Council has been pleased to declare his decision that from the 1st of September, 1919, 'no Government officer shall be permitted to accept *dalis*'?

(*b*) Has the attention of the Government been drawn to the leading article on the subject in the *Searchlight* of August 17th last, in which that journal expresses its appreciation of the said action of the Lieutenant-Governor in Council?

(*c*) Is the practice in regard to receiving *dalis* in other provinces the same or about the same as that which obtained in Bihar and Orissa before the promulgation of the recent Resolution? If so, do Government propose to invite the attention of other Local Governments to the Resolution with a view to their taking similar action? If not, will Government state their reasons therefor?

(*d*) Are there any rules on the subject of presents or *dalis* issued by the Government of India? If so, will Government lay on the table a copy thereof?

(*e*) In the matter of receiving presents by Government officers, are there any rules of the Government of India which make a differentiation between Indian and non-Indian non-officials prohibiting acceptance of presents from the former but not from the latter? If so, will Government be pleased to state the reasons for maintaining such a difference?

(*f*) If any such rules of differentiation be in existence, would it not be open to Government officers in Bihar and Orissa to continue to accept presents or *dalis* from non-Indian non-officials, in spite of the Resolution promulgated by the Lieutenant-Governor in Council and would not the effect of the said Resolution to that extent be nullified?

(*g*) If the answer to the part (*f*) be in the affirmative, do Government propose to so revise the rules as to remove the differentiation in this matter between Indian and non-Indian non-officials? If not, why not?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The Government of India have not seen the Resolution referred to.

(*b*) The Government of India have seen the newspaper article referred to.

(*c*) The Government of the Punjab has, it is understood, issued an order prohibiting the acceptance of *dalis*. The Government of India have not precise information as to the practice in other Provinces. The matter is one entirely in the discretion of Local Governments; but the Government of India are prepared to draw the attention of other Local Governments to the orders issued by the Governments of the Punjab and Bihar and Orissa.

(*d*) A copy of rule 2 of the Government Servants' Conduct Rules is laid on the table.

(*e*) Rule 2 of the Government Servants' Conduct Rules provides that a Government servant may not, without the previous sanction of the Government of India, directly or indirectly accept, either on his own behalf or on behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward, from any native of India. The rule does not mention gifts from persons other than Indians. The rule was based on the East India Company Act, 1772 (13 Geo. 3, c. 63), which prohibited the acceptance of presents from any of the natives of Asia. The offering of presents to Government servants is not a European custom.

(*f* and *g*) As already stated, the Government of India have not seen the Resolution said to have been issued by the Government of Bihar and Orissa."

The Government Servants' Conduct Rules.

* * * * * * *

Gifts.

2. A Government servant may not, without the previous sanction of the Government of India, directly or indirectly accept, either on his own behalf or on behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward from any Native of India.

The Head of a Government or Administration or a Political Officer may accept from any Native Prince or Chief a ceremonial gift which is deposited in the Government Toshakhana and for which a return present is made at the Government expense. Any Government servant may accept a complimentary present of flowers or fruit or similar articles of trifling value. The practice of giving such presents should however be discouraged.

When a gift of substantial value cannot be refused without giving offence, it should, unless the Government of India by special order otherwise direct, be delivered up to the Government."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Increase of salaries of members of the Provincial Civil Services.

22. " (*a*) Have any steps been so far taken to carry out the recommendations of the Public Services Commission in the matter of increase of salaries of the members of the Provincial Civil Services—Executive and Judicial—in any province ? If so, in which of them ?

(*b*) Are Government aware that the members of these two services have been very hard hit by reason of their comparatively small salaries and the recent abnormal rise in prices ?

(*c*) If no steps have been taken so far, do Government propose to deal with the question at an early date ? If so, when may the orders fixing the revised scale of salary be expected ? "

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member is referred to the replies given on the 15th and 17th September to similar questions by the Hon'ble Rai Sahib Seth Nathmal and the Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia."

[*Mr. Sachchidananda Sinha; Sir Arthur Anderson; Sir William Vincent; Mr. Kamini Kumar Chanda.*] [23RD SEPTEMBER, 1919.]

The Hon'ble Mr. Sachchidananda Sinha asked:—

Dismantling of the Bhagalpur-Bounsi section of the East Indian Railway.

23. "(*a*) Are Government aware that the dismantling of the Bhagalpur-Bounsi section of the East Indian Railway has caused very great inconvenience to the people of the Bhagalpur and Santal Perganas Districts in Bihar?

(*b*) Is it a fact that the people of the tracts affected have submitted a memorial to the Commissioner of the Bhagalpur Division, as stated in an editorial paragraph in the *Searchlight* of Patna in its issue of 17th August last?

(*c*) Is it true as further stated therein that 'the earth-work on the railwa track and the masonry work of the bridges and also the station buildings . . . . are all intact and only the iron materials have to be supplied and laid on'?

(*d*) If the answer to part (*c*) be in the affirmative, do Government propose to take in hand the restoration of the line as soon as possible? If not will Government be pleased to state the reasons for delaying re-opening th line, and also the approximate time at which the public may look forward t travelling on that section of the East Indian Railway."

The Hon'ble Sir Arthur Anderson replied:—

"The replies to (*a*) (*b*) (*c*) and the first part of (*d*) are in the affirmativ I may explain for the Hon'ble Member's information with regard to the secon part of (*d*) that it is the intention to utilise second-hand rails for relayin the line as soon as these can be obtained, but it is not possible yet to forecas a date. Government are alive to the necessity for relaying dismantled lines a soon as possible."

The Hon'ble Mr. Sachchidananda Sinha asked:—

The Punjab Inquiry Committee.

24. "(*a*) Has the attention of Government been drawn to the statement c the *Englishman* in its issue of September 6th, 1919, in an editorial paragrap under the heading 'By the way' in which is noticed the personnel of tl Punjab Inquiry Committee, that 'Sir Chiman Lal Setalvad is the seco Presidency Magistrate at Bombay'?

(*b*) Is it not a fact that Sir Chiman Lal Setalvad who has been appoint a member of the Committee is a non-official, an Advocate of the Bombay Hi Court and at present the Vice-Chancellor of the Bombay University?

(*c*) If the answer be in the affirmative, will Government be pleased state whether there is any foundation for the *Englishman's* statement?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Yes.

(*b*) Yes.

(*c*) No."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Training of Indian cadets at ...st.

25. "(*a*) Is it a fact that Indian cadets have been sent to Sandhurst training? (*b*) Have the sons of any Indian officers been selected for this co of training? (*c*) If not, is it in contemplation to make any such selection?

The Hon'ble Major General Sir Alfred Bingley replied :—

" (*a*) Yes. Ten Indian cadets have been admitted to Sandhurst.

(*b*) No.

(*c*) The sons of Indian officers are accepted gladly, but the standards of education or of fitness in other respects cannot be lowered on their account."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Order of forfeiture under the Press Act of 19

26. " In how many cases since the Indian Press Act, 1910, was enacted have there been appeals in the different High Courts against orders of forfeiture and in how many cases, if any, has the appeal been successful ? "

The Hon'ble Sir William Vincent replied :—

" Since the introduction of the Indian Press Act, 1910, fifteen appeals have been preferred to High Courts against orders of forfeiture of security, eleven of which were rejected on their merits, while one was successful. Three are still undecided."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Indian labourers in Ceylon.

27. " (*a*) Is it a fact that Indian labourers employed in Ceylon estates are sentenced to imprisonment for breach of labour contracts and other labour offences ?

(*b*) Is it a fact that the Government of Ceylon has under contemplation a new labour Ordinance to secure increased recruitment in India ? If so, do Government propose to ascertain the provisions of the contemplated legislation and take steps to safeguard the interests of Indian labourers ? "

The Hon'ble Sir George Barnes replied :—

" (*a*) In Ceylon an Ordinance of 1865 contains penal sections imposing imprisonment for labour offences. It also makes an employer liable to imprisonment for refusal to pay wages when due. The law is a general one, and applies not only to estate labourers but all servants, labourers and journeymen artificers. The Hon'ble Member will find in paragraph 43 of the Report made to the Government of India by Mr. Marjoribanks and the Hon'ble Khan Bahadur Ahmad Thambi Marakkayar Sahib Bahadur in 1917 particulars of the extent to which the penal sections of this Ordinance were used in 1915 in the case of the estate labourers and their employers. The number of persons charged with labour offences in 1915 appears to have been only about one per cent of the total labour force. I may say that both the Madras Government and the Government of India have already addressed the Secretary of State on the subject of this Ordinance, and we have been informed by the Secretary of State that the Colonial Office have asked the Ceylon Government earnestly to consider how far it might be possible to dispense with all punishment for labour offences.

(*b*) With regard to the second part of the Hon'ble Member's question, we know that a Committee was appointed by the Government of Ceylon in 1918, which was to advise how increased recruitment might be secured from India. The Government of India have not yet received a draft of any proposed new labour Ordinance in Ceylon, and will certainly ask that they may have an opportunity of communicating their observations on any measure affecting Indian labourers which the Government of Ceylon may have in contemplation."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Publication of the report of the Medical Services Committee.

28. "(*a*) Do Government propose to direct the publication of the report of the Medical Services Committee?

(*b*) Will this Council be permitted to make suggestions before action is taken by Government on the report?

(*c*) What were the terms of reference to the Committee, and the personnel of the Committee?"

The Hon'ble Major General Sir Alfred Bingley replied :—

"As regards (*a*), the report of the Committee is still under consideration by the Government of India, and is therefore treated as confidential for the time being. Its publication at a later stage will, however, be considered.

As regards (*b*), Government will be glad to consider any suggestions which Members of this Council may have to make in regard to the subjects dealt with by the Committee.

As regards (*c*), the attention of the Hon'ble Member is invited to the reply given to a similar question asked by the Hon'ble Mr. Surendra Nath Banerjea on the 7th March, 1919."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Concessions to Civil Assistant Surgeons holding temporary commissions in the Indian Medical Service.

29. "(*a*) Is it a fact that those Civil Assistant Surgeons who hold temporary commissions in the Indian Medical Service will soon revert to civil employment? (*b*) Is it proposed that after reversion they will retain the honorary rank held at the time of reversion? (*c*) Do Government propose in consideration of their services and honorary rank to grant them other concessions, such as first class travelling allowance, etc.?"

The Hon'ble Major General Sir Alfred Bingley replied :—

"(*a*) Owing to the present shortage of medical officers, it is unlikely that Civil Assistant Surgeons, who hold temporary commissions in the Indian Medical Service, will be permitted to resume civil employment in the near future. Certain officers, however, whose return to civil duty has been specifically asked for by their Local Governments, have already been reverted, or will be reverted shortly.

(*b*) The general question of permitting temporary officers in the Army to retain their rank as an honorary distinction on release from military service, is under consideration. The decision that may be arrived at on the subject will be applicable to temporary officers of the Indian Medical Service.

(*c*) The memorials which have been received from some temporary officers of the Indian Medical Service, praying for certain concessions, are under consideration."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Railway line between Dacca and Aricha.

30. "(*a*) Are Government considering the desirability of constructing a Railway line between Dacca and Aricha?

(*b*) Are Government aware of the great difficulties of communication between the city of Dacca and the headquarters of the Manikganj sub-division and the western part of the district generally?

(*c*) Is it a fact that repeated representations have been made to the Local Government urging the desirability of constructing this line which will facilitate communication in a comparatively inaccessible part of the country, and shorten the distance between Calcutta and Dacca?"

The Hon'ble Sir Arthur Anderson replied:—

"A communication on the subject has just been received from the Government of Bengal. It will be given early attention by Government. The replies to (*a*) and (*c*) are therefore substantially in the affirmative, while to (*b*) the reply is that Government have no special information on the subject."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Allowances sanctioned on account of high prices.

31. "(*a*) Will Government be pleased to lay on the table a statement showing the rates and extent of allowances sanctioned, in view of the high prices, to officers serving in the various departments of the Government of India and the different Provincial Governments?

(*b*) On what principles have the amounts of these allowances been fixed? Do they bear any proportion to the increase in the rate of the prices of the necessaries of life? If so, what is the said proportion?"

The Hon'ble Mr. H. F. Howard replied:—

"(*a*) The attention of the Hon'ble Member is invited to the statement furnished to the Council, in reply to him, at the meeting held on the 19th March 1919. A revised statement* bringing up to date the information then given, regarding special allowances sanctioned by the Government of India, is laid on the table.

(*b*) The concessions sanctioned have been based on the recommendations of Heads of Imperial Departments and Local Governments, who are in the best position to estimate the degree of relief required. No general ratio has been adopted between the scale of allowances and the rise in prices."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Re-organisation of the Provincial Judicial Service.

32. "(*a*) Have Government received any proposals of the Government of Bengal in regard to the question of re-organisation of the Provincial Judicial Service?

(*b*) Are Government aware that the opinion of the Local Government as embodied in Resolution No. 6279-A., dated Calcutta, the 19th November 1918, has not met with the approval of the public in Bengal, particularly in so far as it deviates from the recommendations of the Public Services Commission?

(*c*) Are Government aware that the proposals made therein are considered very unsatisfactory, especially as regards the fixing of Rs. 175 as the salary in the probationary grade, the first grade of Munsiffs (on Rs. 500) being made a selection grade, and the proposed time-scale and maximum salary for Subordinate Judges?"

The Hon'ble Sir William Vincent replied:—

"(*a*) The reply is in the affirmative.

(*b*) and (*c*) The Government of India have been informed by the Government of Bengal that numerous opinions were received in reply to their Resolution No. 6279-A., dated 19th November last, but are not aware that they were on the whole adverse to the scheme put forward in that Resolution. The proposals of the Local Government have not yet been taken into consideration as the replies from the Local Governments on this section of the recommendations of the Public Services Commission are not yet complete."

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*Not included in these Proceedings.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Government control of rice.

33. "(*a*) Is it a fact that the Government control of rice resulted in an increase of export from Bengal during the six months succeeding the appointment of a Foodstuffs Commissioner?

(*b*) What control, if any, has been exercised by the Foodstuffs Commissioner over the export of rice overseas and coastwise from Bengal, since his appointment, through what agency has such control been exercised, and with what result?

(*c*) Was any maximum limit as to quantity fixed by the Foodstuffs Commissioner, beyond which export of rice would not be allowed from Bengal? If so, when was such limit fixed, what was the limit, and on what considerations was it based?

(*d*) Did Government make any attempt to ascertain the maximum capacity of Bengal for export of rice when the Foodstuffs Commissioner assumed control, and to see that it was not exceeded?

(*e*) In fixing any such maximum limit did the Foodstuffs Commissioner take into consideration the actual requirements of Bengal?

(*f*) Is it a fact that for a long time after the assumption of control over the movement and supply of rice, Burma rice imported into Calcutta was entirely ear-marked for other provinces and not allowed to be consumed in Bengal?

(*g*) Is it a fact that while this was the case, the price of rice consumed in Bengal was steadily rising?

(*h*) When was Burma rice first permitted to be imported for Bengal under license and under what circumstances?

What quantities of such rice have since been absorbed in Bengal month by month, and with what effect on the price of rice in Bengal?"

The Hon'ble Mr. R. A. Mant replied:—

"(*a*) Yes.

(*b*) Exports to foreign countries were either prohibited or restricted to definite quantities. Exports to Madras were not interfered with until July last when they were stopped altogether. Control was exercised through the Collector of Customs. Foreign exports between January and June 1919 were 260,000 cwts. less than in the previous year, and as most countries included in the rationing scheme have drawn their full allotments for the year, exports by sea from Calcutta have now been closed down.

(*c*), (*d*) and (*e*) No maximum limit was fixed, but at the Delhi Conference in October 1918 it was reported by the Bengal representative that the surplus available for export from Bengal amounted to 240,000 tons. This figure of course took no account of the surplus available from the winter rice crop of 1918. In regulating exports from Bengal, the Government of India took into account not only the estimated surplus from Bengal, but also (1) previous shipments to countries rationed from Bengal and the minimum requirements of these countries, (2) the essential requirements of other provinces, (3) the relative prices of rice in the different provinces, and (4) the comparative ease with which Bengal could be restocked owing to the proximity of Burma.

(*f*) No indents for Burma rice were received from Bengal till May last.

(*g*) and (*h*) The price of rice did not begin to rise rapidly in Bengal till May last, and 1,000 tons of Burma rice were at once placed at the disposal of the Director of Civil Supplies, Bengal, by the Foodstuffs Commissioner. The allotment was raised to 3,000 tons in June, but at the end of that month the Director of Civil Supplies reported that the demand for Burma rice in Bengal was very small and that there was little prospect of the allotment being absorbed. On July 8th he confirmed his previous statement and reported that the Burma rice shops opened in Calcutta had definitely proved a failure. Nevertheless, the allotment of 3,000 tons was repeated in July and August. The demand is now brisker, and arrangements have been made to land 70,000 tons of rice in Calcutta in the current month, of which less than 25,000 tons are for provinces other than Bengal. In addition, exports of rice from Burma to Chittagong have been freely allowed, 48,091 tons having been shipped to the latter port between the 1st January and the end of August. Full information regarding the price of rice in Bengal will be found in the answer to the next question."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Retail prices of rice.

34. " (*a*) Will Government be pleased to make a statement showing, province by province, the course of the average retail prices of rice during the last eight months ?

(*b*) At what wholesale rates are controlled supplies of Burma rice available at the importing centres, and how do the retail prices thereof vary, in the different provinces ?

(*c*) Is controlled Burma rice available at all District and Sub-divisional headquarters and other important markets ?

(*d*) Have the retail prices of controlled Burma rice been fixed at every place in the different provinces from the very beginning ? If so, what are the said rates ?

(*e*) If the answer to part (*d*) be in the negative, will Government be pleased to state if there was anything to prevent profiteering by retail dealers in such controlled rice ?

(*f*) Is there anything in the different provinces to prevent a retail dealer in rice from selling a license obtained from a District Officer for a supply of Burma rice, to another person ? Is he under any obligation to import the entire quantity covered by the license into any particular locality in the province within a prescribed period of time ? If not, to what extent can such a locality, for the requirements of which the license is granted, count upon the supply ? "

The Hon'ble Mr. R. A. Mant replied :—

"(*a*) A statement* giving the statistics required, as far as they are available, is laid on the table.

(*b*) The information asked for is not available. The Foodstuffs Commissioner fixes the ex-hopper prices of the different qualities of rice in Burma, the *f. o. b.* charges, and, in consultation with the Shipping Controller and the Steamer Companies concerned, the rates of freight. It is left to the local authorities to fix the landing charges at the port of entry, and the rate of importers' profit, and to fix the wholesale and retail prices at which the rice may be sold.

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*Not included in these Proceedings.

(*c*), (*d*), (*e*) and (*f*) Questions relating to the distribution and control of the rice imported from Burma within the limits of a province should be asked in the Legislative Council of the province concerned."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Consignments of rice.

35. "(*a*) Has the attention of Government been drawn to a statement made at a meeting of the Bengal Legislative Council on the 4th July, last, by the Hon'ble Mr. Irwin to the effect that 2¼ lakhs maunds of rice consigned to Bihar and Orissa were accumulated at three stations on the Darjeeling Kissenganj branch line for want of adequate transport facilities, and that some of the rice was rotting and some actually growing out of the bags, while people in the neighbouring district of Darjeeling were crying out for supplies? Is the statement correct?

(*b*) Is the carrying capacity of railways taken into account by the Foodstuffs Commissioner or Directors of Civil Supplies in fixing the allotment of rice in any particular case?

(*c*) What steps have been taken for the prevention of similar occurrences in future?

(*d*) Is it a fact that occurrences similar to the above have happened at several other railway centres?"

The Hon'ble Mr. R. A. Mant replied :—

"(*a*) The congestion of the rice traffic on the Darjeeling-Himalayan Railway in April last was brought to the notice of the Foodstuffs Commissioner in the beginning of May, and the attention of the Controller of Traffic was at once drawn to the matter. Inquiry showed that the congestion was due to the heavy demands for wagons on the East Indian Railway. This Railway had to restrict the Bengal and North-Western Railway at the junctions, which Railway in its turn had to restrict the Eastern Bengal Railway. These restrictions reacted on the Darjeeling-Himalayan Railway. As soon as it was possible to do so, the East Indian Railway increased the number of wagons at the transhipment points and the congestion was cleared. The Government of India have received no complaints regarding the alleged deterioration of the rice.

(*b*) The carrying capacity of railways is taken into account as far as possible; but the Hon'ble Member will see from the answer to the first part of his question, that it is not easy to forecast the position on a given length of railway at a given time.

(*c*) The Foodstuffs Commissioner works in close touch on the one hand with Provincial Directors of Civil Supplies, and, on the other, with the Railway Board.

(*d*) The Government of India have received no complaints of similar occurrences elsewhere."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Relief afforded on account of high prices.

36. "(*a*) What various steps have been taken in each province for generally affording relief against the high prices of foodgrains in areas outside those in respect of which famine has been declared?

(*b*) Have Government any information as to what steps have been taken in the various Native States towards the same end?"

The Hon'ble Mr. R. A. Mant replied :—

" (*a*) The question of the control of prices within the different provinces is one for the Local Governments concerned, and the Government of India have received no detailed reports as to the measures adopted. They understand, however, that in most provinces Burma rice has been used for the purpose of controlling prices. Arrangements have been made at the ports for rigorous control of the rice imported from Burma, and cheap grain shops have been opened in most provinces by district boards, municipal councils and private agencies at which Burma rice is retailed either at cost price or at very small profit. In Bombay city over 120 of these cheap grain shops have been opened, and the Government of India understand that in the Presidency as a whole more than 400 similar shops have been established. In some provinces action has been taken under the Articles of Commerce Ordinance to requisition stocks of foodgrains unreasonably withheld from the market, and in the North-West Frontier Province, where of course conditions are special, maximum prices of foodstuffs have been fixed under the Defence of India Rules.

(*b*) Similar action has been taken in several Indian States and many of the Durbars have also prohibited the export of foodgrains from their States."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Grand Trunk Canal scheme and improvement of silted up rivers of Bengal.

37. "(*a*) What action has been taken in regard to the Grand Trunk Canal Scheme of Bengal ?

(*b*) How much is the said scheme estimated to cost, and what particular locality will the proposed canal serve as a means of communication ?

(*c*) Is there any comprehensive scheme before Government for the improvement of the old rivers of Bengal which are silting up ? If so, how much is it estimated to cost and when is it likely to be taken up ?

(*d*) How far, if at all, is the Grand Trunk Canal project likely on financial grounds to retard the carrying out of any scheme for improving the existing waterways of Bengal ? "

The Hon'ble Mr. R. A. Mant replied :—

" (*a*) A project for the construction of the Grand Trunk Canal in Bengal has recently been received from the Local Government, and is at present under the consideration of the Government of India.

(*b*) The scheme, as recommended for sanction by the Government of Bengal, is estimated to cost Rs. 2,88,30,500 and is designed to provide direct routes, suitable for steamer navigation, between Calcutta and—

(*i*) the Ganges, *via* the Madhumati and Gorai rivers ;

(*ii*) Assam, Cachar and Sylhet *via* the Madaripur Bil Canal ;

(*iii*) Barisal.

(*c*) No comprehensive scheme for the improvement of the rivers of Bengal has been submitted to the Government of India.

(*d*) The construction of the Grand Trunk Canal is unlikely to retard, on financial grounds, the prosecutions of any schemes for the improvement of existing waterways which the Local Government may desire to take up."

RESOLUTION *re* ESTABLISHMENT OF A STATE BANK IN INDIA.

11-36 A.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, the Resolution I beg to move runs as follows :—

'This Council recommends to the Governor General in Council that a State Bank on the lines suggested by Professor Keynes in his annexure to the report on the Indian currency be established in India at a very early date.'

Sir, I sincerely wish that a Resolution of such an important character relating to banking had been moved by a member connected with commerce and banking. I feel the great disadvantage of a layman like myself venturing to bring before this Council a Resolution of this description. But my justification for doing so is the enormous importance of the subject coupled with the recent movements to place the banking facilities of India on a proper basis. There is an impression, which I believe to be accurate, that there is a movement on foot to amalgamate the three Presidency Banks and place additional facilities at their disposal. It is, under those circumstances, Sir, that I venture to bring forward this Resolution. I feel fortified in the soundness of the propositions that I am asking the Council to accept by the fact that I have the examples of almost every European country behind me. We have State Banks in France, Italy, Germany, Austria-Hungary, Russia, Netherlands, Belgium, not to speak of Japan, and recently legislation was undertaken in the United States of America to constitute a Central Federal Board and regional banks for the purpose of decentralising the functions and placing on a sound footing the banking facilities of America. I may go further and say that the Government of India, so far back as 1901, were distinctly of opinion that a Central Bank should be established in India for the purpose of relieving them of part of their responsibilities and placing India on a sound banking footing. These are the exact words of the Government of India Resolution :—'We desire at the same time to record our deliberate opinion that it would be distinctly advisable, if practicable, to establish a Central Bank in India so as to relieve Government of its present heavy responsibilities and to secure the advantages arising from the control of the banking of the country by a solid and powerful central institution.'

"Professor Keynes in collaboration with his colleagues went into the question at the request of the Chamberlain Commission and has formulated a scheme going into considerable detail as to the lines on which a Central Bank can and ought to be established in India. I have therefore the authority of a very eminent Professor of Economics and businessmen behind me in the proposals that I put before the Council.

"It is unnecessary for me to state that the principle I ask the Council to accept is the necessity for the establishment of a Central Bank; then that that Central Bank should be largely, if not wholely, controlled with regard to its general policy by the State. As to whether it should take up the question of the paper currency, gold standard and other subjects along with banking facilities are matters upon which no one need be wedded to any particular doctrine. Recent events have taught us very important lessons and they would necessarily be taken into consideration in assigning functions to this State Bank. But I am asking the Council to accept the principles underlying the recommendations of Professor Keynes, and, I think, it will not be very difficult to convince the Council of the soundness of this proposition. Sir, the events during the last few stirring years have convinced us that behind the banking system of every country lies the credit of the whole country, the credit of the Government, and it was shown that it would be absolutely impossible, in times of crisis, for the banks to undertake the work which they were doing in peace times, without State assistance. It was also shown that, owing to the enormous growth of Government securities, Government loans and credit facilities, in other countries, something of the same sort should be attempted in India in order to place India on the right track, and enable her to compete and hold her own successfully with the other countries of the world. All well-organised countries have learnt to make one pound go as far as five for all practical purposes. We are yet in a primitive state and we have to improve our banking system, if even the existing wealth of the country is to be utilised as it ought properly to be utilised. It is unnecessary to expatiate at great length on this point, but a few figures would convince Hon'ble Members of the enormous progress made in foreign countries during recent years and how woefully behind we are at the present moment. Hon'ble Members will find that there were in the United States 3,294 banks in 1890, whereas the number had gone up to 7,560 in 1915. And the capital and surplus was in dollars 316 millions in 1890 and have gone up to 794 millions in 1915, that is by more than 400 millions. We find also that in Japan there has been enormous progress. There were in 1916 the Bank of Japan with 11 branches, and 51 special banks with 77 branches, 1,407 ordinary banks and 2,163 branches, Savings Banks with 184 branches, altogether about 2,143 principal and 3,731 branches. Whereas in 1915-16, under banking and loan, the aggregate number was shown as 480 for the whole of India with a population of 315 millions, and the total capital was only 834 lakhs. Turning to the principal banks, Hon'ble Members will find that the capital of the Presidency Banks and the larger Indian joint stock banks is only 713 lakhs of rupees, and the reserves are about 524 lakhs. Together with the reserves, the capital will be about £8,000,000 or 12 crores of rupees. There are only 71 principal banks and 371 branches. The very large number of banks in a smaller area with a smaller population as compared with the facilities in India with its large area and population should convince clearly Hon'ble Members that we have to make very great strides in keeping up the pace. But that is not the only point. We find that the Government have been practically doing a large part of banking work. The Finance Minister and his establishment have been very hard worked, especially during the last five years, and the Currency Department must have given them no end of trouble. We have the Paper Currency and other policy managed by the State which does what banking experts do in other countries, in collaboration with the Government officials. We have the same state of things in the India Office. We have at the present moment the business of managing about £3 millions of securities in the Gold Standard Reserve alone and 54 millions in the Paper Currency. Those securities comprise stock of various kinds and treasury bills, and one important question would be how to manage them so that we may suffer no loss either in capital or interest; and we have suffered loss already by reason of depreciation in the value of the stocks we hold. Hon'ble Members will also notice that at present it would be difficult to convert the stocks and bills into gold even if it were necessary to do so, and it may not be necessary to convert the whole of the gold standard reserve having regard to the fact that our exports are in excess of our imports, and the present exchange and currency position has also been strengthened. The management of the gold currency reserve, the other stocks and bills we hold is one which would fall legitimately within the operations of a bank, while it is being at present managed by the Government. And our paper currency also has been enormously increased. From 60 crores it has gone up to 180 crores, and it is also necessary that there should be some expert body which can control this enormous growth and work it on sound lines. I think between 16 and 20 crores of rupees of notes have been issued, during the last four months, since we last met in Delhi. It is thus clear that there is necessity for a very highly trained expert body, being created at an early date for the purpose of helping the Government, with a clearly avowed responsibility. The advantages which are generally claimed for a State Bank I need hardly dilate upon at very great length. They are chiefly the following:—

(1) the facilitating an increase of branches;

(2) the partial release of Government balances through their being deposited in a central institution;

(3) moderation of the wide fluctuation of the bank rate and its normal high level;

(4) the introduction of rediscount facilities;

(5) the obviating the existence of the independent treasury system taking large sums off the money market;

(6) obviating the objection to holding large sums at loan for short periods in the London money market;

(7) the pushing on of the further circulation of notes, by increasing the facilities for convertibility;

(8) the removal of the responsibility of Government officials for a variety of financial and semi-financial business;

(9) the command of financial and business experts instead of civilian officers, however well trained they may be in the latter portion of their lives;

(10) the constitution of a buffer between the Secretary of State and vexatious criticism;

(11) the introduction of increased stability into the Indian banking system;

(12) the development on sound lines of native joint stock banks;

(13) the possibilities of its leading to the development of co-operative banking; and

(14) the control of the bank rate.

That is one of the important questions which has been considered in great detail by Professor Keynes, and there are many more of the like nature.

"Now, Sir, one of the questions which has been agitating the minds of the commercial community especially was as to how to divert the treasury balances if the money was not wanted by the Government, into the general banking system of the country for the purpose of helping trade, and the Chamberlain Commission felt that the existing state of things was absolutely unjustifiable and required strong justification before it could be continued. This is what the Commissioners say at page 34:—

> 'Close on £9,000,000 was thus locked up from the market in the Reserve Treasuries as compared with about £3,500,000 a year before, while only £3,752.000 out of the total of £19,268,200 was placed with the banks. Only a comparatively small portion of the £2,198,300 deposited at branches of the banks can be regarded as readily available in the money market, but as this money would be for the most part necessarily located in much the same places under any system, it may be counted as being at any rate more available for trade than if it had been in district treasuries. The causes which led to this state of things on the 31st March 1913 were mainly a sudden slackening off in the demand for Council drafts, unaccompanied by any noticeable slackening of internal trade in India, and a record surplus of revenue over expenditure. It appears to us that a system which leads in certain circumstances to the locking up of nearly £9,000,000 during the busiest period of the commercial year, and £5,400,000, more than under the same system was summarily locked up in the previous year, requires very strong justification.'

Therefore, one of the main objects which we must have in view is how to enable this public money to help trade, when money is wanted. Well, it has been suggested in several quarters that we might simply amalgamate the Presidency Banks, exercise some sort of superficial control over them and place our treasury balances, or such money as can be spared at their disposal, in order to help the objects we have in view. Then Professor Keynes says at page 61 :—

> 'It seems clear that Government cannot entrust any of its existing duties to private hands. It has also become plain that, whether a State Bank is established or not, Government, so far from relinquishing old duties, must bend itself to new ones.'

Then on another page he says that the Government must, if they place their treasury balances at the disposal of any amalgamated Central Bank, control largely the conduct of that Bank, and the question is, whether the control should be of the nature suggested here, namely, governing completely the larger policy with an eye to general public interests without sacrificing commercial interests, or whether we ought to leave these private bankers to do what they can with Government assistance, slightly encouraged or slightly advised by Government officials. I think Professor Keynes says clearly that this enormous amount cannot and ought not to be entrusted to these banks, amalgamated or not, and that some rigorous system ought to be enforced with regard to control. And the other reasons are given in continuation of what I have read out to you. They are :—

> 'The functions of the note issue, it is generally agreed, must be extended, and an element of discretion must be introduced where there was previously none. As in the case of the note issue, so in the case of the cash balances, there must be less rigidity of rule and more discretion. Now, with a State Bank, all this would be easy, and there are plenty of precedents to look to ; but as soon as an attempt is made to work out precisely by what sort of procedure these objects are to be attained in the absence of a State Bank, it becomes apparent that it is not altogether through chance or obtuseness that such desirable changes have not been made long ago. The existing system has been deeply conditioned by the absence of a State Bank. The history of the management of the cash balances, for example, bears witness to this. At no time has anyone supposed the existing system to be perfectly satisfactory. It has established itself because it is the only system which frees the officials from the exercise of a discretion for which they do not feel themselves competent and from which they therefore shrink. The evidence is that actual practice has always tended to be more rigid than the actual letter of the rule laid down by the Secretary of State ; and the choice lies between a good deal of responsibility *without* thoroughly satisfactory machinery for the discharge of it, and a little more responsibility *with* such a machinery. The balance of advantage is with the second alternative!'

Now to take up the question as to whether we can place all our treasury balances with these Presidency Banks. One objection I have, Sir, is that, even at present, I feel that very much more money is being kept with the Presidency Banks—subject to correction—than is necessary, without interest. Hon'ble Members will find that the State is under an obligation of keeping without interest only about 75 lakhs of rupees roughly with these Presidency Banks. But the figures that were furnished to the Chamberlain Commission, quoted at page 723, show that roughly between 3 and 4 crores, running into 5 crores in 1913, were kept with the Presidency Banks. Now the Hon'ble Mr. Howard has kindly placed me in possession of some of the later figures I find, turning to the published figures, that the cash balances in the Public Treasuries and in the Presidency Banks ranged between 14 and 22 crores in 1916-17 and 18 and 32 in 1913-14. In the slack months of this year May, June, July and August, we find that the totals were roughly 16 crores. Of this, with the Presidency Banks on the 31st of May 1919 we find 831 lakhs, on the 30th June 1919, 783 lakhs, on the 31st July 1919, 776 lakhs, and on the 31st of August 1919, 975 lakhs I have been told that the amounts have been reduced latterly, that they would work out to about 600 crores, 235 lakhs in the Reserve Presidency Head Offices and 365 in branch offices. Hon'ble Members will therefore see that enormous sums of money have been kept with the Presidency Banks free of interest for several years past. Now you will find that, with the increased growth of currency, with increased taxation, with increased commerce, that the treasury balances must necessarily be larger and, therefore, the amounts placed at the Presidency Banks would also be larger, and, I think, if treasury balances were also to be placed at their disposal, the increased amounts would roughly run to not less than 7 or 8 crores of rupees. Now, would it be just to the other banks of the country thus to back up the Presidency Banks? I do not want to introduce any racial questions into this,—but I must invite attention to the injustice which would be done simply because it is a question of all-India trade, all-India commerce and all-India interests. It is also necessary to bear in mind the sentiments of the people. Hon'ble Members will find that, as against 735 lakhs of capital and reserve in the Presidency Banks, we have the other larger banks with a capital of about 524 lakhs, that is about 72 per cent. Of course, many of them are very small and it may not be safe to keep large balances with them, but still the question remains as to whether they would not suffer by the constitution of a Central Bank not subject to real State control. Professor Keynes made it clear that, in order to encourage Indian Joint Stock Banks and Native State Banks, a Central Bank with State control is absolutely necessary. Then, turning to the question of increasing the number of branches I submit, Sir, that the figures which I have quoted from Japan, the United States of America, not to speak of those of other European States, would show clearly that we must increase rapidly and enormously the number of branch banks. Fifteen hundred small towns have taluq treasuries, and there are 270 district treasuries; in all of them branches may and should be opened. The past history of the Presidency Banks shows that they established only 62 branches during so many years. One reason is, that the banks look legitimately to their own profits; the percentage of profits is 14, 16 and 12 and so on; whereas under the State law of Germany you find a gradation of profits allowed and the dividends run from 6 or 9 per cent. You find the same thing in America also, that these banks have paid only between 3 and 4 per cent dividends. Therefore, there is no use in disguising from our eyes the fact that the Presidency Banks or an amalgamation thereof is not likely, even if they were compelled to do so, to push forward as vigorously the increase in branches as a State bank would do.

"Then, Sir, there is the question of safeguarding Indian interests. A large number of shareholders as shown by Mr. Vidya Sagar Pandya are Europeans and rightly so, because they have invested their money and at any rate they are keener bankers than other people. But, at the same time, the largest influence wielded in any Central Bank under the circumstances would be European and rightly so too. If the State control be of a very very subsidiary or superficial character, it is believed that there would be absolutely no chance of Indian banking institutions getting their proper share. I wish to submit that this would lead to very bitter resentment; and any policy which does not equally help the Indian joint stock banks should not be embarked upon.

"There is another point also, Sir, and that is this; we are going to have a semi-federal system of Government in India; the Provincial Governments would wish to have a very much larger voice than they have at present over the banks within their jurisdiction, and the Legislative Councils would desire to exercise very strong control and wield real influence to promote the development of the banking system; and I would, therefore, submit that the federal state system should be followed; we would have then a board corresponding to the United States federal boards, somewhat under the control of the Government, *i.e.*, people, and adequate safeguards have been provided by Professor Keynes, in his detailed scheme to see that the shareholders exercise true control in real banking and to prevent banking or commercial interests being sacrificed unduly. The scheme provides for decentralisation, for absolute control by the shareholders in the domestic concerns of the bankers in the province, while at the same time the general policy of the country, the general good of the country would not be allowed to be sacrificed for the sake of private interests, however legitimate they may be, by the State control which is provided there. There would be necessity for various modifications therein, but I submit that in essence it is a sound scheme and provides both State and shareholders' control

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The Vice-President :—"I must remind the Hon'ble Member that he is coming to the end of his time."

The Hon'ble Rao Bahadur B. N. Sarma :—"Then, Sir, there is the important question of purchasing gold and silver. The independent treasury system in India has created a very large number of treasury experts. Similarly, there would be every likelihood that a State bank would encourage the growth of a large number of banking experts, European and Indian. After all we are human; I suppose we would like to help our own friends and kith and kin, and therefore it legitimately follows that the Indian interests—however lofty and high-minded people particular individuals may be sometimes—would not receive the same encouragement under an amalgamated private bank as under a system of State management and control. I, therefore, submit to the consideration of the Council the immediate necessity for asking the Government to establish a central bank, inasmuch as there are so many interests which have to be conserved, encouraged, solidified, without mutual friction or risk of friction. I submit that the control of the State ought to be much larger than may be possible in the case of a private central bank, and that can be provided for without sacrificing any interests whatever, in the scheme outlined by Professor Keynes. I, therefore, submit that an analogous scheme, modified by the lessons which have been taught by the war, should be adopted immediately by the State, because, I think, there is no problem of more vital importance than this question of improving the banking facilities in India. The Industrial Commission has asked for it. Hon'ble Members will also see that whereas Government loans were only a few crores of rupees prior to 1916, when the Government vigorously undertook to advertise and to show the people the necessity for coming to their assistance, about 40 or 50 crores were forthcoming in a year. Therefore, we have abundant resources; our agricultural resources are not poorer than those of any other country if properly developed We may not have as much gold and silver as in other countries in a fluid form which can materially help the progress of the industries and commerce of the country; but still if the Government should undertake the development of banking as the people have got very very great confidence in what the Government undertakes, deposits would be readily forthcoming, and from the hoards if there be any. Much has been done for co-operative credit, much has been done for agriculture; but I think what has been done is a very very tiny fraction of what has to be done; and unless we have a broad liberal policy of expansion—and we cannot have a broad policy unless there are experts behind the Government to advise and initiate the broad policy and to encourage and to put it into effect—I do not think there is a bright future before us. We cannot after all expect a private banker, however eminent and high-souled he may be, to sacrifice his own profit for the sake of the general good. Past history shows that a *laissez faire* policy will not do if we are to achieve any real or rapid progress. I, therefore, submit that this Resolution deserves to be accepted by the Council."

The Hon'ble Maharaja Sir Manindra Chandra Nandi :— "I rise to accord my cordial support to this Resolution. The question of the establishment of a State Bank in India is an old one. It seems the Government has not yet been able to make up its mind in this question, but in view of its importance, I would strongly urge an early settlement. At the present time the Government performs many functions which belong, strictly speaking, to a State Bank. It reserves to itself the monopoly of Note Issue; it holds large sums of money in its treasuries; it manages the cash balances and portions of the Reserves; it regulates the foreign exchanges. All these functions are performed by one of the Departments of the Secretariat. They are, on the whole, performed well, but a State Bank is likely to provide a more efficient and expert machinery which will be in greater touch with the commercial world and be more cognisant of the financial needs of the people. It will also enable the Government to take over in the interest of the community other banking functions. The present arrangement is defective in many respects. Vast sums of money now lie idle in coffers of the Government during the months of the year in which the stringency of the money market is the greatest. This is hardly satisfactory. The proper utilisation of the various reserves—which, I hope, will henceforward be held in India—is also an important matter. But the most important question is the financing of the industrial and commercial concerns of the country. In an able Note prepared by Mr. J. M. Keynes, in collaboration with Sir Ernest Cable, for the use of the Chamberlain Commission, Mr. Keynes pointed out the many advantages of a State Bank to the Government and to the business-world.

"I do not wish to dilate on these advantages, but I may add that the advantages to the people are likely to be quite as great. In the words of Mr. M. deP. Webb 'a State Bank of this character, undertaking the whole of India's monetary business, internal and external, whilst adding greatly to the Government's power and prestige, would at the same time greatly encourage the banking habit amongst India's timid millions and would thus be a source of strength to the great masses of the people as no other institution could.' Mr. Keynes has also replied to the adverse criticisms of the proposal, and these replies appear to me to be quite convincing.

"In this connection I may be permitted to observe that an amalgamation of the three Presidency Banks will not solve the problem and would be open to very serious objection. Referring to Mr. Dickson's scheme of 1867 for amalgamating the three Presidency Banks, Lord Mayo wrote to the Secretary of State: 'I submit that it is not for the interest of a State that a great institution of this kind should grow up for all India, the interest of which may in time be opposed to those of the public, and whose influence at any rate may overshadow that of Government itself.' These words are as true to-day as they were in 1867.

"Indian opinion is practically unanimous in its demand for a State Bank. Our worthy Colleague, Sir Dinshaw Wacha, in reviewing the evidence recorded by the Indian Currency Commission, expressed himself in favour of the proposal. Mr. J. M. Keynes, a member of the Chamberlain Commission and a great authority on questions of Indian Finance, is a strong advocate of a State Bank. Sir Lionel Abrahams, after carefully weighing the advantages and disadvantages of the proposal, gives his opinion in its favour. Among European merchants, Sir Ernest Cable and Mr. Webb welcome the proposal. But opposition comes from the Presidency and Exchange Banks which fear a strong possible rival. But the 'vested interests' question is not really so serious as it seems. It is, I believe, quite feasible to safeguard all legitimate interests.

"In 1901, the Government said, 'it would be distinctly advisable, if practicable, to establish a Central Bank in India, so as to relieve Government of its present heavy responsibilities and to secure the advantages arising from the control of the Banking system of a country by a solid and powerful Central Institution.'

"I trust the Government sticks to this view, and I hope it will establish a Central State Bank at an early date. At present India and the United States are the only important countries of the world which have no State Banks. In the United States efforts are being made to start a State Bank, and, I believe, it will not be for long that India will lag behind."

The Hon'ble Pandit Madan Mohan Malaviya :—"Sir, I rise to give my hearty support to the proposal contained in the Hon'ble Mr. Sarma's Resolution. It may seem a rather large order recommending to the Governor General in Council that a State bank on the lines suggested by Professor Keynes should be established at an early date. It may be said that this is a case in which the appointment of a Committee further to consider the question and to report would be the natural and more reasonable course. I think, having in view the past history of this question, the framing of the Resolution should not be too severely scrutinised. I hope the Government will see their way to declare their intention of taking early steps to have this matter investigated. There has been a large body of expert opinion which holds that there should be a State bank established in India. The history of banking in this country is somewhat unsatisfactory. I do not wish to take up much time over this question, but, I think, I should draw attention to what I said on the subject before the Industrial Commission. I there urged 'that the question of a Central State Bank having branches in every province should be taken up at an early date. The Presidency Banks have rendered inestimable service to Europeans in carrying on trade and commerce with India. They cannot under their existing charter help industries.' 12-15 P.M.

"The position of the Presidency Banks has been an obstacle in the way of the creation of a State Bank in this country, and it is very necessary briefly to refer to the work of the Presidency Banks. When the Government withdrew the right of issuing notes from the Presidency Banks in 1860 they agreed to help them by allowing them the use of public balances The Hon'ble Mr. Sarma has pointed out how huge these balances have recently been, and I think it is time for the Government to consider the situation. In a Finance Department memorandum of the 20th December 1860 to the Bank of Bengal [quoted by Sir (then Mr.) James Brunyate at page 81 of his valuable work 'An Account of the Presidency Banks'] the extent to which the Government admitted the obligation to compensate the Banks for the withdrawal of the right of issue was indicated as below :—

> 'The Bank of Bengal cannot be admitted to have any claim as of right to compensation, but they are certainly in a position deserving of much consideration and one in which they may equitably look for all reasonable support on the part of Government.'

"Government agreed to compensate them by giving them their cash balances without interest to the extent of 70 lakhs to the Bank of Bengal and 50 lakhs to the Banks of Bombay and Madras. In practice, as Mr. Sarma said, these balances have been very heavy. Sir James Brunyate points out in his book at page 39 :—

> 'Long before 1876 the Secretary of State had come to the conclusion that the Banks had been sufficiently compensated for the loss of their note issue.'

"It is high time therefore for the Government to consider the question whether these balances will be placed with Presidency Banks. If a decision is arrived at that the Government is not bound and that it is not fair in the interests of the public that these heavy balances should continue to be placed with Presidency Banks, the question arises how is the Government to deal with these balances? The need for a State Bank is obvious. I submit, therefore, that this proposal should be taken up earnestly at an early date and disposed of in an equitable and practical way. The proposal for a single Bank of India to take the place filled by the three Presidency Banks was before the Government of India between 1860 and 1876, but no decision was arrived at on the subject. The question was taken up by the Royal Commission on Indian Finance and Currency. They expressed no final opinion upon it, but recommended that it should be taken up at an early date. They said in paragraph 222 of the Report:—

> 'We regard the question, whatever decision may ultimately be arrived at upon it, as one of great importance to India which deserves the careful and early consideration of the Secretary of State and the Government of India. We think therefore that they would do well to hold an inquiry into it without delay and to appoint for this purpose a small expert body representative both of official and non-official experience, with directions to study the whole question in India in consultation with the persons and bodies primarily interested, such as the Presidency Banks, and either to pronounce definitely against the desirability of the establishment of a State or Central Bank in India at the present time, or to submit to the authorities a concrete scheme for the establishment of such a bank fully worked out in all its details and capable of immediate application.'

"That was in 1914; then the war came and the question was postponed and the Hon'ble Mr. Sarma has rendered a service to the Government and to the public by bringing forward this Resolution so that the question may be prominently brought to the front.

"Now, Sir, the next point which is a matter of importance is, what is the Government going to do? I do not know what the Hon'ble Mr. Howard will tell us; I hope he will tell us that the Government have decided to take up the question without any further delay and have the matter properly considered so that the Government may be in a position to decide upon the course to be followed. Personally speaking, I submit that there cannot be two opinions now about the need and the utility of a Central State Bank. When we look round and see the tremendous changes which have taken place in other countries, and when we compare the system of banking in India with the systems prevailing in the United Kingdom, in the United States of America, in Germany and in Japan, one cannot help feeling a great regret that this question of Banking in India should not have been tackled in a better way during all these decades. Japan was in a very backward condition in 1872. In the year of Restoration it had a very poor system of banking. The Japanese Government on the advice of Prince Ito invited a gentleman from London to organise its finance department. He introduced a sound system of banking, and the Financial Annual of Japan now shows what enormous progress they have made. It is a great pleasure and satisfaction to see how they have extended their system of banking and how they have helped their trade and commerce with their banks. I need not refer to the system of banking in Germany, because it is well known that her recent huge commercial prosperity was built up by her Banks. The United States of America have very extensive State Banks, and they have all been put on a sound footing, I venture to say by the federal system they have adopted which is a guarantee against disasters to individual banks. Now, the Government of India have it under their contemplation that there should be a great industrial development in this country. Industrial development needs banking facilities. It is impossible to think of any great development of our trade and industries unless there is a sound system of banking. That system has not only to be sound, but it has to be extensive too. The Hon'ble Mr. Sarma has pointed out how great is the need of having branches of Banks in various parts of the country. This need cannot be met unless the Government tackles the problem in a serious way, unless the Government examines the whole system of banking which is necessary for India. It is not only in one department, but in various departments, that the need for banking facilities is felt. The European community is receiving a certain amount of support. I do not know whether they have any complaint that more facilities are needed, but most certainly the Indian community does need many more financial facilities for the purposes of trade and commerce, and of industries. Apart from this, I submit that in a country like India with all the enormous sums which are available to the Government, it is a pity that there should not be one Central State Bank which should serve as a reservoir in which all the surplus revenue of the country should be gathered and which should be, so to say, the fountain to feed the different provinces and activities in different directions in different parts of the country. The building up of the Government of India, has been a great achievement, to our British friends, but it is some time now that they supplemented the administrative side of it by developing and building up to its full extent the financial and banking side also. We have to promote very great development in the direction of Railways, in the direction of industries; we have to promote irrigation; we have to promote co-operative credit societies and co-operative banks, and we have to promote small industries, and every one of these and many more will mean an organized, sound and extensive system of banking in the country. To my mind, the keystone of the whole system of banking would be a well-organized State Bank; and I therefore strongly commend the consideration of this question to the Government. I hope we shall not have to wait long to hear that the Government have decided to appoint a Committee of experts to advise on the question and to invite public opinion with the determination to decide this question before long. I hope that India will not have to wait long for such a time. I do not want to touch upon the other questions connected with the proposals now before the Council, questions as to how our currency and silver and other cognate subjects should be affected by the decision of Government upon this question. I am content to draw attention of the Government to the great need of having this question properly and fully considered. I hope the Government will do the needful and earn the gratitude of the people."

The Hon'ble Mr. H. F. Howard:—"Sir, I can say at once that Government are wholly in accord with a great many of the remarks which have fallen from previous speakers. We fully recognise the importance of a very large increase in banking facilities in this country and the necessity for their very much wider distribution. This is essential, as the Hon'ble Mr. Sarma and other speakers have pointed out, if the economic development of India is not to be impeded, and if the people are to be weaned from their habits of hoarding coin and bullion. This subject has been ventilated in this Council and, as the Hon'ble Pandit has also stated, has also been placed in the forefront of the recommendations of the Industries Committee. The necessity for it has further, I may say, been impressed upon us during the various currency difficulties that we have had in the last few years, as has also the necessity of greater co-operation between us and the banks. 12-38 P.M.

"I do not therefore think that I need labour this aspect of the case any further. It is sufficient to say that we are at one as to the necessity for increase in the development of banking, and the only possible point of difference between us is the best method of securing our object. I think most Hon'ble Members will have seen from the announcements that were made in a tentative way at the last half-yearly meetings of the three Presidency Banks, that the question of their amalgamation is under consideration. I can, I think, without divulging any confidence, state briefly the history of what has taken place. During the war we all of us felt that our banking arrangements left a great deal to be desired, and also that much greater co-operation is desirable between the three Presidency Banks themselves. The proposal suggests the fable of the old woman with the bundle of sticks. When the sticks were tied together they held, whereas the single stick might break. Well, we were unable, any of us, to take the question very much further at the time. I do not think a great many people realise how exiguous our own staff was; Government had its hands absolutely full of current problems which were engaging their attention, and we had not time to devote ourselves for many things which, though *per se* very desirable and almost essential, could not be attended to at the time. The banks again were all very short-handed and they have been themselves very hard put to it to carry on. We had, for example, a great many complaints at the delay in the issue of our loan scrip; but I think, in the circumstances, it is marvellous that the banks were able to do what they did, and Government owe all concerned a very great debt for the assistance they have given to us. Practically as soon as the Armistice was declared, the three Presidency Banks came together, and when Sir James Meston went to Bombay he was confidentially approached by them as to the way in which the Government would look on the question of their amalgamation. Well, we were only too glad to receive any advance of this kind on the Banks' part. Some informal discussions with the Banks followed, and they eventually put before us a scheme which we have passed on with our observations to the Secretary of State.

"It comes to this then, that we have before us a definite scheme for making a start in the direction of an improvement in banking facilities . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"May I ask the Hon'ble Member to give us some idea of the scheme that he has in hand?"

The Vice-President :—"If the Hon'ble Member wishes to make a personal explanation he may rise; he has no right to rise otherwise."

The Hon'ble Mr. H. F. Howard :—"I was just about to justify my statement by saying that the development of banking facilities was put forward as the basis of our discussion with the Banks, and they have undertaken, if this scheme goes through, to put before themselves the ideal of opening a branch in every district in India, and have further undertaken, within the first five years, to open no less than 100 branches in different districts, of which Government shall have the option of nomination 25 per cent. I think Hon'ble Members will admit that that is a very great and rapid advance, and that if this scheme goes forward, we shall at any rate make as reasonably rapid a step on the way towards the extension of banking as we can hope for.

"I have myself quite an open mind as to the relative theoretical merits of a State and a private bank as the central institution. But apart from any question of theory, the essential thing now seems to me to be to get on with the business. I therefore quite agree both with the Hon'ble mover in not suggesting any further references to a Committee, and with the Hon'ble Pandit that the delay involved by a reference to a Committee is undesirable. I should, however, like just to make one or two remarks about the question of State *vs.* non-State banks which have fallen from Hon'ble Members. The Hon'ble Mr. Sarma held up to us the examples of the State banks in France and Germany. What has happened there? Being State banks, their resources have during the war been absolutely exploited by their Governments. Loans have been taken from them on a huge scale with the result that those banks are now, I believe, in a very parlous position, certainly the bank in Germany is. The function of a bank towards Government loans is not to take them all up in block and embarrass its resources. The function of a bank in this respect, whether a State bank or a private bank, is to act in the way of a sponge; take a certain amount off Government in the first instance with the object of distributing part of it among *bona fide* investors. That function has only in part been performed by these large State institutions on the continent, who have been embarrassed if not crippled as a result of their direct connection with the Government. I merely mention this as a fact and not that I rely on it to support any theoretical view on one side or the other, because I realise that there is a great deal to be said on the theoretical side, and possibly also on the practical side, for a State institution.

"The case of the United States too is again quite different. There, again, they have not got to start to build up a new machine as it were *ab ovo* ; they had merely to put the coping stone on a very large congeries of running institutions which exist throughout the length and breadth of North America. I believe the national banks in America number something like 8,000, but I am not quite certain of the figure. This meant that, not only had they something to build upon, but they also had practically unlimited personnel with which to man the new institutions which they were setting in operation. Mr. Keynes' scheme of course presupposes that we should build on our existing Presidency Banks. There are, however, always two parties to such an arrangement. I do not know how the Presidency Banks would like to be taken over lock, stock and barrel like that. We certainly could not force them into anything of the kind. We could refuse them a renewal of their charter, but it would be quite open to them to carry on as ordinary banks, and if we in those circumstances wished to start a State Bank, we should have to start with nothing to build on at all. That seems to me to be quite out of the question, and the only real practical solution, looking at it as a commercial proposition, seems to me to be to use the machinery which we have, which is in running order and which commands public confidence. It does not follow, however, that by any initial step we take now, we are definitely committed for all eternity to a private bank as compared with a State bank. My only point is, it is quite clear that however we start, we must, if we wish to get a move on at all, start with some existing institutions, so that we can get on with the minimum of delay. When we have once proceeded as far as an amalgamation and have secured some closer co-operation with Government than is practicable under present conditions, the new institution, the Imperial Bank of India, can then be allowed to develop in the way in which development seems to be best required; whether in the direction of a State Bank or not I should not like to commit either Government or the Banks or anybody else now ; but there is nothing to prevent it from developing as necessary.

"I have spoken of the possible closer connection with Government. It would be out of place for me to go in any detail into the new arrangements which the Banks have proposed, and which we are inclined to favour, because they have still to be approved by the Secretary of State and to be laid before the shareholders of the Banks. I may say, however, that they contemplate that the new Bank should have at the top a central board, which should have on it representatives of all the Banks. That Board, however, could not meet weekly or daily as would be required of a managing agency. The representatives could naturally not be continuously absent from their local section of the new Bank where they would be required in order to carry on their own business.

"There will therefore have to be a smaller working body or Executive Board for current management. The spheres of the local boards of the new banks will at first correspond to the existing spheres, that is to say, Bombay, Madras and Calcutta. On the Central Board with representatives of these will be associated the Controller of Currency. The central Executive Board will consist of three or four representatives, of whom one will be the Controller of Currency. It is proposed that the Controller of Currency will, apart from being a member of this Board, have power to require the Board to hold up any matter which he may consider to be of vital importance as affecting either the financial policy of Government or the safety of its balances.

"I think that I can best deal with the other points which arise in the order in which they have been raised by Hon'ble Members. One very important point which the Hon'ble Mr. Sarma raised was the future treatment of the Gold Standard Reserve and of the Paper Currency Reserve. Well, as regards the ultimate future, I regard this as an open question, but with the constitution of the new bank, as it is proposed, it is very doubtful whether management of either of these could rightly be entrusted to that bank at the outset. Mr. Keynes himself postulated that the Paper Currency Reserve should so be taken over by the State Bank. But even in London, where very large paper currency issues were made during the war, and their future is uncertain, Lord Cunliffe's Committee recommended that it would be out of the question to make over the control of the £1 note issue to the Bank of England until matters had come back to normal. In any case our Paper Currency administration could not be made over to the Central Bank until conditions again reached normality, and that may be a question not of one year or two years, but it may be five years or more. At any rate that question must be at present and continue to be an open one. As I think the Hon'ble Mr. Sarma himself realised it might very well be an open one whether the bank is a State-owned Bank or whether it is not.

"Similarly, with regard to the Gold Standard Reserve, I think the Hon'ble Mr. Sarma rather implied that Professor Keynes contemplated that the State Bank should take over the Gold Standard Reserve. . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"No, there has been a change since."

The Hon'ble Mr. H. F. Howard:—"At any rate, that was not the case. He merely contemplated that the bank should intervene in connection with the Gold Standard Reserve,—I think I am correct in stating that—when it had to be utilised for the purpose of regulating exchange.

"We now come to the very important question of our balances. The Hon'ble Mr. Sarma has recognised, and the Hon'ble the Pandit has also recognised, the importance of Government balances being placed, as far as possible, at the disposal of trade. We have gone a long way in that direction in the last few years. The reserve treasuries are at present exiguous. They very seldom now-a-days run to more than a crore. It is necessary to retain as much as that when you have three separate institutions, as otherwise it would be very difficult to provide at call the funds necessary, say, in Bombay to meet Council Bills. It is true we have recently gone very much further than in the past in that direction by placing our reserve treasury balances with the banks; but this is due to two causes, first, and more important from the public point of view, in order that the money market should be rendered as easy as possible for trade; then, for Government operations, if the market gets tight, we have more difficulty in floating our loans and great difficulty in carrying on. That is the second reason. However, our present contracts with the banks are not, as one or two Hon'ble Members seem to think, rather one-sided. Until the war they were a constant bone of contention between us and the banks. We received every year, if not oftener, representations from the banks that they were very inadequately recompensed for the important services which they render to Government. This was recognised. The question of a modification of the existing banking arrangements kept on cropping up, and it was decided to ask the banks not to move for revision of their contracts immediately, until some of these other larger and more important questions were settled, but it was at the same time arranged that we should place with them rather larger balances at their head offices as a standing matter than they were strictly entitled to under their contracts.

"Mr. Sarma has referred to the large sums which are kept at the branch offices of the banks. These, however, are not kept at these offices merely for the use of the banks, but because we have at several of these branches very important liabilities continually coming upon us and we have got to keep a sufficient balance there in order to meet them. It may be said that these branches include not merely small out-of-the-way places but large towns like Rangoon, Karachi, Cawnpore and Lahore. At Karachi, for instance, we have huge disbursements to make, say of 50 lakhs, or more, while in Rangoon we have, I believe, to keep a balance of at least 40 lakhs. We should have to keep very much more money in these places if we only had treasuries there. A good deal of this money is only 'till money,' and the same applies to the money kept at our present district treasuries. The latter balances (which are not of course held at the banks) ordinarily run to 6 or 7 crores distributed probably over 200 treasuries, that is to say, our average balances at each of these treasuries run to something like 3 lakhs only. The amount at individual treasuries is therefore small; it is 'till money.' There is no question of making over this 'till money' at the district treasuries until the Presidency Banks extend their operations by opening branches at the places where these district treasuries exist. That is to say, if the Presidency Banks in one year open 20 new branches, well, then, they will automatically secure the control over twenty times 3 lakhs. But that again is not a very great additional recompense for the work which the Bank will do at those treasuries. It will always have to find funds for us when we want to spend them, but it helps its cash and, therefore, possibly may help to make it profitable to open branches at those places

"Another question which the Hon'ble Mr. Sarma asked was, would it be legitimate for us to give our funds to one bank only as distinct from other banks? Well, I can only say that the surplus funds which we keep are relatively small; though we have to keep a very large sum as a working minimum in order to keep going. We have got these very large disbursements to make from day to day. We may have to pay out 50 lakhs at one place and 20 lakhs at another, and you cannot without notice either take that money away from a bank or provide it at a treasury without making some arrangements. In fact, we find it very difficult to work with a total balance of less than 14 crores. Now and then for a week or two we may have large balances; for instance in the last week of the loan (about the end of August) we received four or five crores; it may be another week or two before that money is spent. It will be necessary for me to explain to Council to-morrow that so far from our being full of resources as some Hon'ble Members here have said from time to time, we have, from day to day, from week to week and from month to month, with the very greatest difficulty, been carrying on.

"From another point of view also I should like to say that these arrangements with the banks have not been altogether one-sided. If we have any surplus we are very glad to leave it with the banks for the reasons I have just said, namely, that it helps us in our own operations and helps trade also. On the other hand, if we have not got any money surplus to our requirements and the banks still want some assistance, we ask them to take a loan from us of that money and charge interest to them for that loan, and we have done so on more than one occasion. In their turn the banks have always showed themselves ready to help us whenever we have been in a tight corner, as we have unfortunately been more than once. I shall not be disclosing any secret when I say that they have charged us only 3½ per cent. which compares very favourably with the rates at which we are generally able to raise such money by way of treasury bills or otherwise. Last year we received advances to the extent of 17 crores; and this year also we have similar advances to the extent of 13 crores.

"There is just another point which arises here. I think it was rather implied that if the banks had to take responsibility for holding larger balances on behalf of Government they would require to be strengthened. It is proposed that the banks should raise additional capital.

"Then there was some question with regard to the relative treatment of Europeans and Indians, with reference to which I should just like to make a few remarks. I think that it is not generally realised, the extent to which presidency banks do even at the present time help internal trade. Apart from operations connected with business at the presidency-towns, they do help the financing of the internal trade of India to a very large extent by their purchases and re-discounting of internal bills of exchange, known generally as 'hundis'. The shroffs, mahajans, chetties and others who either directly or by their relations with smaller 'banks' of the same kind largely finance the movement of produce and of important articles of commerce, such as piece-goods in the up-country markets, rely to a very great extent upon assistance from the presidency banks when in a season of active trade their whole capital is fully employed. On some occasions, for example, the amount of hundis held by the Banks of Bengal and Bombay has exceeded a third of their total advances, and during the busy season the proportion is rarely less than a quarter. The connection of the Presidency banks with up-country trade is thus already very close and intimate. It must not be understood that the financing by these banks of the internal trade and the assistance given by them to Indian financiers and merchants is limited by the extent of their hundi business. A substantial portion of the cash credits given by the Banks represent advances made directly against produce hypothecated to the banks by Indian traders. Again, loans against Government and other approved securities are frequently made to Indian concerns. In any case, with the increase in the number of branches up-country it is clear there will be a substantial increase in the assistance given by it to help the internal trade of the country.

"Mr. Sarma referred in this connection to a statement made apparently by Mr. Vidya Sagar Pandya that the shareholders in the Presidency Banks were predominently European. I am not sure of the other banks; but taking the case of the Bank of Bombay, I find that there are 20,000 shares in the Bank, of which 7,447 are held by Europeans and 12,553 by Indians. Mr. Sarma then developed his argument by saying that on that account the Indian trade did not get its proper share of advances. As I have said just now, the amount of the hundi business alone, apart from other advances, has been sometimes one-third of the whole advances and at any rate not less than one-fourth even during the busy seasons. The bank of Bombay have kindly furnished me with the figures of their advances to Europeans and Indians respectively. The advances to Indians amounted to 654 lakhs, while the advances to Europeans amounted to 140 lakhs. Of this advance to Europeans, 35 lakhs were advanced against the new loan to enable them to subscribe to it; the corresponding figures for Indians were two lakhs; so that if we deduct these figures from the total, you get about 650 lakhs for Indians and 105 lakhs for Europeans, that is to say, approximately 6 to 1. I have not got similar figures for the Bank of Bengal; but Sir Norcott Warren informs me that the relative proportion is probably 49 per cent to Indians and 51 per cent. to Europeans; that is perhaps not unnatural, as the jute trade at this time of the year absorbs very large advances indeed. As regards Madras, I have the figures given to the Hon'ble Pandit before the Industries Commission. Approximately 110 lakhs are advanced on the average to Indians and about 80 lakhs to Europeans I think it is perhaps not unnatural that the Bank of Madras, with reference to whom most of these allegations have been made, is able to do the least in assisting trade of all the Presidency banks, whether European or Indian. It must not be forgotten that the resources of that bank are very much smaller. That fact is reflected again in the further fact that the bank rate is invariably, I think, 1 per cent higher than the other presidency banks' rates. I may say that Sir Bernard Hunter has frequently complained that he did not have resources to help trade in his presidency in the way in which he would have liked. I should like to quote here one remark which he made before the Industries Commission. He was asked by the Hon'ble Pandit 'you yourself feel that these are not sufficient for the financing of industries in this presidency?' Sir Bernard Hunter said 'I have always thought that India is underbanked and one difficulty is to get resources with which to open more branches. We have got to remember that a bank has two sides; on one side it borrows and on the other side it lends. In new branches my experience is that it is always in one way that banking facilities are wanted, that is facilities for loans. There is no object in opening branch banks when you have not got enough money to go round. That is the sole reason of the want of development of banking in this presidency.' Well, I may say that Sir Bernard Hunter has told me often that he is very anxious to open as many branches as he can in spite of that difficulty, and, I think, it is only because of the war that the Bank of Madras did not two or three years ago increase the number of branches. That difficulty will very largely be remedied in so far as Madras is concerned by the institution of a central bank when it will be possible in the slack season in Calcutta or Bombay for the central executive agency to allocate funds to Madras.

"Then there was just one further point about which I should like to make one remark, and that is the question of assistance by the central bank, whether it is a State bank or a non-State bank, to industries.

"We contemplate of course that any Central Bank must help to finance industries as far as it can do so on the security of liquid assets. There can be no question of any Central Bank which is a bankers' bank financing new industries, where it will be necessary to lock up its funds for an indefinite period; if it did that it would endanger the whole banking arrangements of the country.

"I think it will be seen from these remarks that we do agree with a great deal of what Mr. Sarma has said, and I am glad to have this matter ventilated in the Resolution. We do want to get on with the business quickly, but we are unable to go into the theoretical side of the question and to consider what in some circumstances would be the best, namely, whether a State or a non-State Bank. It is for these reasons that I regret the Government cannot accept this Resolution."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, we are deeply grateful to the Hon'ble Mr. Howard for his clear statement of what the Government proposes to do in this matter; we are glad that the Government recognise that additional banking facilities will have to be placed in the hands of the people. I should like, however, to state that we regret that the Government should have come to a decision about the practical steps to be adopted without following the procedure recommended by the Industrial and Currency Commissions, and giving the public opportunity for discussion. I can understand that one of the objects in doing so may be that the Government wanted to push on this question as quickly as possible from the practical point of view, and that the only procedure which seemed open to them was to amalgamate the three Presidency Banks as a first step; and the rest was to come later as circumstances permitted. But, Sir, I think this statement, so far as it has been disclosed to us, does not seem to be satisfactory from the Indian point of view. Instead of the Presidency Banks working separately, except occasionally when they meet 1-2 P.M.

together for the purpose of formulating a general policy to govern them, which policy it is optional with any of them not to adopt, they are going to have a central board of management. That is so far to the good; then so far as the Government are concerned, they propose to place the treasury balances at the disposal of the central bank, the extent of which would be dependent partly on the development of their branches. The only control so far as I can see to be exercised by the Government from what was explained to us, is that of the Controller of Currency who is to be on the board when there is a question of general financial policy involved, or when he feels that the safety of the Government balances may be endangered by any proposals. I do not see that the control of the Government is intended to be very effective in any other direction. The only return for the placing of necessary balances at the disposal of the bank by the Government is going to be that the amalgamated bank undertakes to open 100 branches in five years. Ordinarily the Central Banks would be interested in opening branches only where they can make a large profit, but 35 of these places are to be chosen by the Government. There is no doubt that in the ordinary course of business the Presidency Banks would have increased their capital in so far as it might have been necessitated by trade, but they have now promised to do so and no one disputes this fact that a large proportion of the business that has been done in the past was with Indians, but it must be so inasmuch as the vast majority of the traders are Indians. But the point is, whether there was not an undue preference where there was an option and it would not continue to be so in future. It is a natural consequence from the composition of the shareholders and the management, and we must try to regulate the future so that nobody may be prejudiced and have reason for complaint. The Hon'ble Mr. Howard gave figures for Bombay but not Madras or Calcutta, the Madras figures are against him; the vast majority of the shareholders were in 1913, Europeans. The shareholders of the Bank of Bengal were mainly Europeans in 1909 according to the Capital, I do not know how far that is correct now. The fear of the Indians is when the three banks are amalgamated that the management would be almost exclusively European in the Central Bank and in the absence of rigorous control by the State, the condition of things may be worse in future than it is at present. It may be that a province which is far distant from the centre like Madras may instead of being benefited be occasionally sacrificed for the trade interests of other provinces or centres. My submission is that under the new system the Indian community, commercial, banking, industrial or agricultural, is not likely to fare better but worse than under the old system; except that as the result of additional money being forthcoming, it would result in an advantage to all. Another point is that so far as I can see it does not look very advantageous to the public that the State should sacrifice interest on crores of rupees, though the aggregate sum may be varying from day to day, for the sake of only 100 branches being opened in five years. I do not think that is a profitable financial bargain. I realise that the Government have difficulties and that they have not here a very large number of efficient Banks which they can utilise for building up a State Bank, and the most influential banks are the Presidency Banks. But my submission is that it would be absolutely wrong if the tentative proposals are not placed before the Indian Bankers and Indian commercial and public men, before the Secretary of State pronounces upon them and before a final decision is arrived at. That is our quarrel. Let these tentative terms be published. Let all the Indian Bankers know what they are and how they would affect them, and let there be public criticism, and let this criticism be forwarded to the Secretary of State and let him, after going through these criticisms, arrive at his conclusions, and let the final negotiations and bargains 'be struck,' let there be an expert committee consisting of Indians as well as Europeans by whom these questions can be threshed out; the Presidency and other banks and the Government sitting together at a round table may consider what the various difficulties are and arrive at some solutions. But I submit, Sir, that the whole of the private negotiations between the Government and the three Presidency Banks, however well meant they may be, will be taken amiss, and for justifiable grounds. This is of course but a repetition of the old procedure; when a matter is under communication with the higher authorities it is a secret and cannot be published. When the higher authorities have pronounced an opinion, it comes too late for the public to suggest any modifications, and the public will be asked to wait for a reasonable time to see how the thing works and that takes years. This is extremely unsatisfactory. Therefore, I submit, that the public and the Members of this Council ought to be given an opportunity to pronounce upon these tentative proposals before definite conclusions are arrived at and before it becomes too late to suggest a revision. My submission therefore is that it was wholly unwise on the part of Government that they should have kept these negotiations secret. I knew from the answer which the Hon'ble Sir James Meston gave to my question in Delhi that he was not favourably disposed towards the appointment of a committee, as suggested by the Commissions, and that is the reason why I have brought forward this Resolution in a somewhat definite form, it was also because the proposals for the amalgamation of the Presidency Banks were maturing.

"Sir, there are some matters of detail to which I would like to refer for a moment. I never thought that industries would be directly financed from the Central Bank or that it can deal with any but liquid assets. It must be a bankers' bank. The point is as to whether we have anything on record to justify the assumption that in the past any very great zeal was exhibited by the Presidency Banks in forwarding the cause of Indian industries, manufacturing or agricultural, and from our past experience we have no reason to believe that our future would be so bright. That is the reason why we are asking for greater Government control.

"Then with regard to the treasury balances, I knew that with regard to the branches, much of it, as was stated in the Commission's Report, is there for Government treasury purposes. But as was pointed out, there are occasions when large sums like 3 crores, 6 crores and 9 crores could be utilised without interest much in excess of what has been agreed to. Of course if the terms and the services as between the Government and the amalgamated bank have been arranged already, well let us know exactly what those terms are, and let us know how much interest is going to be sacrificed for those services, and what those services are going to be; the mere opening of 100 branches, and the promise to increase the capital are, I venture to submit, not services worth having for such a heavy price. I realise that the working balance would have to be about 14 crores and the amounts would be fluctuating, but still I submit that we have on record that sums to the extent of 5, 6 and 7 crores have been with the Presidency Central Banks and they could utilise them, and hereafter, as I have said, with the additional money that would flow from increased taxations and currency, the resources would be improved and the amounts would be larger .

The Vice-President:—"I must ask the Hon'ble Member to bring his remarks to a close as his time is up."

The Hon'ble Rao Bahadur B. N. Sarma:—"I therefore propose that if the Hon'ble Member could give me an assurance that this question would be more favourably considered than it has been, and the proposals would be published for public criticism before the Secretary of State would pronounce upon them, I have not the slightest objection to withdraw this Resolution; but if he says that nothing can be done, I should press the Resolution for a vote."

The Hon'ble Mr. H. F. Howard:—"Sir, may I say a word or two in answer to the points raised by the Hon'ble Member? Firstly, I do not think that we can publish the scheme before the Secretary of State has had an opportunity of expressing an opinion. He may or may not accept the proposals which have been put forward. Any publication of the scheme before he has done so is to be very much deprecated because it would obviously lead to speculation in the shares.

"With regard to shares the Hon'ble Mr. Sarma seems to make rather a grievance that more shares . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"I am stating only the facts."

1-17 P.M. **The Hon'ble Mr. H. F. Howard**:—"I do not know against whom he makes a grievance that more shares are not held in Madras or Bombay, but I know as another fact that there is no prohibition in the Statutes of the Banks against Indians or others acquiring shares of the Banks.

"There is another point I should like to refer to, and I should be very glad if the Hon'ble Mr. Sarma would give me some help. He says that we are sacrificing a great deal of interest, as a result of the branches of the banks taking over our balances at our District Treasuries. I should like to know how else we can get interest at present on what is only 'till money' and if Mr. Sarma would explain, I should be very grateful.

"Then there is another point which, I regret, I omitted to mention. The Hon'ble Mr. Sarma suggested that the only control that we shall have over the banks will be that exercised by the proposed position of the Controller of Currency on the Administrative Board. That is not the case. The proposals, if agreed to, or in whatever form they are agreed to, will obviously have to be embodied in a new Act which will involve an entire re-casting of the present Presidency Banks' Act, and the details of that will certainly have to come before this Council and considered by this Council. Of course Government may at that stage be committed to some main principles, but there will still be several important questions of detail, for example, the nature of control to be exercised by the Controller of Currency and so forth. That is all I have to say."

The Vice-President:—"I understand the Hon'ble Member desires to press the Resolution before the Council."

The motion was put and the Resolution was rejected.

RESOLUTION *re* ELECTRIFICATION OF RAILWAYS.

1-20 P.M. **The Hon'ble Mr. W. E. Crum**:—"Sir, I beg to move that—

> 'This Council recommends to the Governor General in Council the immediate consideration of the electrification of the suburban railways within 25 miles of Calcutta and of the improvement generally of local passenger transport and terminal facilities.'

"Sir, about a fortnight ago the Hon'ble Mr. Phelps moved a Resolution in the Bengal Council to the effect that a Committee should be appointed to discuss the question of the rise in rents in Calcutta. The Resolution was accepted by Government, and therefore in a way it may seem rather premature that I should move this Resolution about improving communications; but without doubt one of the reasons for the rise in rents in Calcutta is that the demand for land in the immediate neighbourhood of

Calcutta has outstripped the supply, and therefore it is absolutely necessary that people who want to live near Calcutta at reasonable rents must go outside. This has been the case, of course, in most of the big towns of Europe; London, Manchester, Liverpool all have very large suburbs which have steadily increased, and as they have increased, the railway communications with them have improved. Already there is a very large number of the working population of Calcutta who come in every day. In the year 1903 by the railways round Calcutta there was a daily influx to Calcutta from within 25 miles of 10,663 passengers. In the year 1918 this had risen to 25,792. The railways by which these passengers come in are the Eastern Bengal State Railway, the East Indian and the Bengal Nagpur Railway and the two small railways, the Howrah-Amta and Howrah-Sheakhala Railways. To give the Council an instance of the number of people who come to Calcutta daily, the proportion who come to Calcutta, I may instance the clerks in my own office. We have 276 clerks. Out of this no less than 99, or 36 per cent. come in daily by train to Calcutta. Out of these 99, 55 have to leave their houses before 8 o'clock in the morning and do not get home till 7-30; and of course there is no doubt about it, that the reason is bad communication. I might take as an instance the East Indian Railway. Between 5-20 and 6-20, which is the time when most people go home from the offices, there are three trains between Howrah and Bandel, that is a distance of 25 miles. Each of these trains takes a little over an hour and 20 minutes to do the journey, and they stop at every single station, 15 stations. Now, if that line was electrified and you had more frequent services of trains, and instead of having long and expensive trains to run, you could have short trains of three or four carriages, you could have a frequent service of trains, and instead of stopping at every station they could stop at every two or three If you are able to run your trains, electric trains, so that they stop at every two stations, you would do that 25 miles in 50 minutes instead of one hour and 20 minutes, thus saving half an hour on each journey, or an hour a day for every passenger who came backwards and forwards to Calcutta And I daresay that could be still further improved, and you could have the trains stop at every three stations perhaps. Of course it is perfectly obvious that it would be an advantage to the travelling public who have at present to wait half an hour if they miss a train, to get another in ten minutes. The same applies to all the other lines, and I am perfectly well aware that there are only three of these lines which concern the Government in that the Howrah-Amta and Howrah-Sheakhala are purely private lines. But perhaps the Howrah-Amta and Howrah-Sheakhala need this electrification more than any other because they are more crowded and the conditions of travelling are distinctly worse than they are on the big railways. For that reason though I would not expect for one moment that Government should consider themselves the electrification of these railways which are private railways. But, I think, it is very desirable that any Committee which meets in Calcutta or elsewhere to discuss this question should also consider the question of these two small railways.

"Then we come to the point as to how this electrification is going to be carried out, because it is a very expensive project to consider the electrification of so many railways. I understand that the cost of actually electrifying the railway, that is providing the necessary rolling-stock and the wiring for carrying the electricity and so forth, is about double the cost of the power station. And before the war the total cost of electrifying the Eastern Bengal Railway for 25 miles or 30 miles was estimated, I think, at something like a million pounds. That would include the power station. If, however, the railways could all be persuaded at the same time to electrify, the cost of a central power station would be very much decreased. Therefore, I would like to suggest that, if Government are willing to consider this question, they should consider the question of a central power station. In that case I have the assurance of Sir Rajendra Nath Mukerjee that he would be prepared also to electrify the two small lines. It is a lot of money to be found and I have spoken about that to several people in Calcutta before I left, and the conclusion that I came to was that if Government would be prepared to guarantee to a certain extent that they would take-power from the central power station for these various railways, I think there would be no difficulty in finding the money for the central power station in a somewhat similar way to that in which private railways are financed. But it is not only with the railways leading to Calcutta that I would ask that the Government should deal, but with the facilities in Calcutta itself. The Hon'ble Mr. Bompas the other day, in a note to the Improvement Trust of Calcutta said: 'There is no city of the same size outside China so badly provided with public means of locomotion as Calcutta.' Even if you get the passengers to Howrah or Sealdah, they have still got a very long way to move before they get to their offices. A few years ago, I believe, the question of a central station in Calcutta was considered, and it was abandoned on the score of expense; and presumably if the expense was too great then, it would be far too great now. That was for a central station in the neighbourhood of Bowbazar.

"What I think the Government might consider is, whether it would not be feasible to electrify the Port Trust line from Chitpore down towards the jetties, and whether passengers could not be brought in from Sealdah in that direction. There is no doubt, I suppose, that we would have certain vested interests in the form of the jute balers and other people who have jute presses and land and jute godowns along that line raising objections. But when this matter of removing the jute trade was considered by the Port Facilities Commission about five years ago, the Commission reported that they were willing to agree that the jute trade should be left there for the present, but that if the line was required for other more important reasons, the question of its removal would have to be decided.

"I have no doubt about it that it is a very important thing for all our clerks in Calcutta that they should be able to get nearer to the actual business premises, and, for these reasons, I hope that the Government will be able generally to accept my Resolution, which is only asking for an inquiry into the whole question."

1-30 P.M. **The Hon'ble Sir George Barnes** :—"I may say at once, Sir, that the Government fully realise the importance of the subject-matter of the Hon'ble Member's Resolution, and have no hesitation whatever in accepting it. The electrification of our railways in the neighbourhood of the great cities of India is of great importance, because by that means, as the Hon'ble Member has pointed out, we shall increase the carrying capacity of our railways in dealing with suburban traffic and shall make it more possible for people to live outside the great cities. In this way, a considerable step will be made towards solving the housing problem, which Mr. Crum has told us is so acute in Calcutta and which, I am sure, my Hon'ble friend Mr. Nigel Paton would say is even more acute in Bombay. But I should not like the Hon'ble Mr. Crum or other Hon'ble Members to think that we have taken no steps in the direction of investigating the possibilities of electrification. In 1914, the Government appointed some experts to go into the question of electrifying the railways running into Calcutta, and a report was made by those experts ; but, unfortunately, in 1914, the war broke out, and all these projects have had to stand over. The scheme in question was favourably reported on, but it has, as I say, suffered the fate of many other projects during the war. The scheme referred to the Eastern Bengal Railway only. The East Indian Railway had also had under consideration the electrification of a part of their system, the part that is nearest to Calcutta, and there has been a suggestion of a joint powerhouse to serve both these systems, *i.e.*, the Eastern Bengal Railway and the East Indian Railway. I do not know at the present time what the views of the Bengal Nagpur Railway are, but the Bengal Nagpur Railway management has never been backward in adopting a forward policy.

"I was glad to hear the Hon'ble Member suggest that the electricity needed should be provided by some central power-house, and I gathered from what he said that private enterprise in Calcutta would be willing to embark upon this. There seems to me very considerable advantage in private enterprise coming in here, always provided that the electric current can be provided for the railway systems in question at a reasonable rate, because, if private enterprise comes in and supplies the power-house, we shall have so much more money available for railway development in other directions. Mr. Howard has just told me that the amount set aside in this year for capital expenditure on railways in India is 17·7 millions sterling. That is a large sum but, as you all know, our railways have fallen into very bad repair during the past five years, and we want an enormous sum to set our open lines in order.

"As regards the question of how I can best help this project along, I would suggest that when I come down to Calcutta, as I hope to do during the cold weather, I should call a meeting of the three big systems interested and, if the Hon'ble Member thinks it advisable, I should be very glad to invite those who are in control of the two smaller systems which he also mentioned and one or two representatives of the Bengal Chamber and the Bengal National Chamber. Let us all sit round a table and see if we cannot evolve some scheme for furthering the project outlined in the Hon'ble Member's Resolution. I should like, however, to remind him that the needs of Calcutta for electrification do not stand alone; the need of Bombay is even more urgent, for the housing problem there is extremely acute, and I am sure that the Hon'ble Members who represent Bombay would be quick to point this out.

"Sir, I shall be very glad, as I say, when I come down to Calcutta, to discuss this question, and I hope the course I suggest will meet the Hon'ble Member's wishes."

The Hon'ble Mr. W. E. Crum :—"Sir, I am very pleased that the Hon'ble Member has accepted my Resolution and I do not think there is anything more to say. I am very grateful that the Government will take the matter in hand, and the method by which the Hon'ble Member proposes to do it is, I think, exceedingly satisfactory." 1-35 P.M.

The motion was put and the resolution was adopted.

The Vice-President :—"The next Resolution on the list is the Hon'ble Mr. Sinha's Resolution. I do not know whether he thinks he will be able to finish it before 2 o'clock."

The Hon'ble Mr. Sachchidananda Sinha :—"I do not think so, Sir. We might take it after the recess"

The Vice-President :—"After this the 'deluge,' so far as Resolutions are concerned. We shall not sit after 2 o'clock."

The Hon'ble Mr. Sachchidananda Sinha :—"Then I shall move it now."

RESOLUTION *re* APPOINTMENT OF AN INDIAN MEMBER TO THE ARMY IN INDIA COMMITTEE.

The Hon'ble Mr. Sachchidananda Sinha :—"Sir, I rise to move the Resolution which stands in my name and which runs as follows:— 1-36 P.M.

'This Council recommends to the Governor General in Council that he may be pleased to make a representation to the Secretary of State for India (or, if need be, to His Majesty's

Government) that an Indian member chosen from the non-official Indian members of this Council be appointed to the Indian Army Commission recently constituted.'

"As the Council may be aware, the Secretary of State has recently appointed an Indian Army Commission, and the constitution and the personnel of this Commission have been duly announced. The personnel of the Commission, Sir, has not given satisfaction to the public either in England or in India, and I find that on August 6th Mr. Fredrick Roberts asked a question in the House of Commons of Mr. Montagu on the subject. He asked the Secretary of State for India—

'whether the Indian Army Commission will inquire into the grievances of the Indian section of the Army and of Indians generally with regard to the military policy of the Government; why no Indian is appointed a member of the Commission; whether the omission will be made good before the Commission commence their work; whether the Right Hon'ble gentleman is aware of the strength of the feeling against Sir Michael O'Dwyer for his recent administrative acts in the Punjab; and why he has been appointed in the face of such feeling?'

Mr. Montagu replied:—

'Under the terms of reference the Committee is concerned with general questions of military administration and organisation, not with grievances; but I am considering the appointment of an Indian member. I do not see that recent administrative acts in the Punjab have any bearing on this inquiry.'

"Captain Ormsby-Gore also asked the Secretary of State for India 'why no Indian has been appointed on Lord Esher's Committee on the Indian Army?'

"Mr. Montagu replied. 'The appointment of an Indian to the Committee on the Army in India is under consideration.'

"That will satisfy the Council that even in England exception has been taken to the constitution and the personnel of the Committee. In India, since the announcement was made, public opinion has been insistent that there should be at least one Indian public man to represent the Indian point of view on this Committee. It has also been given out, Sir, though not formally, that an Indian gentleman has been offered a seat on this Committee and that he has accepted it, but no formal announcement has been made so far of that. The name of the gentleman said to have been appointed, however, has not satisfied Indian public opinion, and for this reason that the gentleman whose name has been given out is known to be merely a military expert and can thus advise the Committee on military matters only, but he is not in a position, regard being had to his experience of Indian problems, to advise the Committee on the financial aspects of Indian Army administration, nor on those which affect the public at large. It was under the impression that an Indian gentleman had already been appointed, or was going to be appointed, that I first desired to word my Resolution in the way that there should be an additional Indian Member, but when I learnt that no formal announcement had been made to that effect, I altered the Resolution to the form in which it stands now on the agenda paper However, I hope that the Hon'ble Sir Alfred Bingley will look into the spirit of the Resolution and not take up the wording of it. As the resolution stands, you will notice, Sir, that I make no distinction between the elected non-official members of this Council, and the nominated ones. There are 32 non-official members of this Council, of whom 27 are elected and 5 nominated. I have no desire to make any invidious distinction between the two classes of members, and therefore I have not put the word 'elected' in my Resolution. I leave it open to the Government to choose whomsoever they like, an elected member or a nominated one. At the same time, I hope that in order to satisfy the public demand the gentleman chosen by the Government will be one who comes within the definition of a public man. I need not mention names to the Council; there are many elected members of this Council who are well-known public men, and any of them would be able to make a very good member of this committee. I have been told that the question of appointing an Indian public man does not arise inasmuch as that committee has been constituted not with a view to going into any special grievances of Indians or about any other matters except those of military administration and organisation. That may be, and in that view there may be no harm in appointing an Indian military expert to advise the committee. At the same time I take it that this committee will deal with financial problems also. Unless I am greatly mistaken it will be impossible for the committee to consider the military administration of the country without going into the financial aspects of the case. Indian public opinion for the last fifty years has been insistent that there has been an ever-growing and increasing expenditure on the Indian Army, far beyond the resources of the people of India; and therefore, I think it highly desirable that on this committee there should be somebody who can put forward not only the expert military view of the matter, but also that which the people of India hold on this question. When I speak of the people of India I know my Hon'ble friend, Mr. Macpherson, will get up and say 'There are certain non-political classes who have said nothing about this matter'. But when I say 'the people of India' I am not talking of these non-political classes, the 'dummies and mummies'; I am talking of those who are politically minded, those who think out things for themselves; and I say that this class has been insistent that during the past fifty years the Indian Army has been a very expensive luxury for the people of our country, that it costs a very large sum of money, far beyond the means of the people. I, therefore, contend that there should be a second Indian member on the Committee, who will be a public man chosen from among the elected members of this Council, and who can best advise the Committee on this particular point.

"I have only one word more to say, as I am speaking against time. It is sometimes said :'Oh, well, in a technical matter like this, how can an Indian public man be useful ?' But that contention seems to me to be futile. In England we have civilian Secretaries of State for War and Under Secretaries of State for War; they are not, so far as we know, drawn from the ranks of the Army; but they are taken from civilian classes. Here on this committee I understand there are to be two civilians, Sir Godfrey Fell and one other gentleman. In this country we find our civilians not only advising on military affairs, but doing all kinds of things, as heads of telegraphs and post offices, police, education, and various other departments. Therefore, I think that there can be no serious objection to an Indian civilian, by which I mean an Indian public man, being appointed on this committee; and I hope Government will see their way to accept my Resolution, and that they will recommend somebody from this Council from amongst the elected Indian members whose appointment will give satisfaction to the public. With these remarks, Sir, I beg to move the Resolution."

The Hon'ble Major-General Sir Alfred Bingley :—"The Resolution which the Hon'ble Member has just moved is one which Government is quite prepared to accept and has, indeed, anticipated. The Secretary of State, with the concurrence of His Excellency the Viceroy, has appointed the Hon'ble Major Malik Sir Umar Hayat Khan Tiwana, who is a member of this Council, to be a member of the Army Committee. 1-45 P.M.

"Sir Umar Hayat Khan has served in France and in Mesopotamia and has rendered valuable service in connection with recruiting. He belongs to a class which has rendered conspicuous service throughout the war, and his knowledge of the army and of the races from which it is recruited will be of special value to the Committee, as it is knowledge gained in the fiel as under peace conditions.

"As there seems to be some doubt as to the composition of the Committee I may mention that the other members are :—

President :

VISCOUNT ESHER.

Members :

SIR MICHAEL O'DWYER, late Lieutenant-Governor of the Punjab.

LIEUTENANT-GENERAL SIR H. V. COX, Indian Army, Secretary, Military Department, India Office.

LIEUTENANT-GENERAL SIR W. C. JACOB, Indian Army, Commanding 2nd Army Corps, Army of the Rhine.

LIEUTENANT-GENERAL SIR H. HUDSON, Indian Army, Adjutant General in India.

LIEUTENANT-GENERAL SIR J. P. DU CANE, late Commanding 15th Army Corps in France.

SIR G. FELL, Indian Civil Service, late Financial Adviser, Military Finance Branch, Finance Department, Government of India.

MAJOR-GENERAL SIR W. GILLMAN, late Chief of the General Staff in Mesopotamia.

Secretary :

BRIGADIER-GENERAL C. M. WAGSTAFF, Royal Engineers.

"It may be of interest if I make a few remarks as to the objects of the Committee. It is considered that the time has now arrived for reviewing our military position in the light of the experience gained during the last five years.

"The system of army administration now in force is the system which was introduced in 1906 on the highest military advice then obtainable, namely, that of Lord Kitchener.

"The sponsors of that system—the then Secretary of State for India and his expert advisers laboured however under an important disadvantage—a disadvantage for which they were in no way responsible—they had not the recent experience of a great war to guide them.

"Needless to say it does not follow that a system which is found workable in peace time will necessarily prove a sound one in war. However smoothly things may run when conditions are normal, defects are liable to disclose themselves under the strain and the altered conditions of actual war.

"The Admiralty system of administration in England has existed for a long period of years without undergoing any radical alteration. This is because it has been handed down from the period of the great naval wars, and because it may be said to be founded on the proved requirements of war. It has seldom been the subject of attack and may be said to have the confidence of the Empire.

"The War Office has not been so fortunate. During the latter half of the last century no other public department came in for so much hostile criticism. Great changes were frequent and stability of administration was not attained until a comparatively recent period.

" Our military system in India has just been subjected to the strain of the greatest war in history. It was but natural that defects and shortcomings should have revealed themselves—in fact it was in the light of what I have said inevitable that it should be so. Nevertheless, in spite of these defects, the system now in force has enabled India to more than double her army in the course of the war and to raise over a million of men. It has enabled her to maintain great Expeditionary Forces overseas and to play a distinguished part in the word-wide struggle now happily ended. To achieve these results, it has been necessary to remedy defects as they appeared; but it will be readily recognized that anything that could be done in this direction was necessarily in the nature of a temporary expedient. Any general revision or reconstruction of the system of military administration had to await the conclusion of the war.

" It now behoves us to turn to the best possible account the invaluable experience acquired during the past five years, experience which has been bought at a great price and which, let us hope, is unlikely to recur in the lifetime of those who have survived. We want to extract the last ounce of benefit from the lessons which the war has afforded us, and to ensure that for the expenditure we incur on the Army of the future, we secure the maximum of efficiency. The best way of doing this is to bring to bear on the problem the best brains and the most recent experience available. The Committee which is about to assemble is composed of men of great ability and distinction, and all of them have special qualifications for the work before them.

" It will be the business of the Committee to—

(1) Inquire into and report, with special reference to *post bellum* conditions, upon the administration and, where necessary, the organization of the Army in India, including its relations with the War Office and the India Office, and the relations of these two Offices with one another.

(2) Consider the position of the Commander-in-Chief in India in his dual capacity as Commander-in-Chief and Member of the Executive Council, and to make recommendations.

(3) Consider and report upon any other matters which they may decide are relevant to the inquiry.

" It will be realised that the problems with which the Committee has to deal are difficult and complex, and that their task is one of great magnitude; but I think that this Council and the public may rest assured that the matter is in thoroughly competent hands.

" The Hon'ble Member has suggested that there is a desire in Indian circles, and more especially among the Indian elected Members of this Council, to provide for the safeguarding of Indian interests, particularly as regards military expenditure, by appointing an additional Indian Member to the Committee. I can assure him that this is a function that can safely be left to the Government of India, and that there is no necessity for going beyond the terms of his Resolution. Nevertheless, if any Members of this Council are anxious to explain their views in regard to military expenditure or any other matter coming within the scope of the Committee's inquiry, I have no doubt that the latter will be glad to examine them and consider their recommendations."

The Hon'ble Pandit Madan Mohan Malaviya :—" Sir, I am disappointed at the reply which the Hon'ble Sir Alfred Bingley has given. It was well known very long before notice of this Resolution was given by the Hon'ble Mr. Sinha that our Hon'ble Colleague Malik Sir Umar Hayat Khan was to be a member of this Committee. Without saying one word 1-52 P.M.

regarding his qualifications as a military man, I may say in this Council without a semblance of disrespect or discourtesy to him that the announcement did not satisfy the Indian public interested in the question of the proper and efficient administration of the Indian Army. And not only was dissatisfaction expressed in this country, but I think the Hon'ble Mr. Chintam, the editor of the 'Leader' wrote an article in the 'Times' or some paper expressing that view. Now it was in order to give expression to those sentiments that the Hon'ble Mr. Sinha gave notice of his Resolution. He has not said one word against the Hon'ble Sir Umar Hayat Khan, nor do I wish to say one word against him as regards his qualifications to express an opinion upon military matters. But it will be recognised by the Council that the questions which have been referred to this Committee, which I am glad will be presided over by Lord Esher, are of very deep importance to the people of this country as a whole. The Government have recognised the importance of this question by nominating a very strong Committee. There are eight gentlemen who represent the civil and military elements among the European element. Now there is one Indian member on this Committee. Putting aside everything regarding the high qualifications of the Hon'ble Sir Umar Hayat Khan as a military man, I ask the Council, I ask the Hon'ble the Army Secretary to say whether he is satisfied that this is fair, whether in a matter of such public concern to the people of India, for we Indians constitute a large fraction of the Indian Empire, we Indians pay the taxes which support the Army, we supply effective soldiers and labour and we are affected by mismanagement and inefficiency, in the medical or other services which are a necessary part of the army administration. We Indians are deeply and vitally interested in the question. Is it right, is it fair of the Government to take only one Indian member to represent the Indian point of view and to put forward the Indian point of view? I submit that it is not. The bulk of the Army is Indian; Indians are interested, they suffer along with their British fellow subjects from mismanagement in the Army. We have had complaints of mismanagement in Mesopotamia; there have recently been complaints about the medical arrangements in the Afghan war. Did Indians suffer or did they not suffer? Look at the question from any point of view, look at it from its military aspect, it affects Indians much more than their British fellow-subjects, look at the financial aspect, it will be seen that it affects the Indians much more than their European fellow-subjects; look at it from the medical or any other aspect and you will find that Indians are more deeply and vitally affected than Europeans. Therefore it is only fair that this Committee should be increased by an Indian. I do not complain of any member who has been appointed, but you owe it to the public to put on some other Indian gentleman who may be able to watch the inquiry from the point of view of the general Indian public. It may be said that the questions to which Sir Alfred Bingley referred will be purely questions for military experts. Military experts will be wanted there and, they are there, but there are other questions which affect the general civil population. In England, as the Hon'ble Mr. Sinha pointed out, military questions are not left entirely to the military. Military men are very good and they deserve our gratitude for the sacrifices they make and for the dangers to which they are expo ed. But I may be permitted to remark that there are questions which are not purely expert in their character; there are questions in which civilians may be allowed without being considered impertinent to offer an opinion. Such questions are discussed in the English Parliament times without number. Was not this great system which you are going to rectify the result of a discussion between a civilian Lord Curzon and a military man Lord Kitchener? Has not the experience of the war shown that the views held by Lord Kitchener were not correct and that there was much in the views of a civilian like Lord Curzon to commend themselves to the consideration of military men? If this was so you cannot dispense with the views of civilians. You cannot dispense with the views of Indian public men, are they not interested, have they not sons and relations who have fought in the war? Have these men not contributed towards the success that has been achieved by His Majesty's arms in the war?"

It being 2 o'clock:

The Vice President.—"I am afraid I must call upon the Hon'ble Member to resume his seat."

The Council then adjourned to Wednesday, the 24th September 1919, at 11 A.M.

SIMLA;
The 2nd October, 1919.

H. M. SMITH,
Offg. Secretary to the Government of India,
Legislative Department.

Appendix A.

[*Referred to in answer to question No. 9.*]

		Date.	Note circulation.	Coin and bull
			£	£
United Kingdom	Bank of England	6th August 1919	80,128,070	86,149
	Treasury notes	Ditto	340,441,000	28,500
	Bank of Japan	28th June 1919	105,652,000	70,476
United States of America	Federal Reserve Bank	4th August 1919	501,364,000	417,696
	Bank of France	7th August 1919	1,410,339,000	234,650
	Bank of Italy	20th May 1919	370,607,000	59,665

APPENDIX B

[Referred to in answer to question No. 20.]

Statement showing sickness and mortality among prisoners of all classes in jails in the various provinces in the calendar years 1917 and 1918.

Province.	Ratio per mille of average strength of					
	Admission into hospital.		Daily average sick.		Deaths from all causes both in and out of hospital.	
	1917.	1918.	1917.	1918.	1917.	1918.
Madras	439·53	523 04	14·75	17·89	15·49	26·91
Bombay	740·08	1,010·7	25·0	27·9	18·7	58·5
Bengal	1,161·0	1,462·7	51·7	57·4	15·8	21·3
United Provinces	371·1	675·7	18·5	25·6	13·2	46·1
Punjab	998	1,285	38	49	26·66	60·75
Burma	236·51	556·16	15·19	23·32	19·0	25·59
Bihar and Orissa	929·9	1,497·5	43·1	71·9	32·9	63·4
Central Provinces	289 81	714·99	11·02	22·47	18·89	47·33
Assam	854·22	1,118·75	38·47	49·69	13·23	21·42
North-West Frontier Province ...	1,082	1,077	26	34	23·13	55·75
Delhi	1,355	1,521	46	68	18 04	63·68
Coorg	513·26	592·00	25·42	24·39	12·22	23·68

392LD—750—7-10-19—GCPS

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday, the 24th September, 1919.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 45 Members, of whom 37 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Sachchidananda Sinha asked :— 11 A.

Articl the I *Social Reform* and T *of Indi* increa salari

1. " (*a*) Has the attention of the Government been drawn to a contributed article in the *Indian Social Reformer* of Bombay of August 17th last, headed 'The Epidemic of Increased Salaries' and to an editorial note thereon in the same issue of that paper headed 'Economy in Public Expenditure' in the course of which it is stated that 'in our opinion the prospects of the success of the Reform Scheme are gravely imperilled by these measures' (increase of salaries)?

(*b*) Has the attention of the Government been drawn to the following observations on the same subject in the *Times of India* in its issue of November 1918:

> 'Unless there are radical changes, one effect of this scheme (of Reforms) will be largely to increase the expense of the administration at the top, when any reasoned survey of the Indian administration must show that it is already too expensive at the top and not expensive enough at the bottom. It would not be unfair to describe the Indian administration as one where very large

> salaries, with very costly additions like migrations to the hills and other heavy expenses are provided for those at the top, whilst in very few cases are those at the bottom paid a living wage. None can study this question without being convinced that the greatest need of the day is economy at the top and greater expenditure at the bottom ; unless there is a radical change in our ideas, these inequalities will be perpetuated and extended.'

(*c*) Will Government be pleased to state the names of the various services, the scale of salaries of the members of which has been increased since the publication of the Report of the Public Services Commission, the amount of increase in each grade of the various services so affected for the better and the total additional cost to be incurred as the result of the reorganization schemes already sanctioned ?

(*d*) Which are the services schemes for the reorganization of which are at present under consideration or in contemplation ?

(*e*) Do Government propose to increase the salaries of the members of all the services that are as a rule recruited in Great Britain and Ireland, or is there any one of these which it is not proposed to bring under the salary-increasing reorganization scheme ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) and (*b*) Government have seen the articles referred to.

(*c*) The attention of the Hon'ble Member is drawn to the reply given by the Hon'ble Mr. Howard to the Hon'ble Rao Bahadur B. N. Sarma on the 12th instant. In the case of most of the services mentioned in that reply grades have now been abolished, and it is therefore impossible to work out the definite comparison of cost asked for.

(*d*) All the services detailed as annexures I to XXIV of the Report of the Public Services Commission are, as the result of that Report, the subject of consideration.

(*e*) There is no general scheme for increase of salaries as suggested in the question—The case of each service is being examined separately as the result of the recommendations of the Public Services Commission. The majority of the cases have been submitted for the orders of the Secretary of State ; and the recommendations made refer not only to those sections of the Imperial Services, which are recruited in the United Kingdom, but also to those sections which are recruited in India, and to the provincial services. The Secretary of State has in a recent answer given in the House of Commons stated that he will deal with all these cases as expeditiously as possible, and the decisions arrived at will be made public as soon as they are communicated to the Government of India. In these circumstances, it is not possible to give any more definite information as to the proposals of the Government of India in the case of each service. "

The Hon'ble Mr. Sachchidananda Sinha asked :—

Speech delivered by the Hon'ble Sir Benjamin Robertson in connection with the Afghan War.

2. " Has the attention of Government been drawn to the following passage in the speech of the Hon'ble Sir Benjamin Robertson delivered by him on the 22nd of July last, as the President of the Legislative Council of the Central Provinces :—

' If India would have to pay a heavy bill for the Afghan War, she will only be paying for the agitation against Government which influenced the Amir in his foolish enterprise.'

(*b*) Have Government in their possession any statement made by the Amir that he was either going to invade India or had done so in view of or because of any '.agitation against Government' by the educated classes of Indians? If so, will Government be pleased to quote the said statement, or to lay it on the table?

(*c*) If the answer be in the negative, do Government propose to inquire from the Hon'ble Sir Benjamin Robertson the basis or justification for the said observations and to embody the same in the reply to this question? If not, will Government be pleased to state their reasons?

(*d*) Do Government propose to discourage agitation by the Indian people for constitutional reforms because the Amir or any other head of a foreign State may be able to make it a pretext for embarking on a 'foolish enterprise'? If not, do Government propose to make a statement to that effect?"

The Hon'ble Sir William Vincent replied :—

"(*a*). The Government of India have seen a passage, which the Hon'ble Member has not quoted accurately, from the speech referred to.

(*b*) The Hon'ble Member is referred to paragraph 3 of the Home Department Resolution of May 10, 1919.

(*c*) Does not arise.

(*d*) The Government of India do not consider that the question of constitutional reforms is relevant."

The Hon'ble Mr. Sachchidananda Sinha asked

Instructions to Magistrates re: declaration and demand of security from newspapers.

3. "Will the Government be pleased to state whether any instructions have been issued to Magistrates that they are to call for a report from the police and the Criminal Intelligence Department (commonly known as the C. I. D.), concerning any person applying for a declaration regarding either a press or a newspaper or a periodical and are to be guided by that report in deciding the question of declaration and the demand of security?"

The Hon'ble Sir William Vincent replied :—

"The Government of India are not aware of any such instructions."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Number of newspapers periodicals and presses dealt with under the Press Act, 1910.

4. "Will Government be pleased to lay on the table an up-to-date statement showing :—

(*a*) the total number of newspapers and periodicals and presses respectively dealt with under the Press Act of 1910;

(*b*) the names of such newspapers, periodicals and presses, together with the names of their printers, keepers, publishers or editors;

(*c*) the place, province and the language in which such papers and periodicals were or are printed, and the place at which the presses were or are located;

(*d*) the nature of the penalty imposed upon each under the said Act giving reasons for the same;

(*e*) the name of newspapers, periodicals and presses which ceased to exist as a result of the action taken; and

(*f*) the names of newspapers, periodicals and presses which could not start at all in consequence of the demand of security or refusal to grant the required declaration?"

The Hon'ble Sir William Vincent replied :—

"The Hon'ble Member's attention is invited to the statements laid on the table on March 12th, 1917. Information for the years 1917-1919 will be collected and presented when ready."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Papers, journals and periodicals proscribed by Government.

5. "Will Government be pleased to lay on the table a statement—

(*a*) showing the names of papers, journals and periodicals the circulation of which has been proscribed in the various provinces from time to time, the date of the order of proscription and the name or designation of the authority which passed the said order, and

(*b*) indicating the papers, journals or periodicals against which the ban still continues in one or more provinces?"

The Hon'ble Sir William Vincent replied :—

"The Government will cause information regarding the action taken during the past three years to be laid on the table during the Delhi Session. They trust that the Hon'ble Member will be satisfied with this limitation of the range of his inquiry."

The Hon'ble Mr. Sachchidananda Sinha asked :—

The Seditious Meetings Act.

6. "(*a*) Is the Seditious Meetings Act in force in the Lahore and Amritsar districts of the Punjab?

(*b*) Is it not a fact that both these districts have been completely free from any disturbances for over four months?

(*c*) If so, do Government propose to take any steps in the matter of the withdrawal of the operations of the said Act from these districts? If not, why not?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*) The answer is in the affirmative.

(*c*) In view of the recent occurrences in these two districts, the Government of the Punjab considers that the unrestricted holding of public meetings might cause excitement and possibly result in disturbances. It does not therefore propose to withdraw the notifications issued under Act X of 1911 at present."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Deportation of Dr. Ghosh of Peshawar to Burma.

7. "(*a*) Has one Dr. Ghosh of Peshawar been deported to Burma? Have any other persons been deported from Peshawar to Burma? If so, how many and when have they and Dr. Ghosh been deported?

(*b*) Will Government be pleased to state the circumstances justifying the deportation of Dr. Ghosh and such other persons? How long is it proposed to keep them so deported?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes. Dr. Ghosh and twelve others were deported from Peshawar to Burma on 13th of May last.

(*b*) The persons deported were persons who had been active in fomenting feeling against Government and were thereby directly or indirectly assisting the King's enemies. They had created a state of excitement in the city and its environs which could not be tolerated when war was in progress on the adjacent frontier and when enemy agents were present and active in the city itself. It is reported that there was a plot for mobs to break out and damage a number of buildings and stores of vital military importance in Peshawar, on hearing that fighting had commenced at Landi Kotal. It was consequently decided to surround the city with a cordon of troops and to arrest certain prominent enemy agents, and at the same time to remove the persons referred to in the question whose activities were a support and encouragement to such agents. The arrests were effected with some difficulty. Arrangements have been made for the immediate release of ten of the thirteen men, and the other three will probably be released shortly."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Industrial ventures.

8. "(*a*) Has the attention of the Government been drawn to the following statement in an editorial paragraph headed 'Occasional Notes' in the *Statesman* of September 6th 1919 :—'The past few months have seen a prodigious investment of capital in new industrial ventures, some of them Indian controlled'? Is this statement correct?

(*b*) Will Government be pleased to lay on the table a statement showing, year by year, the names of the joint stock limited liability and private limited liability companies registered in British India during the last two years (August, 1917 to July 1919) or up to such other period for which statistics may be available—the amount of the nominal capital of each and the constitution of the directorate of each as showing whether it is a foreign or an Indian concern?

(*c*) Is it not a fact that by far the larger number of these companies and an overwhelmingly large percentage of the capital subscribed are owned and controlled by natives of the United Kingdom of Great Britain and Ireland?

(*d*) Have Government in their possession any material tending to show that the announcement made by the Secretary of State for India, on the 20th of August, 1917, as to the gradual establishment of responsible government in this country, has deterred the United Kingdom capitalists from making investments in this country since the date of that declaration? If so, will Government be pleased to state the same or to lay it on the table."

The Hon'ble Sir George Barnes replied :—

"(*a*) The only official knowledge which Government possess with regard to the subject-matter of the paragraph in question is contained in the monthly returns of new companies registered, issued by the Department of Statistics, copies* of which I lay on the table.

As regards the second part of the question I lay on the table* monthly returns from August 1917 to July, 1919, issued by the Department of Statistics, which give the names of the Joint Stock companies and Private Limited Liability companies registered during this period, and the amount of the authorised capital of each company. These statistical returns do not show the constitution of the directorates, but a list of directors is in each case filed with the Registrar of Joint Stock companies and is open to the public.

With regard to the third part of the question I invite the Hon'ble Member's attention to the reply given by Sir Thomas Holland on the 21st of March 1919 to a somewhat similar question asked by the Hon'ble Maharaja Sir Manindra Chandra Nandi of Kasimbazar, a copy* of which I lay upon the table for the Hon'ble Member's convenience. It will be seen from the figures given by Sir Thomas Holland for the six months ending the 31st of January 1919, that it was estimated that out of the 113 companies registered, 65 were promoted by Europeans, 44 by Indians and 3 by Europeans and Indians together. The Government have no reason to think that the relative proportions have varied widely during the last few months.

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*Not included in these Proceedings.

With regard to the fourth part Government have no reason to believe that the announcement of the 20th August 1917, has deterred capitalists of the United Kingdom from making investments in this country."

The Hon'ble Mr. Sachchidananda Sinha asked :—

The Bengal and North Western Railway.

9. "(*a*) Is it a fact that there was recently a strike on a fairly large scale by the employees of the Bengal and North Western Railway ? If so, will Government be pleased to state the circumstances under which the strike occurred, the reasons urged therefor by the employees, the terms on which the strike was brought to a close and any other matters of public interest connected with the same ?

(*b*) Are Government aware that there has been for a long series of years amongst the public of Bihar and of the United Provinces very great dissatisfaction with the working of the Bengal and North Western Railway and that at several sessions of the Provincial Conferences of both the above mentioned provinces, resolutions have been unanimously passed condemning the administration of that railway for the unpunctuality of its train services, the want of adequate passenger accommodation, especially for those travelling in the third class, the absence of proper arrangements for lighting the trains and platforms and supplying water to passengers at stations, and for failing to provide the necessary comforts and conveniences, such as through carriages to even first and second class passengers ?

(*c*) If the answer be in the affirmative, what steps, if any, have been taken to bring about an improvement in the working of that line ? If the answer be in the negative, do Government propose to institute an inquiry into the accuracy of the complaints enumerated above ? If not, why not ?

(*d*) Is it a fact that of the large and important lines in this country, the Bengal and North Western is the most cheaply worked and that it pays the highest dividend to its share-holders ? Is there any other line of equal length which has paid during the last ten years a higher dividend ? If so, which and when ?

(*e*) Is it a fact that a large number of shares in the Bengal and North Western Railway are held by a peer or his family ? If so, who is that peer, and how many shares does he or his family hold out of the total number ?

(*f*) Are Government aware of the popular impression that the Government of India are unable to interfere with the administration of the Bengal and North Western Railway because of the great influence exerted on the Home Government by the said peer or his family ? If so, is there any basis for the said impression ? If not, do Government propose taking steps to improve the administration of the line ? If not, why not ?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) The majority of workshop employees and a portion of the traffic staff of the Bengal and North Western Railway went on strike on the 28th and 31st

August, respectively. The Agent of the Railway has reported that no previous signs of disaffection had been shown nor had petitions been received from the workshop employees, while in the case of the traffic staff a new scale of pay had been framed and was about to be issued. The traffic staff resumed work from the 1st September and the revised scales of pay are now in force. The workshop staff have now resumed work unconditionally.

In reply to (*b*) and (*c*), individual complaints regarding this line have been received by the Government of India. The question of punctuality is one which receives constant attention, but the railway is a difficult one to work on account of the many junctions which exist on the system, a large proportion of which are foreign, and the consequent liability of through trains to detentions if connections are to be maintained. I may explain for the information of the Hon'ble Member that the railway is inspected on behalf of Government once a year. The Inspector has instructions to report on such matters as directly affect the public, namely, conveniences for third class passengers, waiting rooms, refreshment rooms and so forth, and copies of the reports for the year ending 31st March 1919 are laid on the table. Government take such action on these reports as they may consider necessary in the interests of the travelling public, but if the Hon'ble Member will bring to the notice of the Railway Board any specific cases in which public interests are considered to have been neglected on the Bengal and North Western Railway, they will be carefully investigated.

(*d*) It is not a fact that the percentage of working expenses to gross earnings is lower on the Bengal and North Western Railway than on any other important system, nor are the dividends declared by that company the highest. The ratio of working expenses to gross receipts is lower on the East Indian Railway, while dividends declared by the Southern Punjab Railway are higher than those distributed by the Bengal and North Western Railway. The Southern Punjab is, it is true, worked under special terms by the North Western Railway, but the percentage of gross receipts retained by the working railway is greater than that at which the Bengal and North Western is worked. For complete information as to the relative working costs and net earnings of Railways, I would refer the Hon'ble gentleman to the Administraion Report issued by the Railway Board.

(*e*) and (*f*) Government have no information, nor are they aware that any impression such as that referred to by the Hon'ble Member exists in the public mind. It may be noted that the Bengal and North Western Railway proper has been constructed entirely out of funds provided by the general public, and does not enjoy any guarantee or other financial assistance from Government."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

10. "Will Government make a statement showing, province by province, the progress made in the matter of development of agricultural and other economic resources of the country, in pursuance of the resolutions adopted at the War Conferences held at Delhi and at the different Provincial headquarters ?"

Development of agricultural and other resources.

The Hon'ble Mr. R. A. Mant replied :—

"The Hon'ble Member's question can conveniently be dealt with in two parts :—

(*a*) The development of agricultural resources ;

(*b*) The development of other economic resources.

With regard to (*a*) the detailed information asked for is not in the possession of the Government of India. The failure of last year's monsoon, however, rendered it almost impossible, and the subsequent cessation of hostilities made it unnecessary to develop the agricultural resources of the country with special reference to war needs.

With regard to (*b*) it is impossible to say precisely which of the industrial activities of the Indian Munitions Board, of the Provincial Industries Departments, and of Controllers of Munitions were undertaken in consequence of the War Conferences, and which in pursuance of their pre-existing scheme of work. An account of all these activities is, however, given in the Indian Munitions Board Handbook which explains what has been done to develop India's industrial resources for war purposes; describes some of the general industrial development which has taken place during and on account of the war; and discusses the possibility of further development in future."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Imperial Customs Service.

11. "(*a*) How many subordinates have been appointed in the Customs Imperial Service by nomination, since 1910?

(*b*) How many of these are Indians? Which posts were they selected from?

(*c*) How many Indians are there at present in the Appraisers' Department of the Calcutta Customs House? What proportion does the number bear to the total strength? Has it come up to the figure laid down by the Secretary of State yet?

(*d*) Were any of these ever promoted to the Imperial Service?"

The Hon'ble Sir George Barnes replied :—

"(*a*) Since 1910, only one officer from the subordinate Customs Services has been permanently appointed to the Imperial Customs Service by nomination.

(*b*) He is not an Indian and was selected from the Bombay Customs Preventive Service.

(*c*) The present strength of appraisers in the Calcutta Custom House is 27, and the Bengal Civil List shows that out of these 8 are Indians. The Secretary of State for India has not laid down any rule regarding the number of Indians to be employed in the Appraisers Department.

(*d*) None of them have ever been permanently promoted to the Imperial Customs Service."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Admission of Indians into the Appraisers' Department.

12. "Will Government be pleased to state whether the orders of the Secretary of State governing the admission of Indians into the Appraisers' Department of the Calcutta Customs House have any reference to the Preventive Service as well?

(*a*) Is it a fact that the Preventive Service has not been thrown open to Indians?

(*b*) Have any applications for appointment in that service been received from Indians?

(*c*) If so, will the Government be pleased to state how those applications have been disposed of?"

The Hon'ble Sir George Barnes replied :—

"Rules based on the first Public Services Commission Report, and permitting the appointment of Indians to both the Appraising and Preventive branches of the Customs Service, were framed by the Bengal Government and approved by the Government of India and the Secretary of State in 1891. As regards the latter branch the Bengal Government represented to the Government of India in 1900 that preventive officers were subject to great exposure in all weathers, that the conditions of their service were such that no ordinary native of Bengal would be able to discharge the duties adequately, and that in fact no application from an Indian for appointment in the Preventive Service appeared ever to have been received by the Government of Bengal. The Government of India, while considering that there were practical objections to the appointment of an Indian, save in exceptional circumstances, to be a Preventive Officer, were of opinion that the time had come when the Government of Bengal should try the experiment of appointing more Asiatics to Appraiserships, as in Bombay. In 1909, at the instance of the Secretary of State, the Government of India invited the attention of the Government of Bengal to the above-mentioned orders, and requested them to issue necessary instructions to the Collector of Customs, Calcutta, with a view to the adoption of the principles which were decided on in 1900.

"The Government of India have no information with regard to points (*b*) and (*c*). The control of the Preventive Service rests with the Local Government who make all appointments thereto."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Customs Club.

13. "(*a*) Is it a fact that the Customs Club is housed free in a Government building and that the Superintendent of the Preventive Service is the ex-officio President of the Club?

(*b*) Are Government aware that a rule has recently been passed by this Club rendering Indians ineligible for membership?"

The Hon'ble Sir George Barnes replied :—

"(*a*) In 1916, the Government of Bengal made certain proposals for the construction of quarters for the junior members of the Calcutta Preventive Department subject to the condition that the scheme would not be carried out until financial exigencies permitted and the necessary funds were available. They proposed to provide for a Recreation Room, a Reading Room and a Billiard Room on the premises. The scheme was accepted by the Government of India, but, as far as they are aware, the quarters in question have not yet been constructed.

(*b*) The Government of India have no information on the point."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Memorial for increase of pay by the Preventive Officers.

14. "(*a*) Is it a fact that the Preventive Officers of the Calcutta Customs House have submitted memorials to the Government of India for an increase in their scale of pay on the ground of their present emoluments being insufficient?

(*b*) Are Government aware that qualified Indians are available for service as Preventive Officers on the existing scale of pay?"

The Hon'ble Sir George Barnes replied :—

"(*a*) No memorial has been received by the Government of India from the Preventive officers of the Calcutta Customs House for an increase in their scale of pay for a number of years past until two days ago, when a memorial was received from them through the Government of Bengal for the substitution of an incremental system of pay for the present graded system, on the grounds that the latter has now become obsolete and that the present rate of pay is no longer sufficient owing to the high cost of living at the present time.

(*b*) The Government of India are not aware that any qualified Indians are available for service as Preventive Officers on the existing scale of pay. They understand that the question of appointing Indians to this branch of the Custom House has been engaging the attention of the Collector of Customs for a considerable time lately, and that that Officer reports that, though he has interviewed one or two likely candidates, he has not found anyone who could be regarded as suitable for the Service."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Register of applicants for appointment to the Preventive Service.

15. "(*a*) Is it a fact that the Superintendent of the Preventive Service keeps a register of applicants for service in the department in which they are divided into two classes :— (*a*) Educated and (*b*) Uneducated?

(*b*) If so, how many of class (*b*) are now in the Department?"

The Hon'ble Sir George Barnes replied :—

"The Preventive Service is under the control of the Local Government and the Government of India have no information on the subject."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Indian Preventive Officers.

16. "(*a*) How have the non-Indian Preventive Officers worked in the Calcutta Customs House?

(*b*) How many of these have been dismissed, suspended or compelled to retire during the last twelve months for suspected smuggling or acceptance of bribes?

(*c*) Are there Indian Preventive Officers in the other ports?"

The Hon'ble Sir George Barnes replied :—

"The answer is the same as to the previous question, namely, the Preventive Service is under the control of the Local Government and the Government of India have no information on the subject."

The Hon'ble Mr. W. E. Crum asked :—

Expenditure of Indian Revenue on the Imperial Institute.

17. "With regard to the statement in paragraph 132 of the Report of the Industrial Commission that there is no longer any justification for the expenditure of Indian revenue on the Imperial Institute, will Government be pleased to state :—

(*a*) what annual grant is paid to the Imperial Institute ;

(*b*) whether they are aware that it is held in certain quarters that the work of the Imperial Institute is of considerable value to merchants ; and

(*c*) whether they will consult Chambers of Commerce before taking action in the matter ?"

The Hon'ble Mr. R. A. Mant replied :—

"(*a*) An annual grant of £1,300 is paid to the Imperial Institute from Indian revenues, namely :—

	£
(1) a maintenance grant to cover all charges in connection with the Indian Section other than the Scientific and Technical Department of the Institute.	1,000
(2) For the Scientific and Technical Department ...	200
(3) Half the pay of the Indian representative appointed by the Secretary of State on the Managing Committee of the Institute.	100

The institute also enjoys the interest on a special sum of £34,000 contributed by India, which was invested as an Endowment Fund.

(*b*) The Government of India are aware that the Imperial Institute is occasionally consulted by merchants in India, but they anticipate that inquiries on commercial subjects will in future be addressed mainly to the Indian Trade Commissioner in London who has been appointed for the special purpose of giving assistance of this nature.

(*c*) The Government of India are in correspondence with the Secretary of State on the subject of continuing their contributions to the Institute, and they cannot at present give any undertaking on the subject ?"

The Hon'ble Rai Sahib Seth Nathmal asked :—

Indian People's Famine Trust Fun

18. "What is the present financial position of the Indian People's Famine Trust Fund ? How much money from the Fund has been allotted during the present scarcity and famine season and to what provinces, and what were the amounts allotted to each such province."

The Hon'ble Mr. R. A. Mant replied :—

"Owing to the absence on tour of the Honorary Secretary to the Fund I am unable to give an accurate statement of its present financial position, but I lay on the table a statement* showing the assets of the Fund on the 31st

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*Not included in these Proceedings.

December 1918. On that date the Endowment Fund was Rs. 28,10,000 and the other assets amounted to Rs. 12,89,032-10-3. During the present famine and scarcity the following allotments have been made :—

	Rs.
Bombay	4 lakhs.
United Provinces	3 lakhs.
Central Provinces	1 lakh.
Madras	20,500."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Unclaimed balances in Banks.

19. "(*a*) Is it a fact that there are large unclaimed balances left with the various banks and assurance companies throughout India, that the amounts in most cases have been unclaimed for generations past, and that the amounts have been absorbed by the banks and included in their assets ?

(*b*) Do Government propose to cause a return to be made by the various banks of the balances left with them as unclaimed during the past twelve years and take steps to recover the amounts as having escheated to the Crown and at the same time make legal provision absolving the banks from any future responsibility to claimants once the deposits or claims have been made over to the Government after the statutory period ? "

The Hon'ble Sir George Barnes replied :—

"The Government of India have no information regarding the unclaimed balances left with the various banks and assurance companies. The point raised by the Hon'ble Member will, however, receive consideration."

The Hon'ble Rai Sahib Seth Nathmal asked :—

The Influenza Epidemic.

20. "(*a*) What was the number of deaths in the various provinces during the period of last influenza epidemic ?

(*b*) What sum, if any, was allotted by the Government of India for the relief of distress to the various provinces ?

(*c*) How much money has been spent by the various Local Governments, from the provincial funds, and how much by the local bodies from their own resources ?

(*d*) Do the Government of India propose to place at the disposal of the Local Governments substantial grants from their funds and also to instruct the Provincial Governments to help the local bodies to the fullest extent to relieve distress ? "

The Hon'ble Mr. Shafi replied :—

"(*a*) The number of deaths from all causes during the period of the influenza epidimic of 1918 is shown province by province aud month by month in the statement* which is placed on the table.

(*b*) No application for financial assistance was received from any province, and consequently no allotment was made by the Government of India.

(*c*) The information, as far as available, is to be found in the reports of Sanitary Commissioners. Further information will be requested and the replies, when received, will be laid on the table.

**Vide* Appendix A.

(d) Expenditure on combating epidemics such as influenza, forms a charge upon provincial revenues. The Government of India are able to assist by the supply of influenza vaccine. The steps which have been taken by the Government of India in this and other matters are explained in a circular letter from the Education Department no. 441, dated 14th July 1919, which was published at the time. It will be seen that Provincial Governments were asked to assist local bodies in the distribution of vaccines. It also appears from the reports of Sanitary Commissioners that during the epidemic of last year Local Governments gave assistance to local bodies. Thus, in the Central Provinces, grants amounting to Rs. 2,60,000 were made for this purpose and in the United Provinces all applications for financial assistance received from local bodies were immediately sanctioned in full."

Printing Presses and Newspapers.

21. "What is the number of the printing presses and newspapers against whom action has been taken (a) since the 30th March, 1919, (b) since the commencement of the war, and the nature of such action and the amount of security forfeited?"

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member is referred to the answer given to a similar request for information made by the Hon'ble Mr. Sachchidananda Sinha."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Rate of exchange in fixing the salaries of Europeans in departments of the Government.

22. "(a) Will Government be pleased to state whether in originally fixing the salaries of Europeans in the various departments of Government, the exchange value of the rupee was taken into consideration and, if so, at what rate it was so taken ?

(b) Will Government be pleased to state whether in fixing the increase in the emoluments of Europeans in (a) the Indian Civil Service (b) the Army and (c) the other services, the salaries and allowances and pensions payable were fixed in sterling and then converted into rupees, and, if so, at what exchange rate they were so fixed ?"

The Hon'ble Mr. H. F. Howard replied :—

" (a) Without a very exhaustive search into old records, it would not be possible to say whether, when salaries of Europeans in the various departments of Government were originally fixed, the exchange value of the rupee was taken into consideration; but the Hon'ble Member will readily recognize that not only would the search be very laborious, but even should it appear that in some cases this was a factor in deciding pay, it would have little bearing on present circumstances, since not only have rates of pay been frequently revised in the interval without reference to this factor, but the purchasing power of the rupee has greatly varied.

(b) In no case in which recommendations have been made of recent years for the increase of pay of Europe recruited members of the services has the general principle been followed of fixing salaries or pensions in sterling and subsequently converting them into rupees. Such recommendations as have been made are based on the purchasing power of the rupee in India."

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

11-24 A.M. **The Hon'ble Sir George Lowndes:**—"My Lord, I have the honour to present the Report of the Select Committee on the Bill further t amend the Provincial Insolvency Act, 1907."

THE INDIAN ARMS (AMENDMENT) BILL.

11-25 A.M. **The Hon'ble Sir William Vincent:**—"My Lord, I mov that the Bill further to amend the Indian Arms Act, 1878, be taken into consideration.

"I may take the opportunity of informing the Council, with referenc to the remarks made by the Hon'ble Major Sir Umar Hayat Khan Tiwan and the Hon'ble Mr. Sinha on a previous occasion, that we are consultin Local Governments on the specific questions referred to by them."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move tha the Bill be passed."

The motion was put and agreed to.

THE INDIAN COINAGE (AMENDMENT) BILL.

11-26 A.M. **The Hon'ble Mr. H. F. Howard:**—"My Lord, I beg to move tha the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration.

"I need only add to what I said the other day that specimens of the new four and eight-anna nickel coins have now been prepared and are available for any Hon'ble Members to see, who would be interested to do so."

The motion was put and agreed to.

The Hon'ble Mr. H. F. Howard:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE CANTONMENTS (AMENDMENT) BILL.

11-27 A.M. **His Excellency the Commander-in-Chief:**—"My Lord, I beg to move that the Bill further to amend the Cantonments Act, 1910, be taken into consideration."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill be now passed."

The motion was put and agreed to.

THE CINEMATOGRAPH (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill to amend the Cinematograph Act, 1918, be taken into consideration. 11-27 A.M.

"This Bill has been published since I introduced it and I have received no amendments or criticisms from any Members of this Council."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN COMPANIES RESTRICTION REPEALING BILL.

The Hon'ble Mr. H. F. Howard:—"My Lord, I move that the Bill to remove the restrictions imposed on the withdrawal of capital from the money-market by Companies be taken into consideration." 11-28 A.M.

The motion was put and agreed to.

The Hon'ble Mr. H. F. Howard:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN MERCHANT SHIPPING LAW AMENDMENT BILL.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill further to amend the Indian Merchant Shipping Acts, 1859 and 1883, be taken into consideration." 11-29 A.M.

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill be now passed."

At this point the Hon'ble Mr. Sarma rose.

The President:—"I am afraid the Hon'ble Member is too late. The Council has assented to the motion that the Bill be taken into consideration."

The Hon'ble Sir George Barnes:—"I think my Hon'ble friend is under the impression that we are dealing with the next Bill on the list."

The Hon'ble Rao Bahadur B. N. Sarma:—"I am sorry.

The motion was put and agreed to.

THE IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

11-30 A.M. **The Hon'ble Sir George Barnes** :—"My Lord, I beg to move that the Bill to extend the operation of, and otherwise to amend, the Import and Export of Goods Act, 1916, be taken into consideration."

11-31 A.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"My Lord, I earnestly request the Council to take into consideration the question as to whether it would not be well to postpone the consideration of this important Bill to another date. My Lord, I must confess that I had not the Act with me when this Bill was introduced on the last occasion, and I did not realise the importance of the subject at the time. The time at my disposal was so very short, that I could hardly understand the true significance of this Bill. I venture to say that this Bill is one of the most important of the Bills that has been introduced during this Session into this Council, because it enables the Governor General in Council to continue the policy which was in force during the war and which has been allowed to be in force for six months after the war for another period of two years and a half. Under this Act XI of 1916 the Governor General in Council may by notification in the Gazette of India prohibit or restrict in any way he may specify in such notification the import or export of all or any goods or any class of goods from or to any country or place or from or to any person or class of persons. This gives very wide powers and affects the commercial community very closely. I know perfectly well that your Excellency's Government can pass an Ordinance, can also come here with its official majority and carry any measure it likes at any time it pleases. But, my Lord, I pray that sufficient time may be given to the public at large, to the agricultural community which would be affected by this Bill, as well as the Commercial community, to consider what the provisions mean and how they would be affected by them. The Bill was introduced, as I said, only last week; it was directed to be published in English. Well it is too late for me to quarrel on that point. But where was the time for the people to consider and understand the true significance of this Bill? I submit that absolutely no opportunity has been given to the public to understand what the significance of this Bill is. Now, under this Bill the Governor General in Council . . . . .

11-33 A.M. **The Hon'ble Sir George Barnes** :—"May I say one word, my Lord. I understand that the Hon'ble Mr. Sarma's objection is that sufficient time has not been given, and I admit that the time has been very short. The present Act will be in force till the Delhi Session for it remains in force for six months after the end of the war and the official end of the war has not yet arrived. I am willing, therefore, to fall in with the Hon'ble Member's suggestion that the Bill should be postponed till the Delhi Session, if the Hon'ble Mr. Sarma really thinks that any purpose will be served by the postponement."

The Hon'ble Rao Bahadur B. N. Sarma :—"I thank the Hon'ble Sir George Barnes for having consented kindly to postpone the consideration of this Bill till the Delhi Session. I have studied the Bill myself and have formed certain opinions on it; but it is for others than myself that I am speaking, and on their behalf I thank the Hon'ble the Commerce Member for his kindly consenting to postpone this Bill."

The motion was by leave withdrawn.

THE INDIAN PAPER CURRENCY (FURTHER AMENDMENT) BILL.

11-35 A.M. **The Hon'ble Mr. H. F. Howard** :—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Paper Currency (Amendment Act, 1917, and to amend the Indian Paper Currency Act, 1918. The effect of this Bill will be clear to Hon'ble Members from the Statement of Objects and Reasons. Briefly, it proposes to give Government powers firstly to increase their issue of currency notes against securities by 20 crores, raising the maximum from 100 to 120 crores, and, secondly, to hold as part of their paper currency reserve gold acquired by the Secretary of State on their behalf if held in the United States or in transit therefrom to India.

"I wish to say at the outset that it is with great reluctance that the Government have found themselves forced to bring this measure before the Council. I think, however, that I can very shortly convince the Council that they have no other alternative. Briefly, the position is this. During the war we were obliged to meet a very large amount of expenditure by issuing short term debt. That amount of debt has since remained outstanding and has increased. Though I do not pretend that our position is as difficult or critical as it was many times during the war, it has for the past few months been extremely difficult, and in the last week or two it has become absolutely acute, so much so, that the Controller of Currency, who is responsible for the provision of funds at places where they are wanted, is finding it impossible to carry on. I have just referred to our short term debt. The amount of our treasury bills outstanding has for some time past stood at a level of about 50 crores; it dropped a little while the loan was under flotation, but it is now rising again, and we have also been obliged, during the course of the last month or so, to take large ways and means advances from the Presidency Banks; these ways and means advances amount at the present time to Rs. 13 crores. Just to show what sort of difficulty we have to meet, I shall give an account of the position with which we were faced at the commencement of the present month. Our incomings in India were estimated to be no less than 20 crores less than our outgoings, those outgoings including payment of treasury bills amounting to no less than 13 crores. The obvious ways of bridging this gap may be said to be three in number, firstly, by issuing more treasury bills, secondly, by taking further ways and means advances from the Presidency Banks and, thirdly, by securing remittances of gold or silver from the Secretary of State. As regards treasury bills, we have recently increased the rates, and we hope that it may be possible during the current month to cover the September maturities. This, however, is merely postponing the evil day, for most of the fresh bills which we are at the present moment selling are three-month bills which will mature in December. We are thus merely throwing forward our liabilities to a date when matters will probably be still more difficult for us. When the busy trade season comes on and the trade demand for money becomes brisker, there will naturally be more difficulty in meeting these bills.

"Next, as to the advances from the Banks, we took Rs. 8 crores last month and Rs. 5 crores this month; and at present it seems improbable that the Presidency Banks will let us have any more. In fact here again as the busy season goes on, it is more likely that they will have to ask us for repayment of some of the advances already outstanding. The unhappy Finance Department, therefore, is in the position of a juggler who is compelled to spend his life trying to keep a large number of plates in the air at once, none of which he can afford to allow to fall to the ground.

"Turning now to remittances of treasure, the Secretary of State has fortunately been able to secure a substantial amount of gold for us. I need not say anything about silver as, I think, Hon'ble Members are fairly cognizant of the position as regards silver. The Secretary of State has, however, secured a substantial quantity of gold for us and this is, or will shortly be, on the way to India; and we hope we will be able to go on obtaining help in this way. It is for this reason that we are asking Council to allow us to take into account as part of our currency reserve this gold after purchase and while it is in transit. It is of course far less objectionable to issue notes against gold in this way than against securities. While it is in the reserve it forms the best backing that we can have for our notes, apart from our silver rupees, and, when we come to issue the gold or to sell it, it automatically redeems the notes.

"There is a possible fourth method of course of relieving our position, namely, to reduce the amount of Councils which the Secretary of State is now selling, but I am sure that no Hon'ble Member would in the present circumstances, difficult as the exchange position is, wish us to adopt this course. Later on, the position will, we hope (though our hopes are not always realised), become easier if the recent alterations which the Secretary of State has effected in the gold acquisition rate, and the relaxation which he has made in the control and restrictions exercised over exchange, do operate to stimulate the private import of gold. That will of course reduce the demand on us for meeting the Secretary of State's Council drawings.

"Looking a little further forward, October, November and December are all deficit months. In December, as I have just said, we shall have a very large number of treasury bills to meet. I think that we have already about 15 crores of maturities banked up in that month. Unless, therefore, the Secretary of State is able to help us to bring back our funds from London to India more rapidly than we can at present anticipate, the time will come when we shall obviously not be able to carry on; and we shall in that case therefore be driven to fall back on a further issue of notes issued against our funds held in London which will of course then be held in the Paper Currency Reserve in the form of securities. It is just conceivable indeed that we may be able to carry on by hook or crook for another few weeks or even for a month or two; but it seems inevitable that, before this Council meets at Delhi, we shall be obliged to have recourse to the expedient which is now before the Council. We felt that it would be extremely undesirable, with this obvious necessity impending over us, to defer taking these powers till the adjournment, when we should have necessarily to proceed by Ordinance; and we thought that it was essential that we should place our position frankly before the Council, and ask them to give us the necessary powers now. I should like at this stage to express my regret that we have been obliged as it were to spring the matter on the Council at such short notice and ask them to pass this Bill through at a single sitting; but this necessity has arisen from our very reluctance to have recourse to the step we now propose till the last possible moment, and it is for this reason that we have deferred our appeal to the Council until we were absolutely forced to make it.

"I should like, however, to assure the Council that we have no intention of using these powers prematurely. We shall only use them as we require them bit by bit, for we are as much convinced as any Hon'ble Member here present of the undesirability of increasing unduly our fiduciary issues. I can say at once that we have no intention of indulging in an indefinite issue of currency notes which would endanger the stability of our issues and lead to the risk of suspension of their encashment. During all the anxieties of the war we steadily avoided that calamity, for so it would then have been, and managed to carry on, although, as I think, everybody knows, it was a case more than once of 'touch and go.' Now we can reasonably feel confident that the spectre of inconvertibility has been safely laid. We are in a far stronger position now than at any time during the latter part of the war. I will give some comparative figures, for instance, of the amount of our reserves. At the beginning of July last year, that is, when the reserves had been greatly depleted at an anxious time, our total circulation was 115 crores; against that we held a metallic backing of 36 crores only, that representing a percentage of 31. By the middle of September last, that is to say, practically about a year ago, our circulation was 134 crores and the metallic reserve 48 crores, the percentage having risen to 36. Our total circulation is now 169 crores; against that we hold a metallic reserve of 70 crores, the percentage having risen to 41. In other words, during 15 months our metallic reserves have risen two-fold, from 36 to 70 crores. Apart from that, we are at present in a much stronger position as regards encashment in several ways. The unrest and unsettlement of the past years has passed away, the difficulties in respect of our notes have disappeared, and people have got accustomed to them. We also hope that the Secretary of State will now be sending out more gold to help us to build up our reserves, any gold that we are selling being more than set off by this, while our sales of gold should tend to reduce the demand on us for rupees. Last, but not least, of our total reserve at present of 70 crores no less than 32 crores are held in coined rupees, and we have 18½ crores of uncoined bullion, a total of 50 crores of silver, which is far more than our total metallic reserve was a year ago.

"There is, however, another aspect of these possible additions to our currency about which the Council will probably expect me to say something, since this point was raised by Mr. Mant in a debate the other day, namely, their effect on prices. Mr. Sarma, I think, hit the right nail on the head when he expressed the opinion that the real difficulty of our situation in this respect was not merely inflation of currency within India, but consisted in the great inflation of currencies and the serious rise in prices all over the world. With this view I fully agree. To put the matter in the widest way the effect of additions to the currency of an individual country with a world-wide trade is necessarily distributed or dissipated over price levels of the world as a whole. Our additions to the currency have been on a far smaller scale than the additions that have been made elsewhere. This is a very abstruse and technical matter, and I can only touch on the fringe of the technicalities of such a question. Perhaps I can best illustrate India's position by a simile. It is that of a lagoon connected by a channel with the sea. When the tide rises outside the water must flow through the channel into the lagoon, naturally causing its level to rise till it reaches the sea level. This is what would have happened in India in normal conditions. With the balance of trade setting strongly in her favour money must have flowed in in one form or another, whether through the Secretary of State's Council Bills or by the import of gold to be tendered at our currency offices in exchange for internal currency, with the result that internal prices would naturally rise. But in practice there have been restrictions on trade, and control has been exercised in various ways, with the result that the channel into our lagoon has been choked, and the water level inside has not risen as rapidly as the tide outside. We have had at the same time our local deluges, with the result that the water in the lagoon has also been added to by streams flowing down from the land—possibly set off by evaporation, where the circulation has disappeared through the hoarding of rupees. Consequently the level of our lagoon is still below that of the level outside. In other words, our price levels have not risen to the same extent as they have elsewhere.

"There is another very important factor in the price question to which I should like to refer. It is one on which Mr. Mant very rightly laid great stress the other day, it is the effect of higher exchange on prices. Much as we deplore the lack of stability in exchange and its consequences to trade, the increase has had one great counterbalancing advantage. A higher exchange is the best and most important mitigant of higher prices. I thought of pursuing my simile rather further and saying that we have in effect now constructed a lock between the lagoon and the sea, which will now prevent it from continuing to rise with the tide outside. But that would not explain exactly what has occurred, so I had better mix my metaphors and explain that the higher exchange has had the effect of causing a real change of gear between rupee prices and prices in sterling in countries outside.

"I expect some Hon'ble Members to say 'that is all very well, but what is to be the end of it?' I can only answer that there is no immediate and sovereign remedy, but, I think, we may hope that as the air clears and as matters become more normal and there are signs of this, we shall gradually be able to bring back to India our reserves in London and at the same time to fund our temporary debt in India. At the same time, it is essential from the facts of our position, as I have stated there, that we should use every possible measure to conserve our financial resources. I cannot do better than quote Sir James Meston on this subject :—'Coupled with courageous outlay on essentials of progress, a strict economy in all non-essentials will in the near future be more necessary than it has ever been'.

"My Lord, I do not wish to conclude these remarks on a note of pessimism. Difficult as matters undoubtedly are in many ways, we have at any rate the comfort, it may be cold comfort, that we are suffering much less from the financial aftermath of the war than almost any other country. The very difficulties to which our embarrassments have largely been due, namely, those connected with the exchanges, are in a way evidence paradoxically enough of the fundamental soundness of our position. It is more than 50 years since 10 rupees could buy £1 sterling, and generally the pronounced strength of our foreign exchanges itself shows that the purchasing power of the rupee has undergone far less depreciation than is the case with currencies elsewhere, and this fact is a sure index of India's solvency and indeed of her high credit."

"There is just one word of explanation which I would like to offer before I close. This legislation is temporary legislation, because it amends Acts which are in themselves temporary Acts and lapse six months after the termination of the war. We shall of course have later on to reconsider the whole question of our currency reserves and their constitution after we have received and considered the Report of the Committee on Exchange and Currency."

11-53 A.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"My Lord, we have listened to a very clear and lucid exposition of the whole position, and we must convey the obligations of the commercial community to the Government for making the situation clear. I am not a pessimist. We have struggled through the war, and I am sure we shall struggle hereafter also successfully. But, my Lord, I feel that we shall not be doing our duty to the Government of India or to His Majesty's Government if we do not clearly say that our interests must be considered to be of paramount importance, and that this tinkering cannot go on very much longer, as it would involve a poor country like India in manifold difficulties. My Lord, at the Delhi Session we were looking very hopefully to the statement of the Hon'ble the Finance Member for stability in our currency. The Hon'ble Sir James Meston hoped that it might be possible even to reduce the note-issue. In paragraph 75 of his speech the Hon'ble Sir James Meston said :—'The second task before us is some contraction of the Paper Currency. Four years ago, the effective circulation of Notes was under 60 crores : to-day it is close on 150 crores'. Then he went on describing the various evils. 'Some of us would probably like to go further, and reduce the Outstanding Note circulation until we hear no more of forced discounts in the country-side and their hardships on the people ; but it is not easy to see how this adjustment can be effected until silver comes out of hoards and resumes its duty as a circulating medium.'

"From this speech we had at any rate some hope that the Note issue will not be added to, but we have been grievously disappointed. From 150 crores the Note issue has gone up to 169 crores in the space of about five or six months. Well, I do not say that the Government enter into this Note issuing process with an easy heart. But, my Lord, what is the real position ? We find large funds belonging to us locked up in London. We find that our exports are much in excess of our imports, and consequently large sums of money are due to us from the outside world. In the ordinary course of things it is met by our imports of bullion, and we can only get the value in the form of gold or silver, because we take it that all merchandise are included under the head of 'Imports.' Now gold and silver we cannot get in the normal course of trade, because the interests of other countries will not permit of this normal channel to be used for the purpose of equalising the trade balance between India and other countries of the world. Well, then, Council Bills have to be paid. That means to say the export merchants, the agriculturists who export their produce, have to be paid either in silver coin or in Notes. Silver is also very highly priced. The net result is we multiply our currency both by way of increasing the metallic currency if possible as well as the Note Issue. We are thankful to the Government of India for so far trying to back up every Note issued by metal. That is sound and safe, but there is no going away from the fact that for every rupee we are coining, we are also issuing from the press one-rupee Notes, that is, we are increasing the Note circulation by two-fold. My Lord, there is one danger, namely, if we cannot go on multiplying silver, which is itself a danger, we go on multiplying the Notes, *i.e.*, we have to issue Note Currency in the absence of silver. That is a great danger ahead. I am afraid that even during the flotation of the recent loans printing presses were placed at the disposal of the Presidency Banks for getting the notes and the loans back from this, and I am very glad to see that the Hon'ble Mr. Howard recognises that it is very dangerous to go on like that. But what is the sequel ? We are now asked to give our consent to the issue of 20 crores of rupee notes against British Treasury Bills. That means to say, not a penny worth of gold or silver need come into India to reduce the trade balance, I mean the Bills which would issue, they are in themselves good, but here we have to manufacture notes to the value of 20 crores of rupees and give them to the public to meet the demands of exports or imports. That is an extremely unsatisfactory state of things, and, I think, we shall have to tell His Majesty's Government and the Secretary of State representing our interests that they should not be allowed to go on one minute longer like this. The normal channels must be opened to the Indian public just as they are to other countries. The normal imports of gold must be the only channel.

" My Lord, the Hon'ble Mr. Howard said that it is recognised every where that to a certain extent prices of foodstuffs would rise if the currency be increased. That is acknowledged every where. Of course, its exact ratio cannot be told, but it has that effect if things are allowed to go on as at present. In a poor country like India, her commercial interests and the interests of the poor people demand that we should not add to our Note Issue or currency any longer. I therefore implore the Government to do its level best to impress upon His Majesty's Government to safeguard the interests of Indian trade and Indian agriculture which are supreme in this matter, that the normal channels should be allowed to be utilised for the purposes of reducing the Note Issue, and that we cannot afford to lock up more money in England for the purpose of multiplying our notes here and pay the people with these Notes

" With regard to the second aspect of the question, of course the thing is not so bad. Of course, we have gold to back our Note Issue, but, I think, my remarks with regard to the increase of currency will apply to this question also. I therefore hope that it would not be considered by His Majesty's Government that the Indian public do not feel keenly this apparent neglect of our interests. I sympathise with their difficulties, but at the same time we as a poor people cannot afford to ignore our interests any longer and now that the war is over, I hope there will be no addition to this Note Issue, and that the Hon'ble Mr. Howard will find it possible not to issue Notes to the value of 20 crores of rupees as he proposes."

The Hon'ble Mr. W. E. Crum :—" My Lord, I should like first to congratulate the Hon'ble Mr. Howard on the extremely lucid exposition he 12 P.M.

has given us of the currency position and the necessity for the present amendment, and there is no question about it that the Council must support this amendment whole-heartedly. At the same time, the position is such that I do not think it should be allowed to pass entirely without comment. Mr. Howard has told us that since July 1918 the note circulation has risen from 115 to 169 crores, and of course since pre-war days I fancy it has nearly trebled. There is a very satisfactory feature, however, of this rise since July 1918, and that is that, whereas the note circulation has risen by 54 crores, out of that 44 crores has been backed by precious metal, and the increase in security backing is only 10 crores.

"Now, my Lord, there is one point about this redundancy of currency which I do not think has been brought out, and that is that, as prices rise, so currency also must increase, and when it is said that the increase of currency in India affects the prices and thereby increases prices, it must also be borne in mind that the increase of prices outside India demand in India a great increase of currency. And therefore I do not think that we can entirely blame the Government of India for the increase of currency, because to a certain extent that is necessary.

"Then, my Lord, we have got the point that whereas before the war the treasury and other balances held in the United Kingdom were only £30 millions, they have now gone up to something over £100 millions; and by issuing Councils, as the Hon'ble Member has pointed out, which are absolutely necessary for the trade of the country, we only increase that balance on the wrong side. Well it is very necessary, and I agree with Mr. Sarma in that, that this balance should be righted as soon as possible, and I do think there is a feeling that the Secretary of State has not quite used the opportunities that he might have, both in buying silver at certain times and in buying gold. I think when the Hon'ble Mr. Howard was in Calcutta the other day the opinion was expressed in certain quarters that the Secretary of State perhaps might have looked forward to the busy season of August, September, October, when money is always wanted for export here, and that a considerable time ago he might have foreseen the possible rise in silver and bought silver. At the same time, though I understand that he is now doing everything he can to buy gold and get gold from any quarter from which it is available, I think there is a feeling that he has to some extent missed his market with regard to gold. And I would on behalf of the commercial community, very strongly urge on the Government of India that they should do everything in their power to persuade the Secretary of State to increase his purchases of gold, and as soon as possible to transfer that balance which is in England over to this side."

12-5 P.M. **The Hon'ble Mr. H. F. Howard**:—"My Lord, I would like to make one or two remarks with reference to what has fallen from Mr. Sarma and Mr. Crum. The first point which I wish to mention is, the very technical one which Mr. Crum has raised, and incidentally Mr. Sarma has also raised, as to the relation between cause and effect of currency and prices. This question is always, from the nature of it, extremely difficult to answer. It is as troublesome as the old puzzle whether the first hen came out of an egg, or the process was initiated by the first hen laying an egg. But I rather intended to imply by my lagoon simile very much what Mr. Crum said, namely, that, though our successive additions to currency no doubt do cause prices to rise or facilitate their rising, they are to some extent necessitated by the rise which has taken place in prices. Let us just place before ourselves for a moment what would happen if we refrained from making such additions. It is possible that the effect of this might be temporarily to keep down prices. But what would the result of that be? The first person it would hit would be the agriculturist whom Mr. Sarma said he was anxious to help. Transactions in his produce would become impossible. Again, business and industries would be hampered and unemployment and discontent would follow. I do not think I need go beyond India for an example of this. I do not know whether Mr. Crum can remember as far back as 1900 or 1901. I am not certain of the exact year. That was a time about seven or eight years after the closing of the mints when large amounts of gold were being imported into India. The Government of India had thought at that time that they were not going to have to coin rupees at any rate for a considerable time. As a result of this, this gold was tendered, on arrival in India, to the Government of India at their currency offices and mints and the hungry exporter wanted rupees in return. There were no rupees, and the condition of business at that time I believe, until Government could buy silver and put more rupees into circulation, was very grave indeed. The fact is that in all these cases currency is really the flux which makes capital fluid. Unless there is enough currency, business becomes difficult and impracticable. I saw curiously enough only a day or two ago in the papers another very striking instance of this kind—where an increase in currency *followed* a rise in prices—in the case of Siam. There was a great external demand for Siam's rice, but prices of rice in Siam had risen very considerably. The cultivators wanted to sell, but they would only sell at a certain price; and as a result, in order to get out the rice at that price, it was necessary to double the note issue in a very short period of about three months. I have forgotten what the figures were; they were expressed in *tikals*, I think, a currency with which I am not very familiar.

"I should like to add a few words about what Mr. Crum said about the possibility of our bringing back our funds from London. In this matter we are rather between the devil and the deep sea. We are asked on one hand to help trade by selling Councils—we have had several piteous appeals to sell more Councils,—and, on the other hand, we are asked to move our funds back to India. The effect of selling Councils is to take our funds home. But the Secretary of State is fully conscious of the necessity of doing what he can do to help us by acquisition of the precious metals. But even without the Secretary of State in the market the price of silver has, during the last two or three months, gone up from the low fifties and even during the last day or two has crept up to 62 pence an ounce. What would have happened if the Secretary of State had been buying large quantities of silver? I can only answer Mr. Crum by asking a question myself. As regards gold, the Secretary of State is fully alive to the importance of securing gold. It is possible he might have secured certain consignments to which Mr. Crum referred, about £5 millions which are popularly believed to have gone to Japan and South America; but after all gold was practically unprocurable till about three months ago. The United States had a prohibition on its export. The Bank of England had contracts with mines within the Empire, and they would not let gold go. The Secretary of State could not get hold of it if he had wanted to. Now he has been able to make a start—I believe he has got about five millions so far—and, I hope, he will be able shortly to get considerably more."

The motion was put and agreed to.

The Hon'ble Mr. H. F. Howard:—"My Lord, I introduce the Bill and I also move your Excellency to suspend the Rules of Business to admit of the Bill being taken into consideration."

The President:—"I suspend the Rules of Business."

The Hon'ble Mr. H. F. Howard:—"My Lord, I move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. H. F. Howard:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDEMNITY BILL—(*contd.*)

12-13 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I move that the Bill to indemnify officers of Government and other persons in respect of certain acts done under martial law, and to provide for other matters in connection therewith, be taken into consideration.

"The main principles of this Bill have been fully debated only a few days ago, and it would be idle for me now to waste the time of the Council by covering the same ground again. Such details as have been criticised by Hon'ble Members are the subject of amendments which are before the Council, and I need not address Council in regard to them at present."

12-14 P.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord I beg to propose that the Bill be referred to a Select Committee. This is a very important Bill, my Lord, it involves very important questions of law, and, I submit, it is not a measure which should be hurried through the Council without its provisions being examined in a Select Committee. I suggest, my Lord, that the Select Committee should consist of the Hon'ble the Law Member, the Hon'ble the Home Member, the Hon'ble Sir Edward Maclagan, His Excellency the Commander-in-Chief, the Hon'ble Mr. Sarma, the Hon'ble the Maharaja of Kasimbazar, the Hon'ble Mr. Sinha, the Hon'ble Sardar Sundar Singh Majithia, the Hon'ble Mr. Crum and myself. There will be no harm, my Lord, if the Bill is delayed a little while; its provisions are so important that they ought to be examined in Select Committee. I therefore move that the Bill be referred to a Select Committee consisting of the Hon'ble Members whose names I have mentioned . . . .

The Hon'ble Sir William Vincent:—"Do I understand that the Hon'ble Member is moving an amendment to the motion?"

The President:—"Is the Hon'ble Member moving an amendment to the motion which is on the paper?"

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord I have put forward what I had to say, I do not wish to add to or subtract from it."

The President:—"What I want the Hon'ble Member to give me a clear answer to is this. Is the Hon'ble Member putting forward an amendment to the motion which is on the paper?"

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I do not know whether I should call it a technical amendment. I am endeavouring on the motion before us to put forward the proposal that I have put forward, for the consideration of this Council. If a technical amendment is needed, my Lord, I will say that it is a technical amendment, but, I submit, that it is not necessary that there should be an amendment. On a motion made by the Hon'ble the Home Member, I am entitled to put forward the view I have done for the consideration of the Council."

The President:—"The Hon'ble Member is perfectly within his rights to oppose a motion which is before the Council, but if the Hon'ble Member wishes to move an amendment, he must move it now. I take it from the Hon'ble Member that he is opposing the motion and not moving an amendment."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, if an amendment is the only proposition which is before the Council on a question like this, I put it forward as an amendment."

The Hon'ble Sir William Vincent :—"Then, my Lord, I take objection to the motion, on the ground that I have had no notice of the amendment."

The Hon'ble Pandit Madan Mohan Malaviya :—"I submit, my Lord, that the Rules do not require notice. I beg your Excellency to refer to the Rules."

The President :—"Will the Hon'ble Member refer me to the rule under which there is no necessity to give notice in the case of an amendment such as he proposes ?"

The Hon'ble Pandit Madan Mohan Malaviya :—"I think, your Excellency, that the Member who objects should show under what rule it is necessary. If the Hon'ble the Secretary of the Council will send me a copy of the Rules, I will refer your Excellency to it."

The Hon'ble Sir George Lowndes :—"May I suggest that the practice here is, when we have got a motion before the Council, your Lordship as President has only that one motion to put to the Council. It is only if an amendment is moved to it, that your Excellency can put another motion to the Council. At present there is only the one motion before the Council."

The President :—"It is true that, under rule 28, when a Bill is taken into consideration by the Council, any Member may propose an amendment of such a Bill of which three days' notice should be given. What the Hon'ble Member suggests is not an amendment of the Bill, and, I think, he is in order and the Hon'ble Member can move the amendment as he proposes. Do I understand the Hon'ble Member has moved the amendment ?"

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I beg to move the amendment which I have placed before the Council."

The motion was put and negatived.

Then the motion that the Bill be taken into consideration was put and agreed to.

The Hon'ble Sir William Vincent :—"My Lord, I move as an amendment— 12-22 P.M.

'That in the preamble of the Bill for the words 'it has been necessary for the purpose of maintaining or restoring order to resort to martial law' the words 'martial law has been enforced' be substituted.'

"During the debate on this Bill it was apparent from the speeches of many Hon'ble Members that the recital in the preamble was interpreted by them as a quasi-admission that this Legislative Council accepted the view that the declaration of martial law was necessary; among other Members, my Hon'ble friend, Mr. Sinha, drew particular attention to this point. I then said that we would consider the question of amending the preamble, and the present amendment is proposed to give effect to that intention and to make it abundantly clear that there is nothing in the Bill which can in any way be interpreted as meaning that this Council has ratified or admitted the necessity for the enforcement of martial law.

"The amendment as proposed merely makes a statement of absolute fact, which no one can controvert, that martial law was enforced."

The motion was put and agreed to.

The Hon'ble Rao Bahadur B. N. Sarma:—"I think, my Lord, the 2nd* and 3rd* amendments on the list would fall to the ground having regard to the acceptance of the first."

The President:—"That is so. No. 4† goes as well."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, the amendment I propose is . . . . .

The Hon'ble Sir William Vincent:—"My Lord, may I suggest that, with your Lordship's permission the Hon'ble Mr. Sinha should take up this amendment, which is really a consequential one, along with a subsequent amendment of his."

The Hon'ble Mr. Sachchidananda Sinha:—"I shall do so with your Lordship's leave. I propose that—

> 'In the second clause of the preamble the word 'certain' be inserted between the words 'indemnify' and 'officers'

and I also propose . . . . . .

The President:—"I think if the Hon'ble Member would postpone this until he comes to the clause, it will be more convenient to take it on the clause."

The Hon'ble Mr. Sachchidananda Sinha:—"I shall do so, my Lord. I now propose that in the same clause 2 of the preamble the words 'purporting to have been ordered or done' be omitted. The reasons for the proposal are these. Acts which are either done or ordered to be done for the purpose of maintaining or restoring order are acts which we can all understand. But it is difficult to understand acts to which the words in the preamble refer, namely, acts 'purporting to have been ordered or done'. As this might cause some confusion without any substantial object being gained, so far as I know, I propose that these words be omitted."

The Hon'ble Sir George Lowndes:—"My Lord, the Government are not prepared to accept this amendment. The words are perfectly innocent in themselves, and they appear in most of the indemnity clauses, which so often find a place in our Acts. The object is to avoid any dispute as to whether an act was actually done for a particular purpose or only intended so to be done though it may not have effected that purpose. Assuming that there is any question as to whether any act was done in good faith and in the belief (we shall come to that point later) that it was necessary for a particular purpose,

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The Hon'ble Rao Bahadur B. N. Sarma:—

* 2. That for the first paragraph of the preamble the following be substituted, namely:—

'Whereas for the purpose of suppressing the recent disorders in certain districts of the Punjab and in other parts of India, and restoring order therein martial law has been resorted to'.

3. 'That the words 'maintaining or' in paragraph 1 of the preamble be omitted.'

† **The Hon'ble Mr. Malaviya:**—

4. 'That in the first clause of the preamble, the words 'maintaining or' be omitted.'

its justification ought not to depend upon whether as a matter of fact the purpose was attained ; if it was intended to attain that purpose, the act ought to be covered by the Indemnity. When we come to the question of good faith, Hon'ble Members have got many amendments on the paper, and they may possibly succeed in striking out the words in that clause ; if so then it might be reasonable to omit these words ; but we could not omit them at the present stage. I am quite willing, my Lord, to defer a vote on this amendment until we have done with the 'good faith' amendments, if my Hon'ble friend thinks there is any chance of their being carried ; but I do not think there is any great chance of that."

The Hon'ble Mr. Sachchidananda Sinha :—"As to the question of any chance of our amendments being carried, I have not the slightest hope at all ; I would not defer consideration on that account."

The motion was put and negatived.

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I beg to move 'that in the second clause of the preamble, the words 'maintaining or' be omitted. My Lord, it is an abnormal position to my mind for which no support is found in the ancient Statutes of Parliament, though it may be found in some of the more recent enactments in some of the Colonies, that you should resort to martial law for maintaining order. Maintenance of order should be secured by the ordinary police assisted, when it may be necessary, by the military troops. I therefore submit that these two words 'maintaining or' should be omitted from the second clause of the preamble."

The Hon'ble Sir William Vincent :—"My Lord, I submit that it is essential that these words 'maintaining or' should be retained. It will be obvious to Members of this Council that once martial law is declared, or enforced, officers of the Government have not only to suppress active disorder, but they have to maintain order as well. For instance, my Lord, supposing there was a disorderly mob about to collect for some improper purpose, it would in such circumstances obviously be necessary for the military commander to issue orders prohibiting the assembly, and, if necessary, prevent such assembly by force. Otherwise indeed his position would be an impossible one ; he would have to wait until mischief was begun and then begin to suppress it. It will be clear to the Council therefore, I hope, that the retention of these words is absolutely necessary." 12-30 P.M.

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, I think that the Hon'ble the Home Member might reconsider this question. His objection to Mr. Malaviya's amendment is, that during the suppression of a disorder, order has to be maintained ; it can only be maintained under martial law, and consequently the words 'maintaining or' would be thoroughly appropriate, because there would otherwise be no one to maintain order during that period.

"What is mentioned here is 'or for the purposes, the general purposes of maintaining or restoring order.' That raises a large question, namely, whether in future where disorders are to be suppressed martial law can continue for the general purpose of maintaining order, if the officers charged with the duty of suppressing disorders should be indemnified under this Act in respect of acts done after the disorders had been suppressed. My submission is that this would lead to the acceptance by the Legislature of the principle that martial law can be resorted to by the Government for the purpose of maintaining order although they had suppressed disorders, and that any person who uses extreme measures thereafter for maintaining order should be protected. The ordinary law is that the civil arm must meet all contingencies and maintain order once violent armed rebellion is suppressed. My submission is that we in this legislative assembly should not accept any other principle. I do not want to raise this question merely for an argumentative purpose. I submit that this Act will be quoted as a precedent. It may be open to a future Government, whenever a riot cannot be quelled, to have recourse to martial law. The police and the magistracy have the right to invite the co-operation of he military for the purpose of quelling a riot and all necessary force can be used, but the civil power and the military assisting it have to take cognisance of the fact that if unnecessary force be used the officers would be liable to punishment. I do not think there have been any cases where the officers in such circumstances have been protected by an Indemnity Act. I will quote a passage from Dicey showing that protection lasts only as long as the necessity lasts for suppressing disorder, but no longer. This is what Dicey says :—

> 'Martial law in the sense in which the expression is here used, means the power, right or duty of the Crown and its servants, or, in other words, the Government, to maintain public order, or in technical language the King's peace at whatever cost of blood or property may be in strictness necessary for that purpose. Hence martial law comes into existence in times of invasion or insurrection where and in so far as the King's peace cannot be maintained by ordinary means, and owes its existence to urgent and paramount necessity. The point to be borne in mind is, that the power to exercise martial law which is not ill described by an expression known to the American Courts, namely, that of 'War power' as it originates in so it is limited by the necessity of the case. The only principle on which the law of England tolerates what is called martial law is necessity, its introduction can only be justified by necessity, its continuance requires precisely the same justification of necessity and if it survives the necessity on which alone it rests for a single minute it becomes instantly a mere exercise of lawless violence.'

There are a number of other passages :—

> 'Such legal right or duty always lasts so long and so long only as the circumstances exist which necessitate the use of force.'

"My submission is that the Government would be right in asking for the protection of their officers during the suppression of the rebellion and for the purpose of maintaining order during that period, but they cannot ask and they should not ask this Council for the acceptance of this novel principle that whenever order cannot be maintained by the police and the military force is used, its officers should be indemnified. I therefore submit that the words 'maintaining or' should be omitted in the second preamble."

12-38 P.M. **The Hon'ble Sir George Lowndes** :—" My Lord, as I pointed out the other day, martial law steps in when the ordinary civil courts are unable, I use the words deliberately, to maintain order or to suppress disorder. The Hon'ble Pandit and the Hon'ble Mr. Sarma have suggested that the insertion of the word 'maintaining' created a new doctrine without a precedent. It is, if I may say so, nothing of the sort. It is inconceivable to me that Mr. Sarma should say this after reading the passage he did from Dicey. Let me read it again :—

> 'Hence martial law comes into existence in times of invasion or insurrection when, where, and in so far as the King's peace cannot be maintained by the ordinary means.'

The Hon'ble Pandit Madan Mohan Malaviya :—" What page ? "

The Hon'ble Sir George Lowndes :—" My Lord, I decline to be interrupted by the Hon'ble Pandit. When the ordinary courts cannot maintain order or suppress disorder, you must have martial law. The maintenance of order is one of the definite objects with which martial law is put into force. The Hon'ble Pandit also said that there was no precedent for this, and yet during the past few days I have lent him and every Member of this Council who has asked for them, the South Africa Acts which are the latest examples of martial law and Indemnifying Acts. In each one of them you find that martial law was used for maintaining order. I will not trouble the Council with many extracts, I will read the first that comes to hand. Section 1 of the Act of 1900 says—my Hon'ble friend will find the same in them all—

> 'All acts, matters and things whatsoever in good faith advised, commanded, ordered directed or done, as necessary for the suppression of hostilities or the establishment and maintenance of good order and government'

It is the same in most of the older Acts. We are introducing nothing new, nothing without precedent."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, the Hon'ble the Law Member quotes a sentence from Dicey in which he says that where order cannot be maintained by the civil courts martial law steps in. That is very different from saying that that sentence gives support to the proposition he advances. Our point is that you do not find this authority in the Acts of Parliament. You had some authority in the three Acts of Parliament but, my Lord, these three Acts of South Africa ought not to be a model as against the Acts of Parliament. I should like the Hon'ble the Law Member to quote any Act of Parliament in which for the purposes of maintaining order martial law has been justified. Then, my Lord, I gave a certain authority which the Hon'ble the Law Member will not disregard . . . . .

The Hon'ble Sir George Lowndes:—"My Lord, may I interrupt?"

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I object.'

The Hon'ble Sir George Lowndes:—"Very well. The Hon'ble Member does not want it. It is there."

The Hon'ble Pandit Madan Mohan Malaviya:—"The Hon'ble the Law Member was afraid to let me have the page of his quotation, which is the smallest courtesy that any Member of this Council is entitled to. We are coming to bad ways."

The President:—"I quite agree. Will the Hon'ble Member proceed."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, my Lord.

"Now, the Earl of Halsbury in Vol. VI of the Laws of England says:—'The Crown may not issue commissions in time of peace to try civilians by martial law: but when a state of actual war, or of insurrection, riot, or rebellion amounting to war exists, the Crown and its officers may use the amount of force necessary in the circumstances to restore order, and this use of force is sometimes termed martial law. When once this state of actual war exists, the Civil Courts have no authority to call in question the actions of the military authorities; but the powers of the military authorities cease and those of the Civil Courts are resumed *ipso facto* with the termination of the disorder.'

"I submit, my Lord, that this is an authority which the Hon'ble the Law Member cannot disregard or make light of, and it is entirely in support of the proposition which I have put before the Council, namely, that the words 'maintaining or' should be omitted from the second clause of the preamble."

The motion was put and negatived.

12-45 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, I beg to move that in paragraph 2 of the preamble the words 'in a reasonable belief that they were necessary' be omitted.

"My Lord, as far as I can see, the words used in all the enactments dealing with Acts to indemnify officers are 'done in good faith as necessary for the said purpose.' I have not been able to come across these additional words 'in a reasonable belief that they were necessary.' On that ground alone I might ask the Council to follow the precedents set to us by the Legislature of various countries and drop the words 'in a reasonable belief that they were necessary', because they would lead to an inquiry of a somewhat elaborate character on which no safe conclusions can be come to. But I have a greater objection, and it is this. As the Bill stands, the person who comes into the Court to seek redress will have to show two things, first of all, the act of which he complains was not done in good faith, and, secondly, that it was not done in a reasonable belief that the act was necessary for the purpose. I would first like to ask the Hon'ble the Law Member to explain clearly for what purpose these additional words have been used, and how they would not be covered by the same words 'good faith,' and if some additional meaning is sought to be imported, what that additional meaning is. But as they stand, my difficulty is, the person aggrieved will have to prove two things instead of one thing which generally he is asked to do by almost every Legislature. Then with regard to the words 'reasonable belief.' Supposing a person has to show that an officer did not believe that an act was necessary, I think it is almost impossible for him to prove it. But you may say that the words 'reasonable belief and in good faith' are there. There, my Lord, comes in the difficulty. Supposing in a particular community there is a belief entertained that particular measures, however wrong they may be from the moral standpoint, are necessary for achieving a certain end. Now, taking the moral atmosphere of Germany, for instance, it was considered by all alike, professors, philosophers of law, philosophers of morality, by military men and in fact by all classes, that certain measures which were condemned by the rest of humanity as non-civilized methods could be employed. Well, if you are to judge a German officer labouring under that impresston, could not these words 'reasonable belief' protect him, because he believed that they were necessary, the atmosphere in which he moved led him to believe that they were necessary also. Therefore, if you are to judge him by that standard, certainly he ought to be protected. Similarly, supposing the atmosphere in the Punjab in those days was such that the several gentlemen who were responsible felt that there must be a deviation, a departure from standards which are generally considered to be humane and civilized. I need hardly allude to the Salaaming order and several other orders that were passed to which allusion has already been made, because it will only tend to embitter feelings and do no good. There are certain orders which cannot be justified by any standard of morality. Now supposing the officers, having regard to the mental atmosphere surrounding them believed that those acts were necessary and reasonable, my Lord, will they be protected? I submit an elaborate inquiry of that description might be opened, I will not say would be opened, but might be opened, if the various theories on which States like India are held and can be held in subjection are to be brought before the law Courts. Therefore there is no precedent for it, it might lead to various difficulties, and I therefore earnestly request that these words be omitted."

The Hon'ble Sir George Lowndes :—" My Lord, I regret I am unable either to omit these words or to explain any more clearly to my Hon'ble friend Mr. Sarma than I did on the last occasion what the real intention and object of the words are. We had a clear admission of the propriety of this clause in his previous speech when he asked us to adopt the actual wording of the South Africa Acts which the Hon'ble Pandit so violently disputed.

" I explained last time that the words ' in a reasonable belief that the acts were necessary ' are only a translation from the wording of the South Africa Acts ; we could of course use the actual words of the South Africa Acts, that is, acts '.done as necessary.' I think this means ' done as being necessary,' that is, the acts were so done because the men who did them believed that they were necessary. We do not stop there. We say ' reasonably believed ' that they were necessary. We only propose to indemnify men who had a reasonable belief that their acts were necessary. I am sure the Council will accept this as at all events a fair translation of the words which my Hon'ble friend Mr. Sarma would have preferred to have in the Bill.

" Then he talked about the mental atmosphere being immaterial. He forgot, I am sure, the quotation which I read from the speech of perhaps one of the greatest Lord Chancellors in the House of Lords. I quoted it at some length and I do not propose to read it again,—it is here and my Hon'ble friend can see it if he wishes to. Lord Thurlow says that you must take into account the mental atmosphere, that you must consider the circumstances under which a man had to make up his mind as to what he should do in an extreme emergency, and if he made up his mind reasonably, you should not consider *ex post facto* whether the acts he did were necessary. The real test should be whether he had a reasonable belief at the time that they were necessary, and did them in good faith. If Hon'ble Members are going to insert amendments like this in an Act which is intended to protect officers who did their duty in good faith under very trying circumstances, I say an Indemnity Act from this Council is not worth having."

The motion was put and negatived.

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, 12-50 P.M. I beg to propose that—

> ' In the second paragraph of the preamble for the words ' and in a reasonable belief that they were necessary for the said purposes, ' the following be substituted :—
>
> ' necessarily and properly, in furtherance and execution of the objects for which martial law was proclaimed as aforesaid. '

" My Lord, I have taken this clause from an Act of the laws of St. Vincent, Act No. 189 of 1862. After indemnifying certain officers against acts done by them during the prevalence of martial law, the Act proceeds—' provided always an indemnity hereby granted is granted on this supposition and condition that all such acts, matters and things shall have been done or shall be done *bona fide* necessarily and properly in furtherance and execution of the objects for which martial law was proclaimed as aforesaid. '

" Now, my Lord, I think that this is a much more reasonable provision to adopt than the one that stands at present in the Bill. Here you say that a man should have acted *bona fide*, that is in good faith, and necessarily and properly. That would include a consideration of what humanity demands. That will include also that the thing should have been done, and a reasonable belief will be implied in the phraseology I have suggested. He must act reasonably in finding out that it was necessary and in a proper way.

I hope this amendment at least may find acceptance at the hands of Government."

The Hon'ble Sir George Lowndes:—"If I heard the Hon'ble Member aright he said he had taken these words from an Act of St. Vincent. That is no doubt out of compliment to the Hon'ble Member who is in charge of the Bill. I can see no other reason for his having done so. The Act of St. Vincent goes back to 1862, that is getting on to 60 years ago now, whereas we have tried to follow a more recent model. I have nothing really to add to what I said on the last amendment. The point is this, as I tried to explain, that we do not want in this Bill to make the test whether things were or were not in fact necessary. The fact that they were unnecessary, judged *ex post facto*, is not the test for indemnity in the case of acts done under these very difficult circumstances. What we have got to find is, whether they were reasonably believed to be necessary at the time, taking into account the conditions under which the men who did them had to act. We are not going to examine them on an *ex post facto* basis, or consider, looking back now when all is over, we think they were really necessary or not. That is not my idea of an Indemnity Act. I regret Government is not able to accept this amendment."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, we have had some novel arguments, but the most novel argument I have heard to-day is the argument of the Law Member that a thing is to be rejected because it is ancient. I fear much will have to be put aside in favour of modern ideas as to what should or should not be done. I take it that the fact that a thing is ancient is rather a recommendation. At any rate I am prepared that the matter should be considered on its merits. Let us consider which is better, the provision which is now being proposed by the Government, the paraphrase of the words 'done as necessary' of the Acts of South Africa, or the language of the enactment from which I have borrowed my phraseology, namely, that the indemnity shall be granted upon this supposition that all such acts matters or things shall be done *bona fide*, that is in good faith of course, 'necessarily and properly in furtherance and execution of the objects for which martial law was proclaimed as aforesaid.'

"If this phraseology is adopted, where it would be reasonable to extend indemnity it would be extended, but it would cut off a lot of other acts which may not have been done properly and which may not have been necessary. The Hon'ble the Law Member would not allow any discussion of the question whether certain acts were necessary or not by the phraseology which he has chosen to adopt. How is a man to know what the belief of a particular individual was when he was acting? If you put it on the ground that he should show whether the thing was necessary, that he should show that it was proper, then you are on solid ground, but you are in the regions of vagueness and uncertainty in putting in the phraseology that a thing should be done in a reasonable belief. I therefore hope that unless the Government can find some more substantial argument against my proposition than that it is somewhat ancient as compared to the provisions in the South Africa Acts, they will reconsider the position This will mean a great change in the outlook of those who may be concerned with such cases. If you retain the phraseology 'in good faith and in a reasonable belief,' you make it a very difficult thing, if not a practical impossibility for the plaintiff to establish a case for damage against a person who may have injured or repressed him. He may come into the box and swear that he reasonably believed that this was necessary and that would be an obstacle. The Act even saves him the necessity of swearing even to that, because the third section of the Act says that that will be presumed if a certificate has been obtained by a Secretary to Government. I therefore think we are carrying things too far if putting the provision in the present form, and if you accept my suggestion and substitute the words 'necessarily and properly in furtherance and execution of the objects for which martial law was proclaimed,' you would leave a fair chance to plaintiffs to have the justice to which they may be entitled. I therefore press this amendment on the consideration of the Government."

The motion was put and negatived.

The Hon'ble Sir William Vincent:—"My Lord, may I again suggest that the Hon'ble Member should take up this amendment* with his amendment No. 32. I would suggest, with your Lordship's permission, that it would be more convenient to the Council. The present is a consequential amendment on the later one."

The Hon'ble Rao Bahadur B. N. Sarma:—"I have no objection to that; even if No. 32 is rejected it comes to the same thing."

The President:—"No. 10 *will stand over."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I 1 P.M.
move that—'

'In clause 2, for the words 'any officer of Government whether Civil or Military,' the words 'any police officer of or below the rank of Assistant or Deputy Superintendent of Police and any soldier or non-commissioned officer of His Majesty's Army acting under the orders of their superior officers' be substituted.'

"My Lord, the reason for this amendment is obvious. In the course of his opening speech the Hon'ble the Home Member insisted repeatedly that if this Indemnity Act was not passed, it would be putting in a very serious predicament a large number of soldiers and inferior officers who had taken part in carrying out the orders of their superior officers. I, therefore, propose to limit this class by giving a definition of the officers concerned, as to who the officers will be who will be indemnified by this Act, for all acts done by them. As regards the superior officers, they will be under the common law protected for all acts done in good faith. But if it can be established that certain acts were done by them, or ordered by them not in good faith, if they committed an atrocity or something that should not be done, the law will not protect them. For this reason I propose my amendment."

The Hon'ble Sir William Vincent:—"I think when I explain to the Council what the effect of this amendment would be, every Member of this Council, every reasonable Member, including the Hon'ble mover, will be convinced that it really is an impossible amendment for acceptance. Reading the amendment, it will be seen that it would limit the protection afforded by the Bill to the case of police officers and soldiers. Now many other officers besides police officers have been engaged in the suppression of the disorders, officers both civil and military.

"I am, for instance, informed that *tehsildars* and other revenue officers have been so used. There was also an Indian Sub-divisional Officer at Kasur and there was an Indian Deputy Commissioner in one district besides European Deputy Commissioners in other districts whose services were similarly used, and there is really no reason why the protection which is given to police officers should be refused to officers of this class. Then, again, in the case even of police officers, why is an Assistant or a Deputy Superintendent of Police to be exonerated for acts done in good faith, while a Superintendent of Police is not to receive the same protection? Is that fair, is that reasonable? Is there any reason for instance why Mr. Heron, Superintendent of Police in one of the districts, whose name I have heard quoted —I do not happen to know him myself—if he has acted *bona fide* and in the reasonable belief that his action was necessary, should not receive the protection of this Act? Is there any reason why a subaltern or commissioned officer of the Army who has had to take part in quelling these disorders and who would be excluded by this amendment, should not receive the benefit of the Act? I am sure, if he thinks over the effect of his proposal, that the Hon'ble Member will withdraw his amendment."

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* **The Hon'ble Mr. Sarma**:—10 'That to paragraph 3 of the preamble the following be added 'in certain cases and subject to the limitations specified herein below.'

The Hon'ble Mr. Sachchidananda Sinha:—"I desire to say in reply that the reason why I framed the amendment in this way was that I considered that those officers who may be held to have initiated a certain policy should not receive the protection of the Indemnity Act unless of course, they can show that their acts were done in good faith. That was the only principle on which I framed my amendment. I have nothing further to say."

The motion was put and negatived.

The President:—"With the rejection of that amendment the amendment to be moved by the Hon'ble Mr. Sinha, No. 5* on the paper, with regard to the preamble, will, of course, drop."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I move—

> 'That in clause 2 for the words 'person acting under the orders of any such officer' the words 'person acting under the orders of any Magistrate, police officer not below the rank of Deputy or Assistant Superintendent of Police, and any commissioned officer of His Majesty's Army' be substituted—

The reason for this amendment is that otherwise the private individual, for whose benefit this clause is intended, might plead that he did a certain act under the orders of a *chaukidar* or a constable. That would be certainly carrying, I would not say the joke too far, but the point too far, and, therefore, I have brought in these words to give some substance to the proposition that the officer concerned must be one of a certain standing and not anybody or everybody. On this ground I move my amendment."

1-5 P.M. **The Hon'ble Sir William Vincent**:—"This is an amendment of much the same character as the last one: the acceptance of it would involve this consequence, that any person acting under the orders of, say, an Inspector of Police—and I believe an Inspector of Police was actually the senior officer present at one place, Tarn Taran, though I have not verified this point—any person acting under the orders of an Inspector of Police would not be protected, however properly he had acted; however *bona fide* his action might have been. Again, there were many places in which non-commissioned officers of the Army were placed in positions of great responsibility. Is the man who obeyed, *bona fide*, the orders of such an officer not to be protected, if he has acted properly? Was it his duty to ascertain the badges or rank of an officer giving the orders or to inquire of a Police officer 'What are you exactly? Are you an Inspector of Police or an Assistant Superintendent?' I do not think that this amendment will commend itself for one moment to this Council. And I again suggest to the Hon'ble Member that, instead of putting an amendment of this character to the vote, he should exercise a wise discretion and withdraw it."

The Hon'ble Mr. Sachchidananda Sinha:—"There is nothing to withdraw, the result will be the same. It will be defeated."

The motion was put and negatived.

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* That in second clause of the preamble the word 'certain' be inserted between the words 'indemnify' and 'officers'. *Vide* page ~~[illegible]~~ *ante.*
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The Honble Mr. Sachchidananda Sinha :—"This* is practically the same as the last amendment which I moved (No. 12) and, as that was not accepted, it is no good pressing this."

The motion was by leave withdrawn.

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I beg to withdraw my amendment †."

The motion was by leave withdrawn.

The Hon'ble Mr. Sachchidananda Sinha :—"My Lord, I move 'that in clause 2 after the words 'British India' the words 'where martial law was established' be inserted.

"My Lord, I do hope that the Hon'ble the Home Member will see his way to accept this amendment, because it will bring the preamble into consonance with the section. The preamble very properly lays down:—

> 'Whereas owing to the recent disorders in certain districts in the Punjab and other parts of India, martial law has been enforced.'

In section 2 no such limitation is placed and the very general and wide words 'British India' are used. It might lead to some serious difficulty if this Act were applied in other places than the districts of the Punjab or certain other places specified in the preamble. Therefore, I think, the Government might see their way to accept my amendment that the words 'British India' should be limited by the words 'where martial law was established."

The Hon'ble Sir William Vincent :—"My Lord, I submit this is an unsound amendment. The use of words 'martial law was established' implies in some way that a proclamation of martial law or some formal action of that kind is necessary before martial law is enforced. That is however not the fact. A proclamation of martial law is only the means by which the fact of martial law being in force is made known to the public, I presume that the Hon'ble Member meant by the words 'martial law was established' that martial law had been proclaimed."

The Hon'ble Mr. Sachchidananda Sinha :—"I mean exactly what the Hon'ble Member meant by changing the preamble himself from the words 'it has been necessary for the purpose of maintaining order to resort to martial law' into the words 'martial law has been enforced.' If he will accept the same words in this clause, I shall be quite happy to withdraw the words of my amendment 'where martial law was established."

The Hon'ble Sir William Vincent :—"Very well, my Lord. I am informed by my Hon'ble Colleague the Law Member that the use of the words 'where martial law was enforced' is not open to objection, and I am prepared to accept the amendment as modified."

The Hon'ble Mr. Sachchidananda Sinha :—"I am very grateful to the Hon'ble the Home Member."

The amended motion was put and agreed to.

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* 13. 'That in clause 2 the words 'or purporting to have been ordered or done' be omitted.

† 'That in clause 2 the words 'maintaining or' be omitted.'

1-12 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"My Lord, I beg to move 'that in clause 2 for the words 'the 30th of March 1919' the words 'the proclamation of martial law therein' be substituted.'

"Then the clause will run :—

> 'No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against any officer of Government, whether civil or military, or against any other person acting under the orders of any such officer for or on account of or in respect of any act, matter or thing ordered or done or purporting to have been ordered or done for the purpose of maintaining or restoring order in any part of British India where martial law was enforced on or after the proclamation of martial law therein, etc.'

"This is an important amendment. From the opening words of the Hon'ble the Home Member when speaking to the previous amendment, I can see in a way what the object of putting this particular date, the 30th of March 1919, is. Now, my Lord, we are here on a very important question as to whether this Indemnity Bill is to cover acts done when the civil power was in authority, but merely asked the military to aid it in suppressing disorder as it is entitled to do under the Criminal Procedure Code, or whether it is to be restricted to acts done by officers after the proclamation of martial law.

"In the former event we come to this that it is open to the executive Government to enable its officers, civil and military, to do whatever may be done during the operation of martial law even prior to the proclamation of martial law, when civil courts are sitting and in full assumption of authority and indemnifying them thereafter. My Lord, I submit that is a very dangerous doctrine to lay down. It would be extremely mischievous if the civil authorities or the military authorities who assist them, during the time of peace when the civil authorities are in full direction of the maintenance of order, are to consider themselves as entitled to protection for their acts which are legally indefensible. It would lead to very grave consequences if officers, civil and military, were to be under that impression, or if any indulgence should be shown to the executive Government by protecting their officers in respect of acts which cannot be justified under the ordinary law of the land. I know there are certain passages which can be quoted in support of the position that martial law is after all a technical term for military law, which enforces order when there is grave necessity even though there may be no proclamation, and that proclamation might possibly be construed by constitutional writers as being intended for the protection of the public not to violate certain orders. But, my Lord, (we sitting here as a Legislature, and knowing full well that the people have no real voice in the Government, should not allow the executive of the land to take such wide powers or allow executive officers in the country to believe that they can seek protection even for absolutely unjustifiable acts on theoretical grounds.) I submit, therefore, that the definition of martial law put forward by constitutional writers tentatively should not be relied upon by the Government as justifying the insertion of the words '30th March 1919.' My Lord, this is a very important question, for the simple reason that martial law was confined chiefly to the province of the Punjab, though, I believe, it was in force in the Bombay presidency for a day or two and never in Delhi at all. It is admitted that before the 10th of April there was no collision between the military, the civil authorities and the people. Consequently, I cannot understand the reason for the insertion of the date 30th March. Martial law was proclaimed by His Excellency the Governor General in Council only on the 14th; it might have been intended to be proclaimed a little earlier, but the earliest date was the 14th April 1919, so far as I can see. It is just prior to that period that various acts of a highly unjustifiable character according to the people were committed. I need hardly allude to the Jallianwala Bagh incident, the belly crawling incident or the aeroplane incident. Those were acts for which the civil and military authorities would have to justify themselves before the ordinary courts in the land in the usual way. To raise a presumption in those cases would be, my Lord, a violent confiscation of the rights of the subject. It may be that those officers can justify themselves before the Committee of Inquiry or before a judicial tribunal; but for us, my Lord, to raise a presumption in their favour on our present information, as this Bill proposes to do, would be absolutely unjustifiable and a travesty of justice. I think, on the other hand, as to the persons who have issued these orders, who have exercised those acts in a transparently high-handed character absolutely—I do not want to prejudge matters one way or the other, but as things stand we have to go upon certain facts—I submit to enable those officers to reap the benefit of these provisions would be to ask the people to believe that the executive Government would do anything to protect its officers whatever may be their high-handedness, and however unjustifiable may be the acts. I hope and pray that the Government will have some regard for public sentiment and re-establish itself in the confidence of the people by showing clearly that it is immaterial how high the officer may be and that justice would be done. We were told that it was under the authority of the civil power that aeroplanes were used in Gujranwala, and that the incidents which occurred on the 13th April at Amritsar, were after the civil power acknowledged its inability to enforce order. Consequently, I think, it ought to be open to the judicial tribunals to go into the question as to whether by the constitutional law of the United Kingdom or India it is open to the civil power to employ aeroplanes under such circumstances or under any circumstances. My Lord, to take protection for all those acts which have been condemned in England even during the time of the war, would, I think, be going too far even in India. I hope, therefore, that the protection will be really given only in respect of acts done after martial law had been proclaimed and not a minute before. Let those officers, if any, be brought either by the Government or by the public before the judicial tribunals in the ordinary course. It is perfectly open to them to show that they acted in good faith and in a reasonable belief that they were only maintaining or restoring order and justice, that the civil power had asked them and that the civil power was justified in asking them to do so. That is a question of fact, as has been proved by constitutional writers, which has to be determined by the judicial courts, namely, the justification of any particular act done in a state of war is ultimately examinable in the ordinary courts. But in the absence of an Indemnity Act the law goes so far as to say that the justification of any act * * * * *

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is a question which can be brought up in a civil court. When the law is so stringent in the absence of an Indemnity Act, we ought to be very careful as to how far we interfere with the common law of the land and the statutory law of the land which lays down the policy for civil and military officers. There are the Criminal Procedure Code and the Indian Penal Code; there are various other penal laws which show clearly the limits within which officers should act during peace time, during the time the civil arm is supreme. No one will venture to say that the civil arm was not supreme before the proclamations. I therefore submit that the Council will see their way to accept my amendment which follows logically and as a natural consequence the acceptance of the principle that an Indemnity Bill follows the enforcement of martial law. The Hon'ble Sir William Vincent has told us in the beginning of his introductory speech in substance as follows 'Martial law has been proclaimed, people have acted on the faith of that; we have proclaimed on the 14th April or some such date that support will be given to every civil and military officer in enforcing order; and acting on the strength of that proclamation we are keeping our good faith with the officers who acted, and here are Hon'ble Members opposing us.' My Lord, I am not referring at all to what has been done after that promise was held out. But that promise was made only on or after the 14th April. There is another point also. Various acts committed prior to the proclamation of martial law would come within the purview of this Act, if 30th March be taken into consideration. Even taking the theory that martial law really means law which the military would enforce when the civil arm is weak or unable to maintain order, even assuming that, my submission is that these proclamations were issued for the purpose of giving notice to the people. Even taking that doctrine, my submission is that the 30th March is absolutely unjustifiable, and I hope Government will be able to accept this amendment."

1-22 P.M. **The Hon'ble Sir William Vincent.**—" My Lord, the Hon'ble Member now proposes that the period prescribed in this clause for the protection of officers should begin from the proclamation of martial law. If Hon'ble Members will look down the list of amendments they will see, however, that he proposes that the termination of the period during which protection should be given should be the 23rd April, a date long before our notification withdrawing martial law was issued. The date of commencement is to be postponed and the last day up to which protection is to be given is to be antedated. But, my Lord, I want to pass to very much broader objections than this to the amendment. It is one of a series of amendments intended to whittle down the whole effect of this Act. General principles were discussed in great detail in this Council lately, and there was a general consensus of opinion that the principle of the Bill should be accepted; I think there were only three or four Hon'ble members who did not take that view. In such circumstances, it is a very common move to say, 'well, if we have to pass the Bill let us make it ineffective by a succession of amendments,' and the present is one of the amendments intended to effect that object. My Lord, our view is that the whole of these disturbances are one connected whole; that they began with the disturbances of the 30th March at Delhi, and from that date onwards, from time to time, it was necessary to enforce martial law in different places. There was no definite proclamation of martial law in some places at all, nor is any proclamation the essence of the matter. The real question is, when was martial law actually enforced? The Hon'ble Member is aware of the weakness of his position when he said that various quotations would be made to prove that he was incorrect. I have a number of authorities on the point here. I will cite one, a quotation from the Law Quarterly Journal: Mr. Erle Richards, Lord Justice. 'A proclamation is not in any sense essential to the exercise of these powers; it is a convenient notification to the inhabitants that the Commander has assumed control of the district but in no way affects the legality or illegality of his action.' Then I will read a joint opinion by the Attorney General and the Solicitor General in regard to certain disturbances which arose in Canada. 'In any district in which by reason of armed bodies of inhabitants being engaged in insurrection the ordinary course of the law cannot be maintained, we are of opinion that the Governor may, even without any proclamation, proceed to put down the rebellion by force of arms'.

" There are numerous other authorities on the same question, and the law is perfectly clear. In fact, I am not aware that martial law was at any time proclaimed in the Bombay Presidency. If it was I have not seen any notification, I speak subject to correction. If that is so the effect would be if the Hon'ble Member's amendment were accepted, that the officers of Government in Bombay in those places in which martial law was enforced would not get any protection at all under the Bill. There were also certain districts in the Punjab in which the military authorities had to take over control when the civil authorities were not able to cope with the situation, and where martial law was enforced long before it was formally proclaimed by the Government of India. Thus, in Amritsar, the local military authorities in order to preserve peace, had to take over the situation long before or at any rate some time before martial law was proclaimed. The Hon'ble Member went on to say 'why were the ordinary laws, the Criminal Precedure Code and the Indian Penal Code not utilized?' 'Why did these gentlemen not look up these laws and act according to them?' That, my Lord, is exactly the position that I said in the opening debate was impossible. When there is serious disorder which the civil authorities are entirely unable to deal with, an insurrection against the King, is the officer who has to quell it to run and look up the Criminal Procedure Code or the Indian Penal Code, to discover if there is a section that will protect him before he takes effective action ? Such a position is absurd.

"For these reasons, my Lord, it is impossible for the Government to accept the date of the proclamation of martial law as the date from which this clause of the Bill is to protect officers for *bona fide* action."

[At this stage the Council adjourned for Lunch till 3 P.M.]

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, the position taken up by the Hon'ble the Home Member does not come on some of us as a surprise. Hitherto we understood that an Indemnifying Bill was to be introduced in the areas where martial law had been proclaimed and because martial law had been proclaimed. But now the position taken up by the Hon'ble the Home Member is that a proclamation of martial law is not essential, and that if the military take charge of a place where there has been a disturbance, that is sufficient to bring the area in which this happened within the operation of this Bill. My Lord, it is a dangerous extension. It is meant to cover cases which could not be justified without such extension, and it is a great wrong to those who suffered in those areas where martial law had not been proclaimed. 3 P.M.

"My Lord, it is hopeless to expect that the Government will go back upon the position taken up by the Hon'ble the Home Member, but we feel that we must enter our protest against this departure. The Hon'ble the Home Member complained that the series of amendments which have been put forward by some of us had only one object, namely, to whittle down the Bill. My Lord, when we cannot entirely prevent the passing of the Bill the next best thing that we can do, is to minimise the evil which its provisions contain to safeguard the interests of the public as much as we can, and to object to as many provisions as are clearly objectionable, and to endeavour to put in as many safeguards as we may be able to press upon the consideration of the Government. I do not think the complaint that has been made by the Hon'ble the Home Member is justified. I hope that if the Government cannot see their way to accept this amendment, they will at any rate recognise that we have reason on our side, and that they have the votes on their side."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, we still hope that the Hon'ble the Home Member will confine the operation of the Bill to areas where martial law had been proclaimed. The Hon'ble Pandit Malaviya has also referred to the very great danger of extending it to areas where the civil arm was exercising its jurisdiction, although the civil officers had to call in the aid of the military for the purposes of enforcing order, it being thought that the police were not able to cope with the evil. There seems to me, my Lord, another great danger, and that is this. It means that any Local Government without coming up here under the provisions of section 71 of the Government of India Act for the purpose of asking the Government of India to frame regulations for their presidencies when the ordinary law is not sufficient for the purpose, can, by virtue of the doctrine now enunciated practically extend martial law to any area within their jurisdiction the moment they feel that the civil power is temporarily unable to cope with disorder in any town or village. I think that was never intended by the constitution. Section 71 of the Government of India Act says 'that the Local Government of any part of British India to which this section for the time being applies may propose to the Governor General in Council to draft any regulation for the peace and good government of that part with reasons for the proposed regulations.' The Government may or may not accept this proposal; that is quite a different matter. Here Hon'ble Members will see that the Punjab Government approached the Government of India . . . . : 3-2 P.M.

The Hon'ble Sir George Lowndes :—"My Lord, I must protest again at the Hon'ble Member solemnly quoting from the Regulation section of 3-5 P.M.

the Government of India Act which only applies to certain territories like the North-West Frontier. It has no application whatever to the Punjab, to Bombay, to Bengal or to any of the major Provinces."

3-6 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"There was a power, I know, by which the Presidency Governments were also empowered by Statute to approach the Government of India for aid where they felt the ordinary law was insufficient. My argument does not cease to have any force even if section 71 is inapplicable to this particular case. My argument is that whether the Regulation applies to this case or not, the new doctrine that martial law can be enforced by a Governor or the head of a province and people can be handed over to the tender mercies of the military who can frame new laws, new penalties and do anything they like the moment they feel that law and order cannot be temporarily coped with with the aid of the civil force alone, is entirely a wrong doctrine. My point was that the law takes note of these difficulties where the civil arm is insufficient and makes it an incumbent duty upon the military officers to help the civil. But in all these cases prior to the actual proclamation of martial law the civil power would be responsible and the ordinary law would guide the courts in deciding the legality of the actions of men who have acted during that period. Now the constitutional writers who refer to the fundamental basis of martial law merely refer to the common basis of the power of the Crown to enforce order whether martial law is proclaimed or not. They simply say that necessity is the basis of martial law. Ordinarily, therefore, even without the proclamation of martial law the civil power has got jurisdiction to arm itself for certain purposes to quell disorders, but only so much force as is necessary should be employed. Therefore the fact that there is a common basis for the two does not, I submit, empower the executive Government to treat the two as exactly parallel and ask that the civil or the military officers who had exercised jurisdiction are entitled to seek the protection of an Indemnifying Act even before the proclamation of martial law. I would only suggest, if there be any difficulty about the fixing of dates, the words 'the enforcement of martial law' may be used so as to cover any difficulty, but I do not think that the real point would be met. But I throw out this suggestion to the Hon'ble the Home Member, because on a previous occasion instead of the words 'proclamation of martial law' he accepted the words 'enforcement of martial law'. Of course whether the words 'enforcement of martial law' would cover a particular case will be dealt with by the Tribunals when the cases come up."

The motion was put and negatived.

3-10 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I move 'that in clause 2 for the words 'the commencement of this Act' the words 'the 26th of August 1919' be substituted.'

"My Lord, when I moved for leave to introduce this Bill, this clause which extended the period during which special protection was afforded to our officers up to the commencement of the Act, was the subject of justifiable criticism. Since then I have again looked up the dates on which martial law was actually proclaimed and the dates on which it was withdrawn in the different areas. The dates on which it was proclaimed vary from the 13th April to, I think, the 22nd of April. The dates on which it was withdrawn vary from the 28th May to the 28th of August. I ought to explain, however, that after the 11th of June martial law was enforced only in railway lands in the Punjab, and that it was enforced there only by reason of the military requirements during the Afghan campaign. It was then obviously of paramount importance that military operations for the transport of troops and munitions should not be impeded by any disorders on the railway or by any interruption of communications.

"The areas of the Punjab in which martial law was at the time in force were disturbed areas, and there was considerable risk of communications being interrupted if we relaxed military control of the railways: for that reason martial law was continued in the railway areas only up to midnight of the 25th of August this year, and that date has therefore been fixed upon now as a convenient date up to which the special protection afforded to our officers should be extended."

The Hon'ble Rao Bahadur B. N. Sarma:—"If this amendment is accepted my amendments entirely fall to the ground, because the amendments I have suggested, are that the operation of this Bill should be confined to the 23rd of April. The reason why I suggested the 23rd of April was that, as far as I could gather from the Press Communiqués which were quoted in the book 'Punjab Disturbances,' the disturbances ceased on that date. I see that there was real trouble with regard to railway and telegraph communications, wires being cut and so on, until about the 21st of April. I pointed out on a previous occasion that both the Communiqués of April 22nd and May 2nd showed that the Province had quieted down, although it may be as a matte rof precaution the military were there to see that no further disturbances broke out. The following Communiqué was issued:—'Lahore April 22nd, situation well in hand and reports of the districts contain no disturbing items except cutting of telegraph wires near Chakki bridge, Kangra District.' 3-12 P.M.

"And then a Communiqué of May 2nd gives a list of all the occurrences with reference to the cutting of wires and the derailment of trains and so on, and as far as I could gather, the period that this covers is up to about the 21st of April. Later on the Communique states:—'The injury which has occurred since 21st April, but the operation of martial law had by that date already begun to have their effect and subsequent interruptions were comparatively few.'

"I shall proceed on the basis that martial law had this effect, even assuming for argument's sake that there were a few interruptions later on.

"I have stated already the fact that martial law can be legally enforced only so long as there was necessity therefor and not one moment longer. It would be a usurpation of absolute power, an exercise of lawless law, if it is kept one moment longer. I realise that you may have to keep the force active in order to guard against a future recurrence of events, but my submission is that that would have to be done under the ordinary law of the land, and martial law proper would cease to have operation the moment the disturbances are quelled, and that is a very important doctrine to maintain in a country like India, because the executive are not really controlled by the Legislature, and it is necessary that they should be chary of any attempt to keep these lawless laws in operation one minute more than is absolutely necessary. I submit that any action that might have been taken by the Government subsequent to that should be considered as having been done under the ordinary law of the land, that is under the civil power, and should not be brought within the jurisdiction of the military courts. It is only for that purpose that I have brought in this amendment that martial law should, as martial law, be considered to have ceased on the 23rd of April for the purposes of this Bill."

The Hon'ble Sir William Vincent:—"I am glad at last to obtain an admission from the Hon'ble Mr. Sarma that up to the 23rd of April there was serious disorder, because for some time in this Council a definite attempt was made to make out that nothing occurred at all but a little local rioting which was not of a serious character . . . . . . 3-16 P.M.

The Hon'ble Rao Bahadur B. N. Sarma:—"May I say I did not agree with the question; I assume it was so."

The Hon'ble Sir William Vincent :—" The Hon'ble Member may now use the word 'assume.' What he did do was to admit the fact and it is a great advance on previous statements. The Hon'ble Member went on to suggest that, at any rate, this violent form of disorder had ceased on the 23rd April. But, my Lord, I drew attention just now to the position of the Hon'ble Member in this matter. He did not wish clause (2) to take effect from the date on which the disorder began. Then he said 'No, you must stick to the date of your proclamation.' But when it is a question of determining the period during which protection by the Act should be afforded, he will not take the date on which the notification withdrawing martial law was issued. He says, 'No, you must come back to the actual facts, irrespective of the date on which martial law was withdrawn. And I maintain there was no disorder after the 23rd.' Well I suggest to the Council that this is not reasonable. Responsibility for declaring martial law rested with the Government of India, acting on the advice of the Local Government, and I read to this Council the telegram upon which we acted. The position then of our officers was this, they were aware that martial law was in force ; they were therefore acting under orders. Provided that they acted *bona fide* and in a reasonable belief that their action was necessary, are they to be deprived of protection because Members of this Council may say the Government continued martial law too long, or are they not entitled to plead 'We were acting on the orders of the Government as set out in notifications which had been issued in the Gazette'? I want the Council, however, again to remember that we do not claim the protection of those men if they have acted *mala fide* or improperly ; it is *bona fide* action taken in a reasonable belief that it was necessary alone that is protected. Now is it much to ask the Council to protect such men for such action during a period while the Government of India themselves rightly or wrongly declared that martial law was necessary ? That is the point that I want to make to the Council. My Lord, it is often assumed that directly the military authorities have quelled the open disorder and disturbances with which they are called to deal, they must at once abrogate their authority to the civil authorities. I do not know how far that is good constitutional law, but there is good authority for the proposition that the actual presence of violent disorder is not essential to the continuance of martial law, and this has been laid down by no less an authority than Pollock, when he says 'that the absence of visible disorder and the continued sittings of the court even are not conclusive evidence of the state of peace.' There is a another well known case on the point from India in which, although the courts had been open for six months and the Privy Council held that the seizure of property by the military authorities on the plea that martial law was in force, was perfectly justifiable because the war had not at the time ceased. Further, as a matter of common sense, the fact is that once you have established martial law to quell an open insurrection, it would be the height of folly, and, I think, Hon'ble Members of this Council will agree with me, it would really be the height of folly to abrogate it unless you have some reason to believe that the civil authorities could control the situation if martial law was removed. If you thought that the position was such that the military authorities would have immediately to be called in again, it would be idle to stop martial law or make over control to the civil authority. Such conduct would be doubly unwise on an occasion like the present when we were at war with a power on the frontier in close proximity to the Punjab. The date I propose for insertion in the clause, the 26th of August 1919, is actually the date on which the last notification withdrawing martial law was issued by the Government, and that is the reason for fixing that date in the Bill."

(After the Hon'ble Sir William Vincent had finished speaking, the Hon'ble Pandit Madan Mohan Malaviya rose.)

The President :—" Order, order. The Hon'ble Member has replied."

The Hon'ble Pandit Madan Mohan Malaviya :—"I was going to ask your Lordship whether I was entitled to speak, because the Hon'ble Mr. Sarma . . . . . .

The President :—"You should have taken the opportunity of speaking immediately after the Hon'ble Mr. Sarma.

"If this amendment of Sir William Vincent's is carried, it will involve the rejection of all *amendments down to amendment No. 22."

The motion was put and agreed to.

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I beg to move— 3-22 P.M.

'That in clause 2 for the words 'provided that such officer or person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes' the following be substituted :—

> 'Provided always, that the indemnity hereby granted is granted upon this supposition and condition, that all such acts, matters and things shall have been done *bona fide*, necessarily and properly, and without needless severity, in furtherance and extension of the objects for which martial law was proclaimed as aforesaid.'

"My Lord, in speaking to a similar amendment earlier in the debate, I drew attention to the fact that I have taken the language of this amendment from the Act of St. Vincent. My Lord, in this particular amendment I have introduced four words which are not to be found there, namely, 'and without needless severity'. I submit, my Lord, that it is desirable that we should substitute the amendment which I propose, in order that it might be possible for those who have suffered to have redress of their grievances. This is a measure which is being passed without the report of the Committee of Inquiry which has been appointed being laid before this Council. That imposes upon this Council the duty of more closely examining the provisions of the Bill. My Lord, if the Bill is passed as the section stands, I submit it will be very difficult for any person who has been damaged or injured by the operation of martial law to obtain a redress of his grievances, and in support of the view which I have submitted to the Council, I would invite attention to the debate that took

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The Hon'ble Mr. Sarma :—

18. 'That in clause 2 for the words 'and before the commencement of this Act' the words 'up to the 23rd April 1919' be substituted.'

The Hon'ble Mr. Sarma :—

19. '*If amendment No 18 be rejected.* That for the words 'and before the commencement of this Act,' the words 'until the suppression of the disorders' be substituted.'

The Hon'ble Mr. Sarma :—

20. '*If amendment Nos. 18 and 19 be rejected.* That in clause 2 for the words 'and before the commencement of this Act' the words 'during the continuance thereof' be substituted '

The Hon'ble Mr. Sinha :—

21. 'That in clause 2 for the words from 'on or after the 30th March' to 'this Act.' the words 'during the period when martial law was in force' be substituted.'

The Hon'ble Mr. Malaviya :—

22. 'That in clause 2 for the words 'on or after the 30th of March, and before the commencement of this Act,' the words 'during the continuance of martial law' be substituted.'

place in the House of Lords in 1818. An Indemnity Bill was to be introduced there, but before it was introduced a Committee of Inquiry had been appointed and had reported. In introducing the Bill the Duke of Montrose claimed that it was a corollary from that which had preceded it, namely, the suspension of the Habeas Corpus Act, and he urged that an Indemnity Bill was a necessary consequence of the suspension of that Act. This is the view which has been urged by the Hon'ble the Home Member and the Hon'ble the Law Member. We have been told repeatedly that an Indemnity Bill was an inevitable consequence to the introduction of martial law. Here, my Lord, what the Premier said on the discussion which was raised by Lord Lansdowne was that—

> 'after such a report as that presented to Their Lordships by the Committee, a Bill of Indemnity seemed to follow as a measure due in justice to those who had been entrusted with the difficult task of carrying the act of suspension into execution.'

And he said:—

> 'The Government were anxious to lay all the information with respect to their conduct before the Committee of the two Houses of Parliament in order that they might know how they exercised the powers entrusted to them generally and particularly, and judge from that how far they were entitled to such protection as they now came forward to apply for. They did not ask for it as a necessary consequence of the suspension of the Habeas Corpus Act, but on the ground of the belief expressed by the Committee that the powers committed by Parliament to their discretion had not been abused. That and that alone was the ground upon which they stood before Parliament and the country. The Bill did not follow as a matter of course. The conduct of Ministers had been referred to a Committee. From the report of the Committee it appeared that all the detentions which took place under the suspension were fully warranted by circumstances and, if Their Lordships had any confidence in that report, they must in justice and in fairness grant the protection the Bill now proposed.'

"Now, my Lord, let us see how these remarks have a bearing upon the proposal before us. Here martial law was proclaimed at a time somewhere between the 13th and 15th of April. This was continued up to the 26th of August. There have been many protests, many representations to Government, that the continuance, at any rate, of martial law was not justified, and it was on that ground that one of your Hon'ble Colleagues laid down the reins of his office. Now, my Lord, the Government have recognised the wisdom, the justice, of appointing a Committee of Inquiry to consider how far these matters, these complaints, were justified or well-founded. That Committee of Inquiry has not yet met. The complaints, the allegations, to which I drew attention are to be laid before that Committee and that Committee has to make its report. Assuming the Committee come to the conclusion that the introduction of martial law was justified, the next question for them to consider and answer would be whether its continuance was justified, and, if so, up to what period of time, because every detention of every single individual—and I understand the number is over 1,000 of those who are at present in jails . . . . .

The Hon'ble Sir William Vincent:—"My Lord, may I rise to a point of order, to inquire whether this is relevant to the particular amendment before the Council?"

The President (to the Hon'ble Pandit):—"Will you show me how it is relevant?"

The Hon'ble Pandit Madan Mohan Malaviya:—"In this way, my Lord, very easily. It is relevant to show that the language used in this section should be as I suggest, namely, that only acts done *bona fide*, necessarily and properly, and without needless severity, should be indemnified. The object of my remarks is to show to your Lordship that it is yet a question for the Committee to consider whether the continuance of martial law and the detention of so many prisoners who have been detained in jail was necessary, whether it was proper and whether it was carried out without undue severity during the period up to which this martial law existed . . . . .

(The Hon'ble Sir William Vincent here rose again.)

The Hon'ble Pandit Madan Mohan Malaviya :—" May I finish my remarks ; I am explaining the reasons why my speech is relevant to the amendment . . . . .

The President :—" I hope you will give me some better reasons, because, at present, I am not satisfied."

The Hon'ble Pandit Madan Mohan Malaviya :—" I am giving my reasons. It is for you, my Lord, to judge whether they are right or wrong. What I submit is that there are numerous persons who have been detained and who are undergoing imprisonment. In the case of many of these persons they desire to bring suits to test the validity of the detentions. If the indemnity is granted in the general terms in which it is proposed in the Bill before us, it will be a very difficult thing for them to have a chance of proving their case. If the words which I suggest are substituted, namely, that it is only those acts which have been done *bona fide*, necessarily and without needless severity, that it is only such acts which will be indemnified, then, I submit, they will have a better chance of having redress of their grievances. That is the reason of my amendment . . . . . .

The President :—" If you confine your remarks to the matters and things that have been done *bona fide*, necessarily and properly, and without needless severity, you will be in order, but you will not be in order if you travel outside the discussion of those words."

The Hon'ble Pandit Madan Mohan Malaviya :—" Thank you, my Lord ; I shall so confine myself.

" My Lord, from the statements laid on the table by the Hon'ble the Home Member the other day in answer to some of my questions, the Council will have seen what a large number of persons has been kept in imprisonment, and I submit that for them it will be easier to prove that certain acts were not done *bona fide*, necessarily and properly and without needless severity than it would be for them to prove that certain acts were done in good faith in a reasonable belief that those acts were necessary. For these reasons, I commend this amendment to the consideration of the Council."

The Hon'ble Sir George Lowndes :—" My Lord, this amendment has really been discussed over and over again ; and I have explained why we use the words ' acts done in good faith and in a reasonable belief that they were necessary.' It is no good my explaining them any more. If I explained the intention fifty times, the Hon'ble Pandit would not understand. There is no one so deaf as he who will not hear. The Hon'ble Pandit again cited the Act of St. Vincent, which is, I think, going back to an ancient and, if I may say so, an insignificant precedent. If the Hon'ble Pandit prefers the British Statutes, let us by all means go back to the precedent of 1780 under which all acts which were done for the suppression of rebellion were to be validated. That is the formula adopted there. If the Hon'ble Pandit thinks that it has the sanction of time, I am quite willing to follow it. We have tried to put before the Council a more modern formula and a reasonable limitation of both validation and indemnity by the clause proposed in this Bill. If the Council thinks otherwise by all means let us go back to the beginning ; not to the St. Vincent Act, which is hardly a worthy precedent for this Council to copy—let us go back to the British Statutes of the end of the 18th century. I have explained over and over again why I personally prefer the drafting 3-32 P.M.

which has been adopted in this Bill, and, I think, it is clear why the Hon'ble Pandit objects to it. I submit the Council should not do anything of the sort."

The motion was put and negatived.

3-34 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, I move that in clause 2 for the concluding words 'it is hereby discharged' the words 'the provisions of this Act shall apply thereto' be substituted.'

It is a formal amendment which I have moved that if there be any proceeding already pending, it should be open to the plaintiff or prosecutor to show that the officer did not act in good faith and in a reasonable belief, and I do not think the Hon'ble Member intends that an action should be dismissed without giving the party an opportunity. 'If any such proceeding has been instituted before the passing of this Act' are, I think, very wide terms; and that is the reason why I have brought forward this amendment. It is a mere formal amendment."

The Hon'ble Sir George Lowndes:—"My Lord, again, I am afraid, Government are unable to accept this amendment. The plain and simple words are 'it is hereby discharged'; those are the words which have been used in the Acts which we have copied—the South Africa Acts and others. The Council may also be interested to know the wording proposed in the Indemnity Act which is either now before Parliament or will very shortly be. It is a general Indemnity Act practically for the whole Empire in respect of things done during the war. The actual words which we have adopted are to be found in this the most recent piece of drafting available. The words there used are: 'If any such proceeding has been instituted, whether before or after the passing of the Act, it shall be discharged and made void.' We only go as far as 'discharged'; we do not think it necessary to put in the words 'made void.' I am not discussing the merits of the clause, I am only pointing out that we have followed the most modern form available."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, if the Hon'ble the Law Member had told me that if there be any proceeding instituted it would be governed by the provisions of this Bill and that the party would be entitled to show that the officer acted in bad faith or without reasonable belief, I would have been content. There is no use telling me that there are other Acts in which similar words were employed and that we are only following the modern drafting. The question is as to what by the use of this very wide language is intended. I do not think that it was the object to have all actions discussed apart from their merits, and therefore I brought in this amendment."

The Hon'ble Sir George Lowndes:—"My Lord, may I give the Hon'ble Mr. Sarma the fullest assurance that that is the intention. It is, I think, clear that that is the meaning of the words and nothing more."

The motion was put and negatived.

The President:—"The next three amendments are identical. The first is to be moved by Mr. Sarma, the second* by Mr. Malaviya and the third* by Mr. Sinha. The fate of the three will be decided upon the first."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I move 'that in clause 3, the words from 'and all action' to the end of the clause be omitted.' I did not intend to move this amendment if my amendment about 'reasonable belief' and about limiting the operation of this Bill to the period covered by the martial law proclamations had been accepted, because I realised that during that period this presumption in respect of acts done by officers ought to be raised, namely, that they had acted in good faith, and it would be for the other party to show that the acts were not done in good faith, and all the precedents are in favour of that proposition. I need not go over the ground again covering the period before the actual proclamations and after the actual necessity, according to some others, had ceased. We cover the incidents in Amritsar and Gujranwala and other places which we feel justified in the extension of this presumption in favour of the officers. Those are the grounds upon which I rely for asking that these words should be deleted from this clause."

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* **The Hon'ble Mr. Malaviya**:—
28. 'That in clause 3 the words from 'and all action' to the end of the clause be omitted.'
The Hon'ble Mr. Sinha:—
27. 'That in clause 3 the words from 'and all action taken' to the end of the clause be omitted.'

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I will add only a few words and two opinions to what has been said by Mr. Sarma in support of this amendment. We urge that the words which we have indicated should be omitted so that the onus of proof will not be thrown upon the plaintiff or complainant, to prove that the person who assailed his honour or his liberty did not act in good faith and reasonable belief. Now, my Lord, this is in conformity with the Statutes of Parliament and the English opinion. I will cite two weighty opinions on this question. 3-40 P.M.

" When the matter was being discussed in the House of Commons Mr. John Stuart Mill said :—

'There may be a public necessity in the case of rebellion, requiring that certain acts not justified by the ordinary law of the country should be done, but these acts should be acts of suppression and not of punishment. Now a point which has not been noticed and to which I attach the highest importance is this—that in a case of public necessity those who act upon it, and do under the supposed necessity that which they would not ordinarily be justified in doing should be amenable to the laws of their country for so doing. As in the case of killing any person in self-defence so in the case of putting any person to death in defence of the country, the person who does it ought to have the onus thrown upon him of satisfying the ordinary tribunals of the country that the necessity existed.

'What therefore we say does not exist, and ought not to exist, and which if it does not exist we should do our utmost to put an end to, is the idea that any proceeding such as a declaration of martial law, can or ought to exempt those who act upon it from amenability to the laws of the country. We contend that the law of necessity, of which nobody denies the existence, would justify the executive in doing these things, if no such thing as martial law had ever been heard of, and that by using the term martial law you ought not to be able to get rid of all responsibility. We demand that the officers of Government of this country should not be able to escape or get out of the region and jurisdiction of the law; but, that whatever they do, if it be against the law, they should be compelled to justify. They must show the necessity which existed, not to the satisfaction of a court-martial merely, but of the regular tribunals of the country.'

" Now, my Lord, I submit that this weighty opinion should have some value with the Government of India. This was the opinion of a philosopher, a statesman and a legislator. Let me quote to Council the opinion of a Judge, Chief Justice Cockburn. In discussing an Indemnity Act he laid down in no equivocal terms that 'it should be confined to acts honestly done in the suppression of existing rebellion and under the pressure of the most urgent necessity. The present indemnity is confined to acts done in order to suppress the insurrection and rebellion and the plea contains consequently the necessary averments that the grievances complained of were committed during the continuance of the rebellion and were used for its suppression and were reasonably and in good faith considered by the defendant to be necessary for the purpose; and it will be incumbent on the defendant to make good these averments in order to support his plea.'

"My Lord, the Bill before us would make it incumbent upon the defendant to support his plea and on the plaintiff the necessity of proving that the defendant had not acted in good faith and in the reasonable belief that his action was necessary for suppressing disorders. I submit that this is without justification and it is a pity to my mind that the Hon'ble the Law Member should have gone to the Legislature of South Africa for the clause which he has inserted in the Bill. I submit that we should adhere to the views expressed by John Stuart Mill and by Chief Justice Cockburn of leaving the onus on the person on whom it naturally and reasonably lies. Who can give evidence? The man who pleads good faith. Who can say he had a reasonable belief in a particular thing? The man who had that belief. Thus you are asking another man whom this person has assaulted or injured to give proof of the non-existence of good faith; of the non-existence of a reasonable belief. You are putting the cart before the horse; you are doing an injustice to those men who are seeking redress. I will quote the words of Lord Holland in a debate in 1818 regarding the suppression of disorder—

'After having mangled the limbs of a man without trial and without proof of guilt it was a horrible crime to deny him redress by passing an Act to protect his prosecutor.'

"The Government, my Lord, are throwing upon the plaintiff the burden of proving what it is not reasonable possibly for him to do."

3-46 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"I should like to add a word in support of this amendment. I think it will be hard on the plaintiff or the prosecutor to have to prove his case, if the clause stands as it is. The Hon'ble the Law Member said the other day that in ordinary criminal cases the burden of proof is cast on the prosecutor. This is certainly true. But he will agree with me when I say that in criminal cases the prosecutor is discharged from responsibility when he has made out a *prima facie* case. When an accused person is put on his defence then the onus is shifted to him and he must then bring his conduct within the purview of any exception of the law. Similarly, I submit that to hold the plaintiff responsible to prove not only the want of good faith but also of the reasonableness of belief in the mind of the defendant would be certainly to place upon him a burden that he cannot possibly discharge."

3-47 P.M. **The Hon'ble Mr. Shafi** :—"My Lord the amendment moved by my Hon'ble friends, everyone of whom belongs to the legal profession, raises a question of law of considerable importance and, with your permission, I propose to deal with it from the strictly legal point of view. At the very outset I wish to emphasize the fact that, in order to arrive at a correct conclusion with reference to this question, it is essential for Hon'ble Members to bear in mind what clause 3 exactly enacts. Now, even a cursory analysis of this clause will make it clear that it can be divided into two parts. The first portion of this clause relates to the evidential character of the Secretary's certificate in connection with the first issue in such cases, *i.e.*, whether the action was performed under the orders of an officer of the Government. With reference to this portion of the clause, no Hon'ble Member has raised any objection whatever, and I take it that this portion of the clause is acceptable to everyone of them. The clause then proceeds :—'and all action taken for the aforesaid purposes shall be deemed to have been taken in good faith and in reasonable belief that it was necessary therefor unless the contrary is proved'. In other words, the onus of proof of absence of good faith and of a reasonable belief will be on the plaintiff or prosecutor, as the case may be. This being so, the question arises whether the position which embodied in this clause is a novel one, incapable of being supported either by general principles or by precedent, or is it a position which is justified by general principles as well as by authority. Now, my Lord, in the very remarkable address delivered by him the other day when the Hon'ble the Law Member made a comprehensive survey of the constitutional aspect of martial law, he cited precedent after precedent from various countries within the British Empire from which it was perfectly clear that whenever and wherever martial law had been introduced, it had invariably been followed by an Indemnity Act. Hon'ble Members will remember that he cited the corresponding clauses in these Indemnity Acts in order to show that in seeking to enact clause 3 we were not making any new departure whatever. In ordinary circumstances a reference to that speech would have been quite sufficient to meet the situation, but on this occasion I propose, with your Excellency's permission, to go a little further in order to establish three propositions. The first of these propositions is that the position which is enacted in the second portion of this clause is one which already finds place in more than one of the Acts which have been passed by the Indian Legislature ; the second is that it is in perfect consonance with the statutory rules of evidence as obtaining in this country, and the third proposition is that it is justified by judicial authority. Now, turning to the first proposition, as far back as the year 1850, an Act was passed by the Indian Legislature in order to protect Judicial officers in respect of acts which may have been done without jurisdiction but in good faith, Act No. XVIII of 1850. To section 1 of that Act I beg your Excellency's permission to refer. This is what is laid down—

> ' No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty whether or not within the limits of his jurisdiction ; provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of. '

" Now, my Lord, in a leading case on this section their Lordships of the Privy Council in a judgment reported in 2, Moore's Indian Appeals, at page 293, laid down the following principle. I am afraid I must correct myself. This rule was not based on this particular section, but was based on the corresponding section in 21, Geo. III, cap. 70, sec. 24. Their Lordships held that the section protecting the Provincial Magistrates in India from actions for any wrong or injury done by them in the exercise of their judicial offices does not confer unlimited protection, but places them on the same footing as those in English Courts by a similar jurisdiction and only gives them an exemption from liability when acting *boná fide* in cases in which they have mistakenly acted without jurisdiction. Trespass will not lie against a judge for acting judicially but without jurisdiction unless he knew or had the means of knowing of the effect of jurisdiction, but now mark what follows 'and it lies upon the plaintiff in every such case to prove that fact. '

" Now, my Lord, the Hon'ble Pandit thought it was very extraordinary that the onus of proving the absence of good faith should be placed upon a plaintiff in a case such as this. Your Lordship will see that this is exactly what their Lordships of the Privy Council laid down in this ruling, *i.e.*, that it will be for the plaintiff to prove that the Magistrate acted otherwise than in good faith in cases of this description.

" Turning now to section 43 of the Police Act, No. V of 1861, it enacts as follows :—

> ' When any action of prosecution shall be brought or any proceedings held against any police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing, and puroporting to be signed by such Magistrate and the defendant shall thereupon be entitled to a decree in his favour.'

" That is to say, under this enactment the mere production of the warrant directing the police officer to do a certain thing will entitle him to a verdict in his favour and a suit against him shall be dismissed.

"Now, your Lordship will see that the provision which I have just read out is analogous to the first part of clause 3, and if we had stopped at the end of the first part, we would have been perfectly justified in doing so, because there is the precedent of the Police Act in its favour; but in the present enactment, we do not stop there; we go on to say that the act must have been done in good faith and so on. Therefore, it is perfectly clear that the present Act is justified by the precedent of the Police Act also.

"Turning, my Lord, to the Statutory Rules of Evidence as obtaining in India, it seems to me that it is unquestionable that the onus of proof as laid down in the clause under discussion is in perfect consonance with the provisions of the Evidence Act. Let me in this connection invite the attention of the Council to two facts. The proceedings instituted by the person against whom action has been taken will either be criminal or civil. Now in criminal cases, it is one of the fundamental principles of criminal administration in all civilised countries, that the accused must be presumed to be innocent until his guilt is established by the prosecutor so that the onus of proof lies in every criminal case on the prosecutor to establish the guilt of the accused. No authority is required for this A. B. C. of Criminal Law, but if the Hon'ble Pandit who, I believe, has given up practice for a large number of years, requires an authority, I will only mention section 101 of the Indian Evidence Act and invite his attention to illustration A below that section :—

> 'A desires a court to give judgment that B shall be punished for a crime which A says B has committed the crime. And the onus of proof lies on the prosecutor.'

"Now, my Lord, turning to cases of civil proceedings, sec. 102 of the Indian Evidence Act enacts as follows :—

> 'The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.'

That is the general principle laid down in the Indian Evidence Act regarding the question of onus of proof. Now if in a civil suit a plaintiff were to come into court and ask for damages against the defendant officer of Government on the ground of certain action done by that officer, it is obvious that if no evidence were produced on either side, it is the plaintiff who must fail; his suit would naturally be dismissed if no evidence is produced on either side. And may I remind my three learned friends that this question is really concluded by authority. The case which, under these circumstances, will be instituted will be of the class of cases which are characterised as suits for damages for malicious prosecutions. It has been laid down by their Lordships of the Privy Council and by all the High Courts that even in cases where an accused person has been discharged or acquitted, whether in the Original Court or on appeal, when that person, in his own turn, comes into a civil court and asks for damages for malicious prosecution as against the prosecutor, he must, in spite of his discharge by the Criminal Court, establish three propositions. Firstly, that he was innocent of the crime with which he was charged, secondly, that the prosecution was malicious, and thirdly, and this is the most important point to which I wish to invite the attention of the Council, it is for the plaintiff to prove absence of reasonable and proper cause on the part of the defendant. That rule is obviously analogous to the rule which is embodied in the proposed clause. I need not cite in support of this position a long string of authorities which can be cited. It is sufficient for me to invite attention to only two leading authorities on this position. The Privy Council judgment in Indian Law Reports 25, Bombay, 322, Judgment by Lord MacNaughton, and the Calcutta High Court Judgment reported in Indian Law Reports, 28, Cal. 591, Judgment of Sir Francis Maclean, Chief Justice.

Therefore, my Lord, I submit that, on the ground of judicial authority, on the ground of precedent, on the ground of statutory rules of evidence, the onus is rightly placed on the plaintiff or the prosecutor in this clause when he comes into court either claiming damages or charging the accused person with an offence under the criminal law of the land, and, I submit, therefore that the principle of onus laid down in this clause is not only not extraordinary, but is the rule which already prevails, and in consequence, we are not enacting anything new."

The Hon'ble Sir George Lowndes:—" My Lord, this is not an amendment which Government can accept, and I am in some difficulty in dealing with it. My Hon'ble friend Mr. Sarma told the Council that he was willing to accept the position that it should be assumed that acts were done in good faith and were necessary until the contrary is proved in all cases of what I would call statutory law. But my Hon'ble friend would not apply the same rule to cases under non-statutory martial law. I am in a difficulty as to this, as I do not understand his differentiation between the two. Then came the Hon'ble Pandit who would not accept it at all. This is a case in which I am afraid the St. Vincent Act did not help the Hon'ble Pandit, and therefore we did not hear anything about it. The Hon'ble Pandit's argument was based on a passage which, I think, he quoted from a newspaper called the 'Servant of India' referring to an argument by Chief Justice Cockburn, not as a Judge, I understand, but in a discussion on some Indemnity Bill of which the Hon'ble Member did not give us any particulars. As far as I know, an Indemnity Bill on the lines of Lord Cockburn's argument was never passed by Parliament . . . . 4-2 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—" It was as a Judge that that remark was made by Lord Cockburn."

The Hon'ble Sir George Lowndes:—" I can carry it no further than the narrative in the 'Servant of India' which I have before me. It refers to a remark by Lord Cockburn in discussing an Indemnity Bill. I know no more about it, nor, I think, does the Hon'ble Pandit . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"May I mention that it will be found in 4 Queen's Bench Division, which is where I think that case was reported ?"

The Hon'ble Sir George Lowndes:—"Again I say that, so far as I know, such an Indemnity Bill was never passed by Parliament. It was apparently a suggestion by an eminent authority as to what should be put into an Indemnity Bill, but the suggestion does not appear to have been carried into effect.

" I think the Council may be interested to hear a relevant clause of the general Indemnity Bill which is, I believe, now before Parliament.

" The clause provides, as our Bill does, for certificates that acts were done under authority and goes on to say that 'any such act, matter or thing done by or under the authority of such person shall be deemed to have been done in good faith unless the contrary is proved.'

" That is one of the terms of the Imperial Bill now before Parliament, and our clause follows it very closely."

The Hon'ble Mr. Rao Bahadur B. N. Sarma:—" My Lord, my Hon'ble friend Mr. Shafi has obliged us by discoursing upon the rules of evidence and upon the previous history of enactments with regard to the onus of proof. I do not think anybody here need be told that the plaintiff or the 4-6 P.M.

prosecutor ought ordinarily to prove his case, that the actions of the accused or defendant infringe upon some legal right, some rule of law. That he has to do. But these general dicta are a little beside the point. What we are now concerned with here is that admittedly certain actions are in violation of the ordinary law of the land. Admitting that, the question is whether we are to give protection to officers violating the law on the ground that their acts are to be presumed to have been done in good faith for the purpose of carrying out the objects of martial law. That is the real point. Therefore, in the absence of an Indemnity Bill like this, the onus would really lie upon the person pleading good faith in defence. I will only quote one passage—'A person who under martial law imprisons or kills British subjects in India must, if he is to escape imprisonment, justify his conduct by proving its necessity.'

"Here what we say is, though as a matter of fact the act may not be necessary, we shall presume that the officer believed it to be necessary, and therefore we shall exempt him from punishment. Therefore I do not see how Mr. Shafi's remarks will help us. The question is are we as a Legislature to raise this presumption in favour of all acts, only some or in favour of no acts? I took an intermediate position. It was necessary under the circumstances in which this Bill was brought in for Hon'ble Members to contend really that, in the absence of a clear proof of necessity, the onus should not be on the plaintiff, but even to an intermediate position objection has been taken by the Hon'ble Sir George Lowndes: here we have two classes of cases; one class, in which martial law has been proclaimed and in respect of which there is some doubt. Then we have another to which the ordinary law should be applied and to protect which would be a violation of the constitution. Having regard to the facts which have been so far disclosed it would be a travesty of justice to presume good faith and reasonable belief, in favour of certain officers in respect of some of the incidents which occurred before the 14th and the 16th of April 1919. I suggested that therefore no presumption should be raised in respect of acts done before the proclamation of martial law, and after the necessity therefore had ceased in the eye of the law. Of course here we are not arguing before Judges on the question of presumptions and technicalities, we are arguing whether the course suggested by the Government is expedient; whether it is politically right, whether it would not be a dangerous precedent, when we know as a matter of fact that those presumptions are not justifiable in many cases as far as our present information goes."

The motion was put and negatived.

4-10 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, I move that after the words 'and all action taken' in clause 3 the following be inserted:—'after the proclamation of martial law therein and during the continuance thereof.' I have really stated all my reasons with reference to this point in dealing with the previous amendment. I shall therefore not weary the Council by repeating them. I respectfully submit that a distinction must be drawn between acts committed before the proclamation of martial law and after its proclamation, and, I think, there would be grave disaffection felt by the public if Government should try to shield acts which *primâ facie* must be assumed to be guilty."

The Hon'ble Sir William Vincent:—"My Lord, I have really nothing to add to what I have already said on this subject. I have explained that martial law was enforced before it was formally proclaimed in certain areas."

The motion was put and negatived.

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I beg to move 'that in clause 3 for the words from 'and all action' to the end of the clause the following be substituted:—

> 'and that every act, matter and thing shall be presumed to have been done, *bonâ fide*, necessarily and properly, until the contrary shall be made to appear by the party complaining.'"

The Hon'ble Sir George Lowndes :—"I think there is nothing more to be said on this point, and I shall not weary the Council by repeating my arguments."

The motion was put and negatived.

4-13 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"My Lord, a similar amendment has been thrown out by the Council, and there is no use in pressing this,* I beg to withdraw it."

The motion was by leave withdrawn.

The Hon'ble Rao Bahadur B. N. Sarma :—" My Lord, I ask for the omission of clause 4. Clause 4 runs thus :—

> 'Every person confined under and by virtue of any sentence passed by a court or other authority constituted or appointed under martial law and acting in a judicial capacity shall be deemed to have been lawfully confined and shall continue liable to confinement until the expiration of such sentence, or until released by the Governor General in Council or otherwise discharged by lawful authority.'

" Of course this is partly governed by clause 6, which says :—

> " Nothing in this Act shall—
>
> (*a*) apply to any sentence passed or punishment inflicted by or under the orders of any Commission appointed under the Martial Law Ordinance, 1919, or
>
> (*b*) be deemed to bar a full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council or to affect any question or matter to be decided therein.'

" Therefore, one class of cases really goes out, namely, those that are covered by the judgments of the Commissions appointed under the Martial Law Ordinances. I dealt at some length before with my objections to this part of the Bill and I shall not repeat them again. I shall try to summarise the various points on which I based my argument in asking the Council not to accept these convictions and sentences as being right and as deserving of confirmation. The point that was made by the Hon'ble the Home Member for bringing in a clause of this description was that, *prima facie*, these sentences might, after martial law ceased, be considered to be *ultra vires* and without jurisdiction. That therefore many persons might have to be released, and, inasmuch as inconvenient results would follow, an enactment of this description is absolutely necessary in the interests of peace and order. Well, the answer to that is two-fold. First of all, you might bring up those offenders who the Government think are really guilty and deserving of further detention before the ordinary courts. The only question would be one of expense. They may be re-arrested, and put in jail pending trial, and the interests of peace and order would not suffer in the slightest degree. The only question would be as to whether public time and public money would not be wasted by pursuing such a course. Put shortly the point is whether, on the balance of convenience, we are to confirm these convictions following precedents, or, having regard to the special methods employed in the Punjab, we should insist upon the Government bringing up the cases again wholly or partially. Hon'ble Members will see that I have got another amendment to the effect, that, at any rate in cases not covered by the Indian Penal Code or any special or local law this clause should not be applied. The objections, my Lord, are these. Assume that there was a necessity for martial law. According to many of us that necessity began, if at all, on the 14th or 16th and ceased about the

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* 'That in clause 3 the words 'in a reasonable belief' be omitted.'

23rd. If the above view be correct, it was wrong both on principle and the dictates of sound policy for the Government to have established tribunals or passed any Ordinance on the 21st for the purpose of dealing with the disturbances. The questions as to the interpretation and validity of these Ordinances, Nos. I and IV, how far they are applicable and as to whether they are applicable in cases governed by the Bengal Regulation only, are really before the Privy Council, but I submit on the question before the Legislature we are not hampered by considerations which might restrict the action of the Privy Council or of any duly constituted authority. The question, my Lord, is, was there any reason for the ordinary courts of the land not trying these offenders, and if special tribunals were rightly established, their not trying the offenders with the ordinary procedure observed, at any rate after the 21st.? If Hon'ble Members turn to the statement of trials by summary courts and area officers in the districts of Lahore, Amritsar, Gujranwala, Gujrat and Lyallpur, ~~Hon'ble Members~~ will find that most if not all of these convictions were late in April, and in May, June, July, and on later dates. It may be argued that martial law cannot be said to be in force when the ordinary courts are sitting for administering the law, and all writers have held that that is one of the criteria. The judicial tribunals in the Punjab were administering justice ordinarily without any interference, I take it, after the 21st. If they were administering the law after the 21st or the 23rd, was there any necessity for depriving the citizens of the Punjab of the protection of the procedure which was guaranteed to them by the Legislature deliberately in enacting the Criminal Procedure Code and other laws? My submission therefore is that there was a violation of the fundamental principle of jurisprudence and violation of the protection given by the Legislature, when courts were constituted which could set at naught the ordinary procedure. This is my first and strong objection to our ratifying these convictions. Of course, if there was a state of war, if it was absolutely impossible for any court to sit and try cases, then certainly it would have been foolish on my part to say that the strict procedure of the Criminal Procedure Code should be adhered to. Necessity knows no law, and if the ordinary law courts cannot administer the law, there is no use of complaining that they did not. But here that was not the state of things. The courts were sitting, the courts were administering justice; there was absolutely nothing, therefore, to justify the depriving the citizens of the protection of the ordinary procedure. It is true that courts of three Judges have been appointed, but the ordinary right of appeal has been taken away. That is my second objection.

"There is a third objection, my Lord, and that is this. As things stand, in some cases the evidence was not clearly recorded; in other cases there are no clear judgments, so that it is absolutely impossible in a large number of cases—I will not say in all—for the Legislative Council, the Government or any Judges who may be appointed to consider as to whether these decisions were rightly come to. There can be no scrutiny, and therefore I submit as a matter of principle that there should be no confirmation of these sentences.

"Then, my Lord, there is another ground, and a stronger one. These martial law officers have issued various regulations the enforcement of which might or might not be justifiable during actual rebellion or the suppression thereof. But, I submit, it would not do for the Legislature sitting here deliberately to confirm sentences under martial law orders based on principles opposed to the ordinary notions of civilisation. The number of regulations apart from notices framed by these various officers and prescribing penalties was, I think, 15. Regulation 16 runs thus:—'Any person who contravenes any of the foregoing regulations shall be liable to trial by an officer authorised to dispose of an offence summarily under martial law, and such officer may sentence the offender to imprisonment, rigorous or simple, which may extend to two years or to fine not exceeding one thousand rupees or with both . . and may also inflict whipping in addition to or in lieu of any other punishment which he is empowered to inflict.' I need hardly say that failure to salaam a European, discourtesy to a European officer and such like things had been made offences either by notice or by regulation Therefore the point is that if by clause 3 you confirm the conviction—I know it has been confined only to cases where persons have been confined—if you confirm the conviction you necessarily ratify the legality of a provision of this description which could inflict the punishment of whipping and other punishments upon any person guilty of any infraction of martial law. We are grateful to the Hon'ble the Home Member for confining clause 3 to cases of imprisoned persons, but I would ask him to see whether we are not, as a matter of fact, in confirming the validity of these convictions, really ratifying Regulation 16 covering them all and convictions passed under regulations which cannot, I think, be ratified by any Legislature. It may be that some of the regulations are perfectly unobjectionable ; but here the officers in command went and multiplied martial law offences, created offences which were not known to the law of the land, and under a comprehensive code of punishments a person can be whipped and imprisoned for any offence and in confirming the rule which inflicts the penalty you validate that rule ; that is my real difficulty. When the question of the amendment of the Army Act was under the consideration of this Council, I sought to move an amendment that that punishment of whipping should be abolished. His Excellency the Commander-in-Chief was so good as to sympathise with the object of my amendment . . . . .

The Hon'ble Sir George Lowndes :—" I rise to a point of order. I ask whether these remarks have anything to do with the clause of the Bill to which the Hon'ble Member has moved an amendment ? It does not deal with convictions or the nature of the punishment ; it only confirms sentences of confinement and nothing else." 4-26 P.M.

The Hon'ble Rao Bahadur B. N. Sarma :—" That is my real difficulty and I think that is no sufficient answer to my question. I find that in case No. 159 a person was thrashed and he was also remanded. . . .

The Hon'ble Sir William Vincent :—" May I explain, my Lord, that this clause has nothing whatever to do with any sentence of whipping at all ? I submit that the Hon'ble Member is out of order in attempting to create prejudice by bringing up this question of whipping."

The President :—" The Hon'ble Member must confine himself to the clause which he asks this Council to delete."

The Hon'ble Rao Bahadur B. N. Sarma :—" No one would be more glad if it were possible . . . . .

The President :—" It is certainly possible."

The Hon'ble Rao Bahadur B. N. Sarma :—" I shall then treat it as possible, because I take it that both the Hon'ble the Law Member and the Home Member do not want to uphold the legality of that rule. It may be legal or it may be illegal, that was just the point I was driving at. My real difficulty was that you would be indirectly ratifying that rule inasmuch as there were cases in which persons were remanded to custody and the punishment of whipping to which I was alluding is provided for in the general penal clause. I know that any observation made by any Hon'ble Member in the course of the discussion would be absolutely irrelevant for the purpose of interpreting the Act when it comes up before the law courts; but I do not think that there is much use carrying the discussion further on this point.

"Then, my Lord, apart from that clause I would ask this Council to bear in mind that various offences had been created, such as selling above controlled rates foodstuffs, milk, etc., and so on, punishable in the same manner, and the preamble (paragraph 3) was not limited in its operation as is clause 4 of the Bill. Of course it may be said that the operative part of an act is the thing that matters, and it is a perfectly sound argument; but I know the preamble is sometimes used in interpreting an Act. The preamble says—

> 'Whereas certain persons have been convicted by courts and other authorities constituted or appointed under martial law, and it is expedient to confirm and provide for the continuance of sentences passed by such courts or authorities.'

"It is very general; and therefore there is danger in wide interpretation of this clause and Regulation 16. I am glad to be told at any rate that no such use would be made of it and that it was not intended to cover that part of the Regulation which provides for the punishment of whipping, etc. I shall proceed, my Lord, on that assumption. Then the question is as to the various offences not known to the law which had been created by these martial law orders, and the various terms of imprisonment ranging up to two years, etc., inflicted under these. My submission is, would it be right for us as a Legislature to confirm these convictions without knowing more, especially when we know as a matter of fact that all the materials are not before anybody on which the rightness and appropriateness of the decisions may be examined. I therefore submit that this clause should be eliminated, and the ordinary procedure should be resorted to."

4-30 P.M. **The Hon'ble Sir William Vincent:**—"My Lord, I hope Hon'ble Members will not conclude from what the Hon'ble Mr. Sarma has said that this clause involves the admission of the principles to which he has referred. It does not. He referred, for instance, to the sentences of whipping awarded by the military authorities for certain offences. Whatever may be the merits or demerits of such a form of punishment, every Member who reads the clause which is now under discussion will see that there is no reference in it to whipping at all, and that it does not justify such sentences. I suggest further that the introduction of the racial question and the mention of this form of punishment were made in order to create a prejudice in the minds of the Council. I can conceive of no other reason for the mention of these matters. My Lord, I have already in my opening speech explained to the best of my ability why we cannot accept this amendment. When martial law is introduced in a particular area, it is clearly necessary for the military authorities to have some means of enforcing their orders, of punishing summarily and speedily crimes directly connected with the disturbances and breaches of military regulations. I think that is a proposition that will be evident to everybody, and as a matter of fact, I believe that when martial law is enforced the normal procedure is to constitute some form of summary courts; if indeed such courts were not constituted, there would be no authority whatever which could enforce obedience of martial law regulations. Otherwise if the offender were sent to the Civil Courts they would say 'this is not an offence under the civil law or one of which we can take any cognizance whatever.' Many of the men sentenced by these summary courts were, as I explained to the Council before, convicted of very heinous crimes, such offences as arson, the possession of stolen property, the destruction of railway lines, etc. I am very anxious not to repeat what I have said already. A large number, about 90 per cent I believe,—but I will not guarantee that statement—were tried before 1st class Magistrates whose business it is normally to try similar offences. I have already given an undertaking to this Council, further,—and I have already addressed the Punjab Government on the subject—that we will have the sentences of all these men revised by two High Court Judges. Further, those who have been convicted of offences which are really a violation of military regulations only, will be released by Government, provided that the facts found by the Court are not such as to justify a conviction for an offence punishable under the ordinary law. I do not know if I make myself quite clear. There are a certain number of offenders who have been definitely convicted under various sections of the Indian Penal Code. There is another class of offenders who have been convicted of breaches of military regulations. In some of the latter cases the facts found would justify the conviction of these men under the ordinary criminal law. We have cases, for instance, of extortion; one man was convicted of extorting money from a townsman on threat of giving certain information to the Police. This is a conviction that might well have been had under section 384. There is another case of indecent assault on a woman in which the conviction was recorded as a breach of military regulations; then we have cases of injuries done to railways and telegraphs. In such cases although the convictions have been recorded as breaches of military regulations, these records will only be revised in the ordinary way. Where, however, the offence consists of violation of military regulations and the facts found do not constitute an offence under the ordinary law, it is the intention of the Government—I gave the undertaking before and I give it again—to release the men immediately. I hope that will go some way towards meeting Mr. Sarma. But the amendment he proposes goes a great deal further than this, and would mean that none of these sentences of imprisonment should be validated at all. My Lord, I do not know how the military Commander can do his duty without these sentences. If anybody is whipped a large section of the public at once protests :' what a scandal, what a barbarous thing ?'

"What then is to be done with these offenders if they are not to be imprisoned or whipped ? Fining would not meet the circumstances of many cases. I have explained that Summary Courts were absolutely necessary and that proceedings in the ordinary courts would in cases in which speedy measures were necessary be an impossibility. Wherever martial law has been in force it has been the practice to constitute these courts, and it has been the practice to validate the sentences and the normal procedure to go very much further than the Bill which we have under consideration. Here, for instance, is the South Africa Act of 1915 which has been constantly quoted. It runs :—

> 'The several courts martial and military and special tribunals constituted and convened by or on behalf of the Government or its officers during the period aforesaid for the trial and punishment of persons guilty of treasonable, seditious or rebellious conduct or of persons subject to military law shall be deemed to have been constituted in accordance with law, and the several sentences .... are hereby confirmed.'

And goes on :—

> 'Every person confined in any prison, gaol, lockup, or in any other place whatsoever under and by virtue of any such sentence aforesaid shall continue liable to be confined therein.'

The same provisions will be found in both the older South Africa Acts. In one of them there is a definite reference to offences which really consist of a breach of military regulations, the very class of offences to which the Hon'ble Member made a reference. Similarly, the Imperial Bill, which has now been quoted, says :—

> 'Any sentence passed, judgment given or order made by any military court (other than a court-martial constituted in pursuance of any Statute) in connection with the present war or by any court established for the administration of justice within any territory in the occupation of any of His Majesty's forces during such occupation or after such occupation has determined until the Court has been abolished or superseded by such lawfully constituted authority as may hereafter be established for the administration of such territory shall be deemed to be and always to have been valid.'

In asking the Council to adopt this clause we are not therefore departing from the normal procedure. It was, however, suggested in another part of the argument of the Hon'ble Mr. Sarma, if I understood him aright, the point raised was that the ordinary courts were sitting and it was therefore improper to resort to summary courts— . . . .

4-40 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"You could for the sake of the convenience of the administration multiply the officers, but the procedure would be the ordinary one."

4-41 P.M. **The Hon'ble Sir William Vincent** :—"That is much the same thing, but in any case wherever military courts of this character have been constituted, it has been the universal practice, I think, to adopt a summary form of procedure. In fact this is obviously necessary if justice is to be administered quickly. In many cases where martial law has been established in the past, we know also that the Civil Courts have sat for the trial of ordinary offences concurrently with Military Courts specially constituted for the trial of offences connected with these disturbances. Finally, before I sit down, I want to point out two results of the adoption of this amendment. One is that Government would have to release a very large number of criminals, dangerous criminals, on to the country. That would be extremely unwise; and the second result would be that Council would deliberately put the Government in this position, that they would be liable to actions for wrongful imprisonment brought by a number of men who have done their best to destroy the safety of the State in a time of grave peril. That, I hope, this Council will not agree to."

4-43 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"My Lord, I am thankful to the Hon'ble the Home Member for his promise to release persons who were merely guilty of infraction of martial law regulations, and whose cases could not have been brought up under the criminal laws of the land. I think the people must be satisfied with that promise. But, my Lord, with regard to the question as to what effect it would have on public peace if a large number of people are released, I have already answered that; they may be brought before the ordinary courts. With regard to the cases of imprisonment, I still submit there is absolutely no information whatsoever as to why the ordinary courts were not allowed to proceed or the ordinary procedure was not followed, beyond the answer that military officers could not have done it. My reply to it, my Lord, is, that the courts specially constituted to try offences only on the ground of necessity might have followed the regular forms and should have followed the form in a time of peace when there was actually no rebellion. In the interests, my Lord, of persons who may have wrongly suffered as well as of the future, I think I must press this amendment."

The motion was put and negatived.

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, having regard to the promise we have received, I shall not press the other two* amendments on the agenda, and I beg leave to withdraw them."

The motions were by leave withdrawn.

4-45 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"My Lord, I propose 'that to clause 5 the following be added :—

> 'Such assessment by the said Judicial Officer shall be made pursuant to an inquiry conducted in the manner, so far as possible, laid down for the trial of suits in the Code of Civil Procedure'.

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* **The Hon'ble Mr. Sarma** :—

32. '*That if amendment No. 31 be rejected* the words 'and shall continue liable to confinement until the expiration of such sentence or until released by the Governor General in Council or otherwise discharged by lawful authority' in class 4 be omitted.'

33. 'That to clause 4 the following be added :—

'Provided that no person shall continue liable to confinement after the date of commencement of this Act unless he shall have been convicted and sentenced for some offence under the Indian Penal Code or some special or local law in force before the establishment of martial law.'

> 'An appeal shall lie to the High Court against such order of assessment in the manner provided for appeals from orders in the Code of Civil Procedure, the order passed by the High Court being final.'

"My Lord, this amendment does not touch at all even the fringe of the substantive provisions of the Bill. It only provides a machinery for the assessment being made, and as there is no provision of that character in this Bill, I think, my Lord, this amendment might be adopted with a view to provide a machinery for the purpose."

The Hon'ble Sir William Vincent :—"My Lord, the intention of the clause is to provide a summary remedy for persons who might consider themselves aggrieved owing to their properties having been commandeered by the military authorities. The Bill does not, as I understand, prevent a regular suit from being brought. Our intention is merely to provide a convenient remedy for the assessment of damages, and any one may seek redress in a law court. In those circumstances, if any person wishes to go to a law court and have a full trial, he may do so, but we do not think that it is desirable to prescribe the lengthy procedure of the Civil Court for an officer of the kind proposed. We do not either think it necessary to allow an appeal from proceedings of this character."

The Hon'ble Mr. Sachchidananda Sinha :—"My Lord, with regard to that part of the question which refers to appeals, I am prepared to withdraw it. But I think there should be some procedure laid down, and I have added the words 'so far as possible'. I do not, therefore, insist upon the trial being conducted in strict accordance with the Civil Procedure Code. I am prepared to withdraw the second clause about the appeal, to which the Hon'ble the Home Member objects."

The motion was put and negatived.

The President :—"I should have stated after Mr. Sarma withdrew his amendments just now, that amendment* No. 10 which stood on the agenda until these amendments were disposed of was of course dropped. It is consequential."

The Hon'ble Sir William Vincent :—"My Lord, may I point out that the same position arises with regard to an amendment of Mr. Sinha also ?"

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, I submit that this should be accepted, because it refers to certain cases only. It refers to certain cases and subject to certain limitations only, and those words I would like to be added to paragraph 3 of the preamble."

The Hon'ble Sir William Vincent :—"If the Hon'ble Member wishes to move the amendment, I have no objection."

The President :—(To Rao Bahadur B. N. Sarma) "You move No. 10."

The Hon'ble Rao Bahadur B. N. Sarma :—"I think that will clear the position."

The President :—"Yes, Mr. Sarma is moving his amendment No. 10 which was held up until the other two amendments 32 and 33† were disposed of."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, the Act deals with only certain cases, and it imposes certain limitations. Clause 4-49 P.M.
4 deals with the cases only of persons who are actually confined in prison, and in order to bring it into conformity with the other provisions, I propose that to paragraph 3 of the preamble the words 'in certain cases and subject to the limitations specified herein below' be added. I therefore hope that this amendment will be accepted."

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*10. 'That to paragraph 3 of the preamble the following be added 'in certain cases and subject to the limitations specified herein below'

† *Vide* page ~~1338~~ of these Proceedings.

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The Hon'ble Sir William Vincent :—" My Lord, I may say at once that we have no objection whatever to the introduction of the words suggested by the Hon'ble Member if the insertion will please him, but they really do not make any difference in the effect of the Bill. As it will apparently gratify the Hon'ble Member, I am prepared to accept an amendment, substituting the words ' certain sentences ' for the words ' sentences. "

The Hon'ble Rao Bahadar B. N. Sarma :—" It is not a matter for gratification, my Lord, but it is a question of some importance, and I am glad that the Hon'ble the Home Member has accepted a modified form of my amendment."

The amended motion was put and agreed to.

4-51 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—" My Lord, I beg to move ' that in clause 6, sub-clause (*b*) be omitted and the said sub-clause be inserted as a new clause 7, and that to the said new clause 7 the following be added :—

> ' And any order made by His Majesty in Council on any appeal presented by any individual or individuals against any conviction or sentence passed by any tribunal constituted under martial law and acting in a judicial capacity or by Commissioners appointed under the Martial Law Ordinance, 1919, as to the legality, propriety or correctness of any conviction or sentence may be taken advantage of by any other person convicted by the tribunals or Commissioners aforementioned though he may not have appealed against his conviction or sentence to His Majesty in Council; if the grounds upon which any order of His Majesty in Council is based are common to or govern the case of such other persons, and the Governor General in Council shall be bound to act upon the reasons underlying the said order of His Majesty in Council in all cases governed by such order; and the High Court of Judicature established in the Province shall on an application made to that Court for that purpose decide whether any particular case is governed by the rule laid down or reasons underlying any order of His Majesty in Council. '

" My Lord, the object of my amendment should be obvious to everybody who has followed the debates during the last few days over the Punjab affairs. There is a large number of persons who have been arrested, detained, tried, convicted and are undergoing sentences. A few of these have appealed to His Majesty's Privy Council. An appeal to His Majesty in Privy Council is not an easy affair; it involves much expenditure, much local help, and everybody is not in a position to do so. Even if the public do extend their help to some persons, as I am thankful to say help has been extended to a number of persons to have their cases brought before His Majesty in Privy Council, but the number of such cases will, I fear, be small. There will still be a large number of persons who will not be able to approach the Privy Council. The cases that have been tried, many of them might probably rest upon some common ground. At any rate it is expected that the decision of His Majesty in Council about certain points will govern a number of cases, and the object of my amendment is that, where His Majesty in Council has considered the case and has expressed an opinion upon the matters involved in it, the benefit of that decision should be secured to such other persons who may have been tried by these martial law commissioners or summary courts and who may not have taken their case to the Privy Council. My Lord, I hope that this will commend itself to the Government because it would be anomalous and deplorable that when His Majesty in Council has expressed an opinion upon points which affect the cases of other persons, they should not have the benefit of that decision. I do not think the Government would wish to contemplate that situation. I venture to think that in this matter, at any rate, the Government will be in sympathy with my amendment. The second clause which I have added, clause 7, lays down, in order to make assurance doubly sure, that the Governor General in Council should be bound by the decision of their Lordships in the Privy Council in such cases and that they should be bound, on receipt of the orders of His Majesty in Council in any particular case to take action on all such cases as may be affected by it. But, my Lord, we are all human and there is no knowing whether a decision of the Government of India will satisfy the persons whose right or interests may be involved, and for that reason, as an assurance that everybody will have a chance of having the matter properly considered and decided, I have suggested that the High Court of Judicature established in the province should, on application made to that Court for that purpose, decide whether a particular case is governed by the rules laid down or the orders of His Majesty in Council. I hope the proposal will commend itself to Government."

The Hon'ble Mr. Sachchidananda Sinha :—" I should like to say one word, my Lord, in support of this proposal, which seems to me a very reasonable one. Otherwise, there will be great hardship entailed on a large number of people who cannot appeal to His Majesty in Council. Therefore, people here should be given the benefit of a Privy Council Judgment, if they move the High Court on the ground that the facts and circumstances in their cases are similar to those of the cases before the Privy Council, and obtain a favourable order therefrom." 4-55 P.M

The Hon'ble Rao Bahadur B. N. Sarma :—" My Lord, I have a similar amendment against my name. It is obviously just that if the grounds of decision upon which the Privy Council set aside a conviction are common, it should apply to similar cases, and the Government or the High Court should set aside those convictions and sentences also. Of course if the grounds on which the Privy Council set aside these convictions are of a technical character, and not based upon the merits, there is nothing to prevent the Government from bringing up the offenders before the regular courts for trial. Therefore the ground of convenience should not be for keeping those men in confinement, even though their cases may be really governed by the decision of the Privy Council."

The Hon'ble Sir William Vincent :—" My Lord, if Hon'ble Members will again read clause 6 of the Bill they will see that nothing in the Bill can affect trials by commissions. Sub-clause (*a*) of this clause runs as follows : 'Nothing in this Act shall apply to any sentence passed or punishment inflicted by or under the orders of any Commission appointed under the Martial Law Ordinance, 1919.' 4-59 P.M.

" If Hon'ble Members will now turn to the amendment which is proposed in clause 6 by Mr. Malaviya, they will see that an important part of his amendment is entirely inconsistent with the sub-clause which I have just read. You cannot in one sub-clause of a Bill say that nothing in this Act shall affect trials before the Commissions, and in the next sub-clause go on to provide for such convictions and sentences. I do not know if I have made myself clear, but it seems to me that, as a matter of drafting and of principle, this is impossible. We are particularly anxious, and have been most careful throughout this Bill, to avoid any reference to these Commissions appointed under the Martial Law Ordinance, because we know that certain sentences from them are before the Privy Council on appeal, and that it would be manifestly improper . . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I do not want to stick to the actual wording of the amendment. If the Hon'ble Member will put it in a different form which will be acceptable, I shall be quite agreeable."

The Hon'ble Sir William Vincent :—"I am aware of the habit of the Hon'ble Member of putting a motion in an impossible form and then asking me at the last moment to put it into proper form. Well, I cannot do it at this juncture; he should have thought of this before. But I shall be able, I hope, to some extent at any rate, to meet the object which he has in view. I was for the moment trying to point out to the Council that it would be entirely inconsistent with the rest of the Bill if this amendment, as it is worded, was passed by the Council, and I cannot possibly undertake at a moment's notice to alter the amendment into a form in which it could be accepted. I have already accepted one amendment from Mr. Sinha to-day, and I am not at all sure that I was wise in doing so . . . . . .

The Hon'ble Mr. Sachchidananda Sinha :—"I can assure the Hon'ble Member he was."

The Hon'ble Sir William Vincent :—"It may however meet the Hon'ble Member and others here if I explain that if there is a decision by the Privy Council in any appeal before them and any appellant is acquitted on grounds which affect the conviction of other persons who have not appealed, we shall certainly examine the cases, and if we are satisfied that the reasons set out in the Privy Council's judgment apply to any cases of the persons under confinement here, we shall give effect to the principles enunciated by the Privy Council. It follows necessarily, that if the men who have appealed to the Privy Council are acquitted on grounds which would apply to other cases, those who have not appealed will receive the benefit of the decision. But I want the Council to remember that the position of the persons to whom this Bill applies is entirely different from the position of persons tried by the Commissions. These men were tried by summary courts appointed by the military authorities. The proclamation of martial law is a statutory authority vested in the Governor General in Council, I believe, and it seems to me that the validity of the sentences of summary courts depends upon entirely different grounds from those which form the basis of the decisions of the Commissions. It is however quite possible that I may be wrong in this matter and, should the judgments of the Privy Council be decided on grounds which would indicate that the trial of these persons by summary courts was not justified, then certainly we shall have to take action to meet the decision of the Privy Council. I hope that this undertaking will meet, to some extent the wishes of the Hon'ble Member."

The Hon'ble Pandit Madan Mohan Malaviya :—"Will the Government accept the last provision that 'the High Court of Judicature established in the province shall on an application made to that Court for that purpose decide whether any particular case is governed by the rule laid down or reasons underlying any order of His Majesty in Council?' "

The Hon'ble Sir William Vincent :—"I did not deal with that point by error, I ought to have done so. I am afraid the Government cannot accept this proposal. They do not intend to allow any appeal to the High Court from summary convictions by a military court. That is an entire negation of the principles on which martial law is administered. But I have given an undertaking as to the intentions of Government in this matter, and if we do not carry it out, there are many opportunities by which Hon'ble Members of this Council or any one else can make it incumbent on us to fulfil our undertaking."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, my amendment does not suggest that the High Court should hear appeals from the decisions of summary courts. All that I ask is that 'the High Court of Judicature established in the province shall on an application made to that Court for that purpose decide whether any particular case is governed by the rule laid down or reasons underlying any order of His Majesty in Council'. I wish the High Court to be empowered to deal with this on an application made to them, and I think that Government might see their way to accept this much.

"My Lord, as to the assurance given by the Hon'ble the Home Member, I am thankful for it. It is satisfactory, so far as it goes, and I hope that the public may not, as I fear the public may, have reason to regret that what should have been incorporated in the Bill was merely accepted as an assurance, and be disappointed again as they have been in the past. Your Lordship will remember, the Council will remember, that, in the matter of the Press Act, certain assurances were given about it, but the public have had to complain that they were not carried out. Therefore, I propose this for the consideration of the Government when I suggest that the wording of clause 6 might be modified. I was under the impression that the Hon'ble the Home Member had thought of some changes in the wording which he might accept. Well, my Lord, the Bill is not to be referred to a Select Committee. The difficulty of drafting becomes very great and, in view of that difficulty, I am not surprised that the wording leaves much to be desired. But, the principle of it being accepted, as the statement of the Hon'ble the Home Member shows, I hope the Government will accept the amendment as it stands."

The motion was put and negatived.

The President :—The rejection of that amendment will also dispose of Mr. Sarma's amendment* No. 37.

The Hon'ble Mr. Sachchidananda Sinha : – "My Lord, I move is that in sub-clause (*c*) of clause 6 for the words 'against any person' the words 'against any officer of Government, Civil or Military, or any other person.' 5-7 P.M.

"My Lord, the only reason for this is that the Hon'ble the Home Member explained that the Government wanted to reserve to themselves the right of proceeding against any officer, if that was necessary for the ends of justice. This amendment is intended to make that point clear."

The Hon'ble Sir William Vincent :—"My Lord, if there was anything in the amendment I should be very pleased to accept it, but it is really entirely unnecessary. It is the first time that I have ever heard that the word 'person' does not include an officer of Government."

The Hon'ble Mr. Sachchidananda Sinha :—"I wanted to be quite sure of that."

The Hon'ble Sir William Vincent : – "That is the advice I have received from the drafting Department."

The Hon'ble Mr. Sachchidananda Sinha :—"I beg to withdraw it, my Lord."

The motion was by leave withdrawn.

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, I beg to move the following amendment, 'that the following new clause be inserted as clause 7 :— 5-9 P.M.

> 'This Act shall be in force till the Committee appointed by the Governor General in Council to inquire into the recent disorders makes its report and for a period of three months thereafter.'

"My Lord, I gave notice of this amendment to provide against a certain contingency. Unfortunately that contingency has occurred. If my amendment that the Bill should be confined to what took place after the proclamation of martial law and during its continuance had been accepted, there might not have been very much necessity for this amendment. I shall not repeat the reasons which I have already urged for the acceptance of this amendment

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The Hon'ble Mr. Sarma :–

* 37. 'At the end of clause 6 add a new clause :—

'Any person convicted and sentenced by a Court or other authority constituted or appointed under martial law and acting in a judicial capacity, including commission issued under the Martial Ordinances of 1919 shall have the benefit of any order in Council regarding the legality, propriety or correctness of any conviction or sentence in an analogous case or cases in so far as the grounds of such order or decision may be applicable to him.

On application by any person convicted and sentenced as hereinbefore referred to, the High Court of the Province concerned shall determine whether the case of the applicant is governed by the decision of the Privy Council and pass such orders as it may deem fit.'

now. All that I shall say is that we meet all the objects which the Government have in view by accepting this clause. The Government asked 'are our officers to have the sword hanging over their heads until this inquiry is over'? We have given them protection ; nobody can institute any suit against them. We have also provided for the legality of all convictions and sentences during a long period. But if the Committee of Inquiry should furnish ample grounds on various questions, as to the necessity for martial law being proclaimed or as to the conduct of particular persons, high or low, before martial law was proclaimed or after it was proclaimed, it may be necessary both for the Government as well as for this Legislature to consider the question as to what protection should be afforded to those officers and to meet those contingencies. We have thrown the onus in all cases alike upon the prosecutor or the plaintiff, as the case may be. It may be that the Government or the Legislature would ask for a revision especially on the facts being ascertained by a public court of inquiry of the kind mentioned. Therefore, I submit, there are ample grounds for meeting the wishes of the people by accepting a clause of this description. We protect the officers of the Government, we provide for the legality of these trials to a certain extent, but, at the same time, the Government have appointed a Committee of Inquiry at the request of the people. That Committee of Inquiry would go necessarily into the kind of measures which were adopted by the martial law officers or others for the purpose of suppressing these disturbances, and, I think, a report of that description would help the solution of the difficulty. If may be that the inquiry will show there was absolutely no necessity for it, and in that case everybody would be satisfied that the action of the Government was right. I hope, therefore, that this amendment may meet with some luck."

5-12 P.M. **The Hon'ble Sir William Vincent** :—" My Lord, there are more cogent reasons against accepting this amendment than arguments of mere convenience. It is true that many of us would be averse from going through all this troublesome discussion on the Bill again three or four months later ; but the real objections to this amendment are more deeply-rooted, and, I myself am rather surprised that a gentleman who is a professional lawyer, as I understand, should have failed to realise that this passage of the Bill has absolutely no connection with the work of the Committee. The one principle upon which we have insisted and which has been accepted by this Council is, that the Report of this Committee is an administrative matter ; the Committee will inquire into the conduct of officers from an administrative point of view ; their report will in any case only be considered by Government in deciding what the action of the administrative authorities is to be. This Bill deals with the question of legal liability of officers and others, and has nothing to do with the report of the Committee. Let us assume for one moment that the committee reported that a man was liable to censure or should be punished. Can it be supposed for one moment that that would affect his legal liability that the report can be put in as evidence ? Nothing of the kind. The two subjects are entirely distinct ; the one deals with the administrative aspect of the action taken, and the other with the legal aspect of any case gone into by the Courts. It was for that reason that my Hon'ble friend, Sardar Sundar Singh, asked me whether, if the report of the Committee indicates that certain persons are liable to be censured, the Government would act on the report irrespective of the Bill, and I was able to give him an assurance that the passing of this Bill will not make any difference to that question at all.

"There is a further objection to the amendment, one of root principle, which has been discussed *ad nauseam* in this Council ; it is this, that if the amendment were accepted our unfortunate officers would only obtain exemption from suit for a few months, and at the end of that time they would again become liable to suits (having had a short interregnum of peace), although they have acted *ex-hypothesi* properly and *bona fide*. A very similar question we discussed in the opening debate, and if this amendment is pressed to a division, I really do not believe that the Hon'ble Member will now receive more than one vote in support of his proposal."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, the 5-15 P.M. Hon'ble the Home Member's arguments may be extremely convincing to him and to several others, but I may assure him that the matter does not admit of such a summary disposal. I never for a moment thought that the report of the committee would be evidence in any judicial tribunal, or that that would necessarily completely govern the action either of the Government or of the Legislature. All that I said was that it would enable us to enact an Indemnity Bill that is suited to the occasion, which would satisfy the requirements of justice as well as the legitimate wishes of the people, while affording protection to those who really deserve it. We have had to proceed on assumptions to a very large extent in enacting this Bill. Ordinarily an Act of Indemnity would only follow martial law only if there was necessity for the enforcement of martial law. If an Indemnity Bill be not passed the questions whether there was necessity for the enforcement of martial law, whether there was a state of war, are questions of fact which would be adjudicated upon in a court of law. Therefore, we consented to the amendment moved by the Hon'ble the Home Member, because we felt that there were cogent reasons for an interim Act of this description. If there really was no necessity, then the question would stand upon the same footing as when the civil power takes the assistance of the military authorities for the purpose of protecting law and order. Of course, if the Legislature should still feel inclined to protect those officers even under those circumstances, it may do so; but it would not have much of a precedent in its favour. Therefore, my Lord, the decision of the Inquiry Committee would not be final and conclusive, but would help both the Government and the Legislature in arriving at sounder conclusions on questions of presumption, on questions of fact, than they are in a position to do at present, when everything must be taken for granted one way or the other. Take, for instance, the actions about which so much reference has been made, on the 13th and 14th April. We are asked to presume good faith and reasonable belief. Would it not be more satisfactory to have the explanations of the officers themselves, to have the evidence before us that they were justified in doing what they did? If they were justified, then by all means protect them by a legislative enactment. Therefore, my Lord, it is not without very sound reasons that I have brought forward this amendment. What is the cry outside? What is the legitimate cry? It is that the Government have been hurrying through a Bill simply to protect their officers, many of whom do not deserve it. It may be that the Government should do something to protect their officers before they can quite make up their minds as to what they should ultimately do. But my submission is that that should only be temporary, and they should not ask the Council as they have asked, by means of a majority, to raise certain presumptions in the way they are doing; the Council might not have done it if they had the facts more clearly. That is the reason why I ask that this Bill should be of a suspensory character, and I have behind me the opinion of very eminent men outside the Council who have been connected with the administration. There is no necessity of giving any names; but they are people who are not likely to take irrational views of things. Therefore, here is no question for professional lawyer or non-professional men. Nobody could fall into the error that this committee's report would be evidence in any court of law, or that we should necessarily act upon it. All that I said and say still is that we would have better material upon which we can proceed before enacting a measure of this description, which is sure to create dissatisfaction eveywhere and which has already created dissatisfaction."

The motion was put and negatived.

The Council then adjourned till Thursday, the 25th September, 1919, at 11 A.M.

SIMLA :
The 7th October, 1919.

H. M. SMITH,
Offg. Secretary to the Government of India,
Legislative Department.

Appendix A.

[Referred to in answer to question No. 20.]

Total number of deaths from all causes from June to December 1918.

Province.		June.	July.	August.	September.	October.	November.	December.
Delhi		1,592	1,395	1,021	1,130	9,936	13,669	2,169
Bengal		83,336	102,824	88,070	110,461	170,880	264,177	330,427
Bihar and Orissa		147,137	139,985	106,092	114,735	174,192	328,887	347,438
Assam		18,678	14,343	16,792	18,542	30,320	63,890	58,999
United Provinces of Agra and Oudh		224,099	172,567	141,015	128,424	288,616	1,043,747	816,428
Punjab		50,522	40,101	33,576	37,266	269,224	661,027	134,831
North-West Frontier Province		3,837	3,330	3,822	3,956	21,188	70,484	13,960
Central Provinces and Berar		33,842	36,886	45,738	49,358	273,842	603,424	168,945
Madras Presidency		90,802	95,420	90,514	102,846	330,146	339,614	194,626
Coorg		447	363	344	365	766	2,644	893
Bombay Presidency*		41,182	44,892	50,859	105,408	684,518	318,845	93,945
Burma ...	Lower	13,043	14,406	15,508	18,744	37,816	49,454	36,677
	Upper	8,506	10,398	12,121	15,787	17,758	23,539	21,850
Ajmer-Merwara		892	793	1,055	1,832	11,446	21,459	3,538
Total ...		712,115	677,703	606,527	708,854	2,320,648	3,804,860	2,224,726

* Bombay figures compiled from monthly mortality returns, the Provincial Sanitary report not having been received.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Thursday, the 25th September, 1919.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 47 Members, of whom 39 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Sachchidananda Sinha asked :— 11 A.M.

Peace terms with Turkey

1. " Do Government propose to place before His Majesty's Government an expression of the views and sentiments of His Majesty's Mussulman subjects in India in the matter of the reconstitution of the Turkish Empire attendant upon the conclusion of peace ?"

The Hon'ble Sir William Vincent replied :—

" The Hon'ble Member's attention is drawn to the following passage from His Excellency the President's speech of 3rd September :—

> ' I have throughout done all in my power to ensure full representation of their feelings. Not only have the Government of India placed the views of Muslim India with strong emphasis before His Majesty's Government, our delegates voiced those views before the Peace Conference, and that nothing might be left undone to lend weight to their evidence, it was reinforced by three Muslims of distinction who had been specially delegated to attend the Peace Conference with them. Muslim India may, therefore, rest assured that its feelings have been given the fullest representation possible.'

From this the Hon'ble Member will see that the Government of India have done everything within their power to secure that the views of Indian Muhammadans should be given all possible consideration, and I can assure the Hon'ble Member that they will continue to do so."

The Hon'ble Mr. Sachchidananda Sinha asked :—

illing of acancies in he cadre of Superintendents of Post Offices and Railway Mail Service.

2. " (*a*) Have the vacancies that have occurred in the cadre of the Superintendents of Post Offices and Railway Mail Service during the last five years been filled up by promotion of officers in the lower grades? How many such vacancies have occurred, and how many have been so filled up? If all the vacancies have not been so filled up, will Government state the reason therefor?

(*b*) What measures, if any, have been taken to give effect to the recommendations of the Public Services Commission regarding the increase of salaries of the Superintendents of Post Offices and Railway Mail Service? If no steps have been taken so far, will Government be pleased to state the reason for the delay?

(*c*) Have the recommendations of the Commission in respect of the increase of salaries been carried out in the Postal and Telegraph Departments to any extent? If so, in respect of which particular offices, and why for these alone so far?"

The Hon'ble Sir George Barnes replied :—

" (*a*) The vacancies that have occurred in the cadre of the Superintendents of Post Offices and Railway Mail Service during the last five years have been filled up both by the promotion of officers in the lower grades and by direct recruitment of qualified persons not already in the service of the Department. Direct recruits usually join the Department as probationary Superintendents, and in a few cases as reserve Superintendents. There were 59 vacancies during the period in question, of which 37 have been filled up by promotion of departmental subordinates, 20 by probationary Superintendents, and 2 by reserve Superintendents.

For the appointment of Superintendent of Post Offices it has always been the practice to fill up half the vacancies by the promotion of officials from the subordinate ranks, leaving half for persons not already in the service of the Department. The work of a Superintendent requires activity of mind and body, and the Royal Commission on the Public Services in India considered that a certain proportion of direct recruitment was necessary in order to secure a sufficient leaven of younger men. They suggested that an even higher rate of direct recruitment should be adopted, if experience of the working of the existing arrangement continued to prove satisfactory. It will be seen, however, from the figures given in the preceding paragraph that there has been in recent years a preponderance of promoted subordinates in the Superintendent's grade, but this is largely due to the fact that a number of promotions were given to officials who did good service in the Field.

(*b*) A despatch containing the views of the Government of India on the recommendations of the Public Services Commission regarding the increase of salaries of the Superintendents of Post Offices and Railway Mail Service and of other officers of the Department was forwarded to the Secretary of State on 11th June 1919, and his orders on the subject are awaited.

(*c*) As already stated the orders of the Secretary of State on the recommendations of the Public Services Commission have not yet been received. For this reason the Commission's recommendations have not yet been carried out in respect of any officers of the Posts and Telegraphs Department."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Action taken against newspapers under the Defence of India Act.

3. " Will Government be pleased to state—

(*a*) the number of presses and newspapers, respectively, against which action has been taken under the Defence of India Act since its enactment up to date?

(*b*) the nature of the action taken against each, giving reasons for the same and naming the press or the newspaper, the language and the place in which the latter was or is still published, and in the case of a press the place at which it was kept, as also the names of the keeper and publisher of the press, the editor of the newspaper and the date of the order?

(*c*) whether any of these presses and newspapers—and if so, which—existed prior to 1910, and whether they were able to continue or had to stop as a result of the action taken?"

The Hon'ble Sir William Vincent replied :—

"The information asked for will be collected and a Statement will, if possible, be laid on the table at the next Session of Council."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Punitive police at Peshawar.

4. "(*a*) Is it a fact that a punitive police have been lately imposed on the people of Peshawar?

(*b*) If so, was it because of any riots or disturbances that took place in that city, and, if so, what was their nature or character?

(*c*) If the answer to part (*b*) be in the negative, will Government be pleased to state the circumstances justifying the imposition of the punitive police?

(*d*) What is the total amount of annual cost for which the people of Peshawar will be liable on account of the maintenance of the said punitive police? and

(*e*) What is the period for which the punitive force has been imposed?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes.

(*b*) and (*c*) During April and May Peshawar city was the focus of seditious intrigues in connection with Afghan designs upon India and the agitation against the Rowlatt Act. A Committee of Union and Progress was formed which attempted to set up a revolutionary administration and attacks were planned upon the Cantonments and the Jail. The whole city was in a dangerous state and serious disturbances were narrowly averted.

(*d*) 1½ lakhs of rupees.

(*e*) 3 years."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Accidents on Railways during the current year.

5. "(*a*) Is it a fact that there have been several serious accidents on the Railways in India during the current year? If so, how many, at what places and on which lines?

(*b*) What are the circumstances under which they occurred and the loss of life and the number of persons injured in each?

(*c*) Have Government taken any steps to minimise the chances of such accidents? If so, what? If not, do they propose to do so? If not, why not?"

The Hon'ble Sir Arthur Anderson replied :—

"As regards (*a*) and (*b*) of the Hon'ble Member's question a statement* is placed on the table giving particulars of serious accidents involving loss of life or injury to passengers which have occurred during the current year and the circumstances attending each case.

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* *Vide* Appendix A.

(*c*) The circumstances of all serious accidents are carefully investigated by a Committee of Inquiry and by the Senior Government Inspectors of Railways, with the object of ascertaining the exact cause of each accident, and making recommendations for the adoption of any measures which they consider would prevent a recurrence.

The reports and recommendations of these committees and of the Government Inspectors are seen and dealt with by the Railway Board."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Names of officers deputed to England and their allowances, etc.

6. "Will the Government be pleased to state (*a*) the names of officers who are at present on special duty in Europe, (*b*) the objects of their deputation, (*c*) the date from and the period for which they have been deputed, (*d*) the special allowance, if any, which each of them is receiving in addition to his emoluments, and (*e*) the additional cost likely to be incurred on their account for these allowances and for their passages to and back from Europe ?"

The Hon'ble Sir William Vincent replied :—

"A statement* giving the information required by the Hon'ble Member is laid on the table. It does not include the names of Messrs. A. C. Chatterjee, C.I.E., I.C.S., and J. D.'Engel, Chief Inspector of Factories, Bombay, who have been sent by the Government of India to the International Labour Conference at Washington as Government representative and Government Adviser, respectively."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Number of persons arrested in connection with the recent Punjab disturbances.

7. "With reference to the answer given by the Hon'ble the Home Member to a supplementary question put by me to question No. 40, at the meeting of the 10th September, 1919, will Government be pleased to ask the Punjab Government for information as to the number of persons arrested in connection with the recent disturbances in the Punjab and to supply the information to this Council ?"

The Hon'ble Sir William Vincent replied :—

"The Punjab Government has been asked to supply the required information, but it has not yet been received."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Release of Darsi Chenchiah.

8. "Have any orders to release Darsi Chenchiah, Nellore, Madras Presidency, been passed ? If no such orders have been passed, do Government propose to favourably consider his petition for release and the petitions of his family ?"

The Hon'ble Sir William Vincent replied :—

"No orders for the release of Darsi Chenchiah have yet been passed. His case is now under consideration."

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*Not included in these Proceedings.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

War Bonuses.

9. "What are the war bonuses and increases in emoluments, pay, batta, allowances and pensions granted since the commencement of the war, to British officers and soldiers, Indian officers and sepoys in the Indian Army, and the total cost to the treasury, under each head?"

His Excellency the Commander-in-Chief replied :—

"A statement* is placed upon the table. It is believed to be complete and gives in detail the various concessions, both permanent and temporary, which have been sanctioned for the Indian Officer and the Indian Sepoy of the Indian Army since the commencement of the war. From an examination of this statement it will be seen that a large number of the items are of such a nature that it is impossible to maintain separate accounts of their cost, and it would be equally impossible to frame any reliable estimate. In the case of British Officers and soldiers no similar consolidated statement of concessions has hitherto been drawn up, and the preparation of such a statement would involve an expenditure of time and labour which would be incommensurate with the results obtainable. Further, as in the case of Indian personnel, the war accounts have not been maintained in such a form as to render it possible to state the cost of the concessions under the heads indicated in the Hon'ble Member's question.

If the Hon'ble Mr. Sarma could make it convenient to meet either the Army Secretary or the Financial Adviser, we should be glad to explain in greater detail than is permissible within the limits of a reply to a question in Council the practical obstacles which stand in the way of giving the information in the form in which the Hon'ble Mr. Sarma requires it. And we should be glad also to give such information as may be available on any individual point which the Hon'ble Member has specially in mind."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Emoluments of local and general service men of the Indian Telegraph Department.

10. "(*a*) Is it a fact that a memorial praying for the grant of house-rent allowances was lately submitted by men in the local scale of the Indian Telegraph Department? If so with what result?

(*b*) Do Government propose to consider their prayer favourably?

(*c*) Is it a fact that in the recent revision the initial pay of the local scale has been increased only by 43 per cent, while that of the general scale has been increased by 50 per cent? If so, why so?

(*d*) Is it a fact that, while the training, nature of work and duties are almost the same for both the local and general service men, their emoluments differ very greatly? If so, do Government propose to consider the question of re-adjusting the emoluments of the local service men more equitably?"

The Hon'ble Sir George Barnes replied :—

"(*a*) and (*b*) Memorials praying for the grant of house-rent allowances were submitted by men in the local scale of the Indian Telegraph Department in March 1918, but it was not found possible to grant the allowances.

In my reply to a question by the Hon'ble Member on the 20th February 1918, I pointed out that the reasons for giving free quarters or house-rent allowances to the General Scale telegraphists are that these men are liable for service throughout India. They may therefore be transferred to distant provinces, and are thus called upon to dismantle and to set up house again at short notice, usually in expensive places. Local Service men, on the other hand, remain within a restricted area, and many of them stay in one place for years together; they are thus able to settle down and obtain permanent quarters more cheaply, or to live with their relatives or friends.

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* Not included in these Proceedings.

(*c*) The fact stated by the Hon'ble Member in the first part of this question is correct. The initial pay of both the services has been increased in order to attract recruits who would be capable of rising to the more important charges now open to telegraph subordinates. A statement* is laid on the table showing the new rates of pay of telegraphists in the General and Local Services respectively, the increases which took effect from the 1st January 1919, and the percentage of increase for each year of service. The statement shows that except for the first three years of service the percentage of increase was greater in the case of the Local than of the General Service. In regard to the first three years of service, it was felt that the old rates of pay for the General Service were relatively inferior to those for the Local Service, considering that men in the General Service are liable to be transferred to any part of India and Burma.

(*d*) From the reply given above it will be seen that the difference of pay between the two Services is not based on the nature of their work and qualifications. The General Service men receive a higher rate of pay because they are liable to be transferred to any part of India or Burma, while the Local Service men are not sent beyond the limits of their province. The Government of India do not propose to consider the question of a re-adjustment of pay."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Indians in departmental telegraph offices.

11. "(*a*) Has sanction been accorded by the Secretary of State to the proposals for increasing the proportion of Indians to be employed in departmental telegraph offices, referred to by Sir George Barnes in reply to questions Nos. 15 and 20 of the 20th February, 1918?

(*b*) If so, what action has since been taken in pursuance thereof?"

The Hon'ble Sir George Barnes replied :—

"The answer to the part marked (*a*) is yes.

In reply to part marked (*b*) Since the receipt of the Secretary of State's sanction, 467 candidates have been recruited for the signalling establishment of the Indian Telegraph Department, of whom 204 belong to the General Service and 263 to the Local Service. 217 of the total number were Indians and 250 non-Indians, inclusive of 43 women telegraphists recruited for the Local Service."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Control of prices of cotton cloth.

12. "What action has been taken in the different provinces for controlling the prices of cotton cloth or for steadying the cloth market?"

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* *Vide* Appendix B.

The Hon'ble Sir George Barnes replied :—

" Standard and other cloth has been supplied by the Controller of Cotton Cloth to the following Provinces in quantities which are shown in the reply to the Hon'ble Member's next question :—

The provinces are :—The United Provinces, Bihar and Orissa, Punjab, Assam, Central Provinces, Bombay, Baluchistan, Bengal, North-West Frontier Province and Delhi.

It has been sold at controlled rates in these Provinces. The Government of Bihar and Orissa also made very large purchases of imported cloth in November last when the market was at its lowest point. In October last, the Government of Bengal decided to license wholesale transactions in cloth in Calcutta and appointed a Cotton Advisory Committee which issued some 1,700 licenses and whose operations brought about a heavy fall in the price of cloth."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Standard cloth.

13. " (*a*) What quantities of standard cloth have been procured by the different Provincial Governments during each month since the passing of the Cotton Cloth Act?

(*b*) At what rates have these been sold and how do such rates compare with those at which the cheapest varieties of cloth (other than standard cloth) of equivalent size were at the same time available in the market ?

(*c*) What are the various agencies for the sale of standard cloth ? "

The Hon'ble Sir George Barnes replied:—

" In answer to (*a*) details showing the quantities of cloth supplied to the various Provinces monthly since the passing of the Cotton Cloth Act are not available. Although the Act was passed in October last, its provisions were not put formally into operation until February. Before that date a considerable amount of standard and other cloth was obtained by the Controller of Cotton Cloth on a voluntary basis. The statement* laid on the table shows the amount of cloth obtained both before and after the provisions of the Act were put into formal operation. From that statement it will be seen that the total quantity of cloth obtained upto date by the Controller of Cotton Cloth and supplied to various Provinces is 10,716 bales, amounting to very nearly twenty million yards.

In answer to (*b*) a statement* showing the prices paid to the mills for the two orders placed with them is laid on the table. Detailed information regarding the prices at which the cloth of the two allocations was sold in the different provinces has been called for. The prices of the ordinary lines of cloth vary so greatly in the different provinces and even in different parts of the same province, that no satisfactory comparison of the price of standard cloth with that of ordinary cloth is possible.

In reply to (*c*) in Bihar and Orissa, the bulk of the cloth has been disposed of by the staff of the Provincial Controller of Cotton Cloth and by the District officials. A considerable quantity has also been sold through the agency of the local Post offices. In the United Provinces, the cloth was sold at the outset by licensed wholesale and retail dealers. This arrangement was found not entirely satisfactory, and arrangements have recently been made under which the stocks of cloth on hand will be taken over by District Boards and similar agencies. In the Punjab, the greater part of the cloth has been disposed of by Co-operative Societies, and in the Central Provinces by District Boards and Municipalities. In the remaining Provinces, the most usual agency has been that of Government officials."

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* *Vide* Appendix C.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Failure on the part of Local Governments to take in sufficient supply of standardised cloth.

14. "Did any of the Provincial Governments fail to take sufficient advantage of the Cotton Cloth Act for the supply of standard cloth ? If so, which are those Governments and what are the reasons for such failure ? "

The Hon'ble Sir George Barnes replied :—

"The Government are not aware that any of the Provincial Governments failed to take sufficient advantage of the Cotton Cloth Act for the supply of standard cloth."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Supply of standard cloth by the Government of Bengal and other Local Governments.

15. " (*a*) Has the attention of Government been drawn to a speech delivered by Sir Edward Gait at a meeting of the Bihar and Orissa Legislative Council held on the 29th last, in course of which reference was made to the large saving effected to the people by the adoption of certain measures for the supply of cheap cloth ?

(*b*) Has the attention of Government also been drawn to a discussion in the Bengal Legislative Council on the 19th February, 1919, in connection with a resolution recommending that in connection with high price of cloth steps should be taken in Bengal on the lines adopted by the Government of Bihar and Orissa ?

(*c*) Did Sir Henry Wheeler in the course of the said discussion mention certain considerations as justifying the Local Government in holding their hands in the matter, and did he apprehend the possible danger of upsetting the market by the supply of standard cloth ?

(*d*) If so, have Government any information (*i*) as to how far such considerations hold good at the present moment in Bengal ; and (*ii*) as to how far such apprehension has been realised, if at all, by the Government of Bihar and Orissa or any other Local Government that has undertaken the supply of standard cloth ? "

The Hon'ble Sir George Barnes replied :—

" In answer to the parts marked (*a*) (*b*) and (*c*), the answer is yes.

In answer to (*d*) the question should be put in the Legislative Councils of the Local Governments concerned. "

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Price of standardised cloth in comparison with cheap varieties.

16. "How does the price of standard cloth compare with the average retail price of other cloth of the cheapest varieties of equivalent size at present available in the market in the different provinces ? "

The Hon'ble Sir George Barnes replied :—

"The Hon'ble Member is referred to the reply which I have given him in relation to question No. 13. At the time the first order for standard cloth was placed with the mills, the price fixed for it was about seven or eight annas a pound lower than the wholesale price of ordinary cloth then prevailing. Prices fell immediately standard cloth was placed on the market, and the fact that it has been on sale has undoubtedly kept the price of ordinary cloth down. The latter has fluctuated considerably during the last few months, but there is every reason to believe that, throughout the operations, the price of standard cloth has been appreciably below that of ordinary cloth of similar or even inferior quality. Prices have recently fallen heavily in Bombay and the margin between the price of standard cloth which was based on the price of cotton at the time it was manufactured and the price of ordinary cloth is now very small."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

17. "Have Government any information as to the present stocks of cloth in the different provinces, and how far these are sufficient for their respective needs ?"

Stocks of cloth.

The Hon'ble Sir George Barnes replied :—

"The Government of India have no detailed information on this subject."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

18. "Are Government aware that the high prices of cloth have very much aggravated the present distress ? If so, do the Government of India propose to direct Local Governments to take prompt action under the Cotton Cloth Act ?"

Action suggested under Cotton Act.

The Hon'ble Sir George Barnes replied :—

"Government consider that, owing to the operation of the Cotton Cloth Act and other causes, the price of cloth is not now so high as to cause distress. It will be seen from the replies to previous questions put by the Hon'ble Member that Local Governments have freely taken advantage of the provisions of the Act, and it may be mentioned that the Governments of the United Provinces and of Bihar and Orissa, in which the shortage of cloth was originally most acute, have still large stocks of standard cloth on hand."

The Hon'ble Rai Sahib Seth Nathmal asked :—

19. "(*a*) Will Government be pleased to lay on the table a statement showing the total amount of money raised as subscriptions, donations and grants by the Imperial Indian Relief and other War Relief Funds, respectively, since 4th August, 1914, up to 31st March, 1919, or up to any date for which the complete figures are available ?

Imperial Indian Relief and other War Relief Funds.

(*b*) What amount has so far been spent and on what different objects of relief ? Will Government be pleased to state the amounts respectively spent on British soldiers and officers and Indian soldiers and officers ?

(*c*) What is the actual balance now left with the various funds, and how do Government propose to control the future administration of these funds?"

The Hon'ble Mr. H. F. Howard replied :—

"(*a*) It is assumed that the Hon'ble Member's question relates only to th Imperial Indian Relief Fund, the Bombay War and Relief Fund and th Madras War Fund, as these are the only Funds directly connected with Wa Relief. A statement* giving the information required by the Hon'ble Membe with regard to the Imperial Indian Relief Fund is laid on the table. Th other two Funds referred to above are purely local, and, beyond the printe reports which have been issued to the public, the Government of India hav no information as to their proceedings.

(*b*) The information required by the Hon'ble Member is given in detai in the statement above referred to.

(*c*) The balance in the hand of the Central Fund on 30th June, 191 amounted (in round figures) to Rs. 1,14,28,000 which will be utilized in th distribution of *post bellum* relief. Relief will, it is hoped, shortly be distri buted to the various classes who have suffered through the war, and a schem has been drawn up which aims at assisting each class and, so far as possibl each member of that class, according to their degree of necessity. The inten tion is to help—

(*a*) Indian officers, non-commissioned officers and men and follower who have been invalided out of the army on account of wound or injuries received in the war and the widows and dependant of those who have fallen;

(*b*) The widows and dependants in straitened circumstances of Britis officers of the Indian Army and the Indian Army Reserve an the members of certain other European services.

It has been decided that expenditure on this *post bellum* distribution o relief to European and Indian classes should be in the proportion of 1 : 3 The amount which, it is hoped, will be available for the purpose is estimate roughly at Rs. 128 lakhs. It is proposed that any balance remaining after thi distribution in the hands of the Central Committee should be amalgamate with a permanent Fund which is being established, the details of which hav not yet been completely settled, and which will be utilised for the relie of any cases of necessity arising primarily from the recent war, and subject t this from any future war in India.

The balance in the hand of the provincial branches on the 31st Januar 1919 amounted to about Rs. 6,75,500. Any amount remaining after th interim distribution of relief has been closed will be utilised in connection wit the *post bellum* scheme."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Disposal of bodies of Indian soldiers and erection of monuments.

20. "(*a*) Will Government be pleased to state how the dead bodies o Indian soldiers killed in the various theatres of the war were disposed of?

(*b*) Is it not a fact that in the case of British soldiers and officers killed i the war monuments or tombs have been or are proposed to be erected? Wha action do Government propose to take in the case of Hindu and Muhammada officers and soldiers so killed?"

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* *Vide* Appendix D.

His Excellency the Commander-in-Chief replied :—

" As regards (*a*) the bodies of Indian Soldiers who were killed in action or died in various theatres of war were in most cases interred near the places where they fell.

As regards (*b*) the question of the erection of memorials to British and Indian soldiers is being dealt with by the Imperial Graves Commission in London, upon which India is represented by two specially selected representatives, namely, Sir Prabhashankar Pattani and Sahibzada Aftab Khan.

Designs of monuments of an appropriate character to mark the graves of Hindu, Sikh and Mussalman soldiers respectively have been prepared and sent home. The Government of India have also offered to defray the cost of a general monument to be erected in each theatre of war, to commemorate the achievements of the units, British and Indian, forming part of the Expeditionary Force despatched from India overseas.

In addition to the memorials I have mentioned, it is proposed to erect village memorials in special cases, specimens of which have been placed for inspection by the Hon'ble Members at the entrance to the Council Chamber. "

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked :—

21. " (1) Is it a fact—

(*a*) that one Pandit Arjunlall Sethi, B.A., a Jain resident of Jaipur, was arrested in connection with the Delhi Conspiracy case in March, 1914, at Indore, where he was then working as the Honorary Principal of the Tilak Chand Jain High School ?

Arrest of Pandit Arjunlall Sethi.

(*b*) that he has since then been detained in solitary confinement, and is at present in the Government Jail at Vellore Fort, Madras ;

(*c*) that he was informed in December last, that he would be released if he agreed—

(*i*) not to adopt the profession of a teacher,
(*ii*) not to reside within the Jaipur territory ; and
(*iii*) not to deliver public lectures ;

(*d*) that he agreed to the above conditions ; and

(*e*) that no final orders in his case have yet been communicated to him ?

(2) Will Government be pleased to make a statement regarding the case ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) The person named was arrested in March 1914 on account of his suspected complicity in the Delhi Conspiracy case and the Nimej murder, in which a Sadhu and his servant were brutally murdered.

(*b*) On 5th December 1914 he was sentenced to five years' imprisonment by the Jaipur Durbar, who found him guilty of being concerned in political conspiracies, and of having been a danger to the public peace and being likely to be so in future. It was found impossible to keep him in adequate confinement in Jaipur, where he was likely to be a focus of intrigue and disaffection, and the Jaipur Durbar asked in 1917 for his confinement elsewhere. The Governor General in Council being satisfied that his confinement was necessary in the interests of the State, decided to issue a warrant under Regulation III of 1818, and Arjunlall Sethi has since been detained in the Vellore Central jail.

He is not in solitary confinement, and his son is allowed to live with him. He is allowed books and the other privileges ordinarily given to State Prisoners. He has admitted that he is well treated and that he has no complaints to make.

(*c*) Government have informed Arjunlall Sethi that they are prepared to release him provided—

(*i*) he agrees not to return to Jaipur State without first obtaining the permission of the Durbar; and

(*ii*) that, while resident in British territory, some restrictions are placed on his movements; these will be as little irksome as possible and will be removed when it is found that his behaviour is satisfactory.

(*d*) and (*e*) Arjunlall Sethi has agreed to the above conditions and Government are now considering, in communication with his relatives, where and with whom he should be permitted to reside, as the proposals so far received have not been satisfactory."

THE INDEMNITY BILL.—(*concld.*)

11-25 A.M. **The Hon'ble Sir William Vincent :**—"My Lord, I move that the Bill to indemnify officers of Government and other persons in respect of certain acts done under martial law, and to provide for other matters in connection therewith, be passed, as amended by this Council. I think most Members of this Council are relieved at the conclusion of a somewhat long and troublesome debate, and I will not detain them long. The discussion of the Bill has necessarily involved references to subjects of considerable delicacy, upon which there is great feeling on the part of many Members of this Council, but nevertheless the Council may congratulate itself, on the whole, on the self-restraint that has been manifested in the course of the debate. There was however great feeling, as I said, on both sides, and despite obvious efforts at times, it has manifested itself to a considerable degree. Nor can there be any doubt that both Europeans and Indians are deeply moved by the recent occurrences. I am glad that in spite of all this nothing has prevented the Council from arriving at a perfectly just appreciation of the requirements of the case, and that Members have recognised, generally speaking, that this Bill is a necessary measure which deals with principles, and not with individual actions. It is for that reason I believe that the Bill, which I have had the honour to move before the Council, has met with such general approval; and as I am speaking on it, I think that the Council might like to know the views of one who has taken a great interest, both in these disorders and in the measures which have been taken to suppress them. I refer to Mr. Gandhi. There are different opinions about this gentleman. Some look on him as a dangerous crank with an extraordinary amount of that Scotch quality a good conceit of himself. There are others, persons whose opinion is equally entitled to great weight, who believe him to be a man of saint-like character, selfless disposition and almost superhuman insight. Mr. Montagu himself in a recent debate described him as a man of the highest motives and the finest character, a man whom his worst enemy, if he has any enemies (he is very lucky if he has not) would agree is of the most disinterested ambitions it is possible to conceive. Well, my Lord, it is probable that a correct estimate of the character of Mr. Gandhi would lie between these various extremes, but I hope that the Council will not in any way acquire the impression that in offering these observations I am seeking to convey my own opinion about him, or the opinion of the Government. An expression of opinion would be improper. At the same time, there are certain characteristics in Mr. Gandhi which all will admit. He is not in any way predisposed to favour the policy of Government. That is certain. He has also got what is not very often found in this country, the full courage of his convictions. If he thinks anything he never hesitates to tell either the Government or any one else what his views are, and for that reason, I think, it would interest the Council to hear what a leading Indian of this position and character thinks about the Bill. So far as the question of indemnity is concerned, Mr. Gandhi would go very much further than we have done. He does not refer at all to *bona fide* or reasonable belief. He assumes these, and says—'I would therefore say that rather than complain that the Bill has been prematurely brought in, we should give our best attention to the provisions of the Bill. Thus, for instance, we would allow a provision to the effect that such officers as may have given orders of firing shall not be criminally triable for murder or civilly liable for damages.' Then he goes on to say that such officers where in fault should be dealt with administratively.

"Members of this Council will see that our Bill does not go nearly as far as that. In a later letter in which he answers various persons who have attacked the Bill he writes as follows:—I am quoting from 'Young India' of the 20th September, a paper which, I believe, is now controlled by Mr. Gandhi.

> 'I must respectfully dissent from the view that such a Bill can only be properly passed after a Commission has reported. I venture to submit that the Bill as published is almost harmless and it is a Bill we shall be bound to pass as it is even after the Commission has reported.'

"My Lord, that opinion, take it for what it is worth, I think, support the view which the Government has put forward throughout this debate. The Hon'ble Mr. Madan Mohan Malaviya has repeatedly referred to Mr. Gandhi as an authority of the very greatest weight, to whose views the deepest consideration is due. Well, my Lord, may we hope that on this occasion he will concur in the views of the authority whom he so much reveres. At any rate, I put it to the Council that these letters are of interest and that they support the conclusions which we have always advocated in this Council, that this Bill is a necessary and harmless measure which in no way forestalls the report of the Commission."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I regret I must oppose the motion that the Bill as amended be passed. I do so with all the responsibility which I feel rests upon me as an elected Member of this Council, and I do so after having heard the words of my esteemed friend Mr. Gandhi, to which reference has been made by the Hon'ble the Home Member. 11-32 A.M.

"My Lord, the Bill has to be considered on its merits. Opinions for and against it have no doubt to be weighed, and the opinion of Mr. Gandhi is entitled to weight. I am glad that the Hon'ble the Home Member has paid a compliment to Mr. Gandhi and advised us to pay great heed to his opinion. I hope, after reading this opinion of Mr. Gandhi, he will advise the Government of India, in the first instance, not to delay cancelling the order which they have maintained against Mr. Gandhi for the last many months, confining him to the Bombay Presidency, and, secondly, I hope the Hon'ble the Home Member will advise the Punjab Government and the Delhi Administration to follow suit. My Lord, that should be the least evidence of the sincerity of the appreciation of the Hon'ble the Home Member of Mr. Gandhi's position.

"Coming to the question before us, I attach, as I have said, great weight to the opinion of Mr. Gandhi; but there is a higher authority to which I have to bow, and that is the conscience that sits within me; and that conscience tells me that the Bill ought not to be passed as it stands.

"Now, my Lord, I will make my position very clear, and as briefly as I can. Your Lordship and the Council know, the whole country knows, that the Bill as it was drafted rested on the preamble wherein it was stated:—

> 'Whereas owing to the recent disorders in certain districts in the Punjab and in other parts of India, it has been necessary for the purpose of maintaining or restoring order to resort to martial law.'

"My Lord, that phraseology was in conformity with well-established precedents. But our complaint was that the phrase, 'as it has been necessary,' used in this preamble was not sufficient, and that the larger phraseology of the English Statutes, to which I drew attention, should have been employed. I did not refer to 1 William and Mary to which the Hon'ble the Law Member took us back, but, as he did refer to it, so far as I remember, I may say that the phraseology used therein also supports my contention. The preamble to that Act said:—

> 'Whereas about the time of His Majesty's enterprize divers Lords and Gentlemen well affected to their country did act as Lieutenants, etc, though not authorised thereunto, and did apprehend and put in custody criminal and suspected persons, and did seize horses, etc., in which proceedings some force or violence, or defect of form was unavoidable which in a time of peace would not have been warrantable, and divers matters and things have been done, *all of which were allowable and necessary in regard of the exigencies of public affairs and ought to be justified,* and the parties thereto indemnified, be it enacted therefore,' etc.

Mark the language 'all of which were allowable and necessary in regard of the exigencies of public affairs and ought to be justified.'

"That was, my Lord, in 1689. I will omit the intermediate Statutes and I will come to the Statutes of 1715 in which, as I reminded the Council, it was recited in the preamble, which is the most important part of an Indemnity Bill, that the Acts which that Statute sought to justify were done during the rebellion 'in order to preserve our present happy establishment and the peace of this Kingdom and to suppress and put an end to the said rebellion.' Here, my Lord, I will say parenthetically that I regret I was wrong in saying that there was no authority for the use of the words 'maintaining or' in the Bill in the earlier Statutes of the English Parliament. My friend the Hon'ble the Law Member was right and I was wrong. But, my Lord, the language that was used was employed to show that the maintenance of peace was necessary, because there had been a rebellion or an insurrection or riots amounting to war. Now, my Lord in the Statute of 1715, after reciting the acts which had been done, it was said that whereas 'certain persons had for the purposes aforesaid, namely, in order to preserve our present happy establishment and the peace of this Kingdom and to suppress and put an end to the said rebellion, did divers acts which could not be justified by the strict forms of law, and yet were necessary, and so much for the service of the publick that they ought to be justified by Act of Parliament, and the persons by whom they were transacted ought to be indemnified, it should therefore be enacted,' etc. My Lord, my complaint was that while the draft of the Bill did use words in the preamble to show that the acts which it was sought to indemnify officers against were *necessary, i.e.,* that it was necessary to resort to martial law, the advisers of the Government had not seen fit to incorporate the next clause of these earlier Acts, that is, the one which said, that, besides being necessary, the acts were also 'so much for the service of the public that they ought to be justified by Act of Parliament.' My Lord, I need not refer to the other Statutes, namely, to those of 1745 and 1780, this is the phraseology that has been used in both of them. Now, my Lord, not only in the English Statutes but in the South African Statutes also, to which the Hon'ble the Law Member seems to have taken a great fancy, the language used was acts 'done as necessary for the suppression of hostility in or the maintenance of good or order government, or the public safety of this Colony.' That was in Act VI of 1900, when the Boer War was going on. So also in Act IV of 1902 the language used was 'done as necessary for the suppression of hostilities or the establishment and maintenance of good order and government, in or for the public safety of this Colony.' It will be clear, therefore, my Lord, that the keystone upon which the edifice of an Indemnity Bill rests in all these Statutes, whether of the English Parliament or of South Africa, has been the declaration by the Legislature that the acts which were done and which it was sought to justify and indemnify officers against, were acts necessary for the suppression of disorders or for the preservation of the public peace. Not only that, but the English Statutes go further and say that those acts should also have been so much for the service of the public that they ought to be justified by Act of Parliament.

" This view is supported by the opinions of some distinguished Members of the House of Lords in the debate of 1818 and by the opinion of John Stuart Mill, to which I invited attention yesterday. Now, my Lord, the position taken up by the Government in the Bill as it was introduced was that it was necessary to introduce martial law for restoring or maintaining order. What have the Government done ? The Government have now taken out the words 'It has been necessary for the purpose of maintaining or restoring order to resort to martial law,' and have substituted therefor 'martial law has been enforced'. I say the Law Member and the Home Member have cut the ground from under their feet, and they have no legs to stand upon in this Council and ask that the Indemnity Bill should be passed. I should like the Hon'ble the Law Member, who is a very learned man and whose researches in law and history must be deep, to tell me of any instance where an Indemnity Bill has been put on the Statute-book of any country without its Parliament or legislative body being satisfied that the acts which had been done were necessary, just and proper . . . .

The Hon'ble Sir George Lowndes :—" Does the Hon'ble Pandit really want me to tell him ? "

The Hon'ble Pandit Madan Mohan Malaviya :—" I shall feel thankful to the Hon'ble the Law Member if he will do so."

The Hon'ble Sir George Lowndes :—" Will the Hon'ble Pandit look at the St. Vincent Act that he is so much in love with ? "

The Hon'ble Pandit Madan Mohan Malaviya :—" I thank the Hon'ble the Law Member. The St. Vincent Act said : 'acts which had been done *bona fide*, necessarily and properly for the suppression of rebellion. The language used there is clear . . . .

The Hon'ble Sir George Lowndes :—"The Hon'ble Pandit must refer to the preamble ; he is not reading from it now."

The Hon'ble Pandit Madan Mohan Malaviya :—" You have to take the preamble and the body of the Bill together. However, my Lord, without spending more time to look up that Act of St. Vincent—I have found the preamble of the amending Act, but the original Act I am not able to lay my hands upon just at this moment—I will say that I am glad to find a change in the attitude of the Hon'ble the Law Member towards the Act of St. Vincent. It was but yesterday that he held up that Act to ridicule, and to-day he cites it as an authority for the attitude now taken up by Government. What have things come to, my Lord ? What a fall, what a sad fall ? My Lord, if this is the position, I say the Government have to justify the introduction of this measure, and I submit that they have left no justification whatever for it now. My Lord, the whole situation has been altered by the modification which the Government have introduced ; and I submit that on this ground alone, without raising any other point, I am entitled to ask that the Council should not pass this Bill. I submit that the Government have to go further than what the preamble as it now stands lays down. It is not enough to say that, whereas martial law had been enforced, certain acts done during the course of martial law should be justified and indemnified. It is not enough to say that. You must consider what the acts were ; and has it been shown that the acts done were such as ought to be justified and indemnified against ? The other day I referred at some length to the many allegations on the part of the people who have suffered, that it was not necessary to introduce martial law. I have referred to many opinions expressed, and I will quote one more to-day. At the end of the debate the Hon'ble the Home Member read to the Council a telegram which the Government of India had received from the Punjab Government on the 13th April last asking that martial law should be introduced in Lahore, Amritsar and certain other parts of the Punjab. Now, my Lord, that telegram stated that certain unhappy events had happened on the 10th April at Amritsar and Lahore, and that two Europeans had been killed at Kasur on the 12th. My Lord, I submit that that telegram did not state the whole truth. It stated only a part of the truth, and did not supply all the material that was necessary in order to enable a sound judgment to be formed as to whether martial law should or should not be introduced. My Lord, as a matter of fact, we have indisputable evidence that on the evening of the 10th April after the temporary stir and disturbance and the firing on certain persons on the Upper Mall and at Anarkali Bazar, everything was quiet in Lahore. The then Lieutenant-Governor was entertained at the Government House at a party that evening only a little after that time, and the Lahore correspondent of the 'Pioneer,' whose identity must be known, I think, to the Hon'ble Mr. Thompson, writing on the 20th of April (his letter was published in the 'Pioneer' of April 25th) said as follows :—

> 'As a matter of fact when that evening was over (namely, the evening of the 10th April) no real anxiety remained. No real anxiety remained though he adds—'although of course the rioters were still exercising their sway and on the Friday, Saturday and Sunday business and ordinary administration was practically at a standstill.'

My Lord, I am sure the identity of this writer cannot be an unfathomable mystery to the officers of Government, and writing on the 20th April, this writer stated as a matter of fact that when that evening of the 10th April was over, there was no real anxiety left. That was the state of things in Lahore; and we have had in the official Communiqués and the 'Civil and Military Gazette' publications that after 5-30 P.M., there was quiet in Amritsar on the 10th of April. I submit, therefore, my Lord, that the telegram upon which the Hon'ble the Home Member has relied was not sufficient to justify the introduction of martial law. Nor did he say anything else to justify the introduction of martial law in Lahore and Amritsar and in several other parts of the Punjab. We have, on the other hand, allegations put forward after some inquiry which show that there was nothing to justify the introduction of martial law. It is one thing to call in the aid of the military to suppress disorder, and quite another thing to introduce martial law. There was trouble at Lahore, there was trouble at Amritsar and in certain other places. The civil authorities rightly called in the aid of the military when they thought that their forces might not be sufficient to quell the disturbances. That has been done on numerous occasions without martial law being introduced; that will be done and ought to be done when necessary. As the Hon'ble the Law Member told us in his exposition of the law, where the civil authority finds itself unable to cope with disturbances or to quell them, it is justified in calling in the aid of the military; and where both acting together fail to establish order or to quell the rebellion, it is then that the civil authority would be justified in handing over their charge to the military. Now, I submit that the events which have been stated show that the first stage was reached, and that the second stage was not reached. That is to say, the civil authorities with the help of the military had restored quiet in Lahore and in Amritsar and in some other places, for instance, at Kasur, and that they succeeded in restoring quiet. And that therefore it was not necessary to resort to the next step, namely, to make over charge of the towns and the population to the will of the military officers.

"My Lord, of the many allegations that I put forward in support of my opposition to the Bill, an attempt has been made to controvert only some and to qualify a few others. A partial attempt has been made to offer an explanation of some of the allegations of people who have suffered or of the relations of people who have suffered. Many have remained unanswered. As I said on the first day, the Government have not taken the opportunity which I offered to them of stating the facts of which they must have a better knowledge than other people. But the Government having refused to state the facts for the information of the Council, I submit, my Lord, I am entitled to assume the correctness of the allegations implied in my questions for the purposes of this debate. Council will remember that I did not profess to have any personal knowledge of the martial law incidents. I put forward these allegations on the authority of partial investigation by myself and my friends. I put forward these allegations as they were vouched for by respectable persons in whose veracity and honour I have confidence. If any of the statements are incorrect no one will be more happy than myself to be corrected. No one can be more sorry than I will be if statements in regard to which I may have been mistaken or misinformed remain uncontradicted. I therefore welcome any criticism which would throw light on the facts brought forward if they are incorrect, and I should be thankful to any gentleman who supplied correct information. But what has been the case here? Let me examine some of the statements made by way of criticism of, or reply to, what I said. I will deal with the speeches of the Hon'ble Mr. Hailey, Mr. Thompson, General Havelock Hudson and Sir George Lowndes.

"My Lord, in the admirable statement which Mr. Hailey made on behalf of the Government, he wanted us to believe that the state of things in Lahore and in Amritsar and in other places in the Punjab, where martial law was introduced, was so horrible that Government could not but resort to martial law. He told us that the Rowlatt Act agitation had created an atmosphere that was surcharged with danger. He said that the Satyagraha movement had come in and spread in the Punjab. But, my Lord, the Rowlatt Act agitation was not confined to the cities of Lahore and Amritsar. The Hon'ble Mr. Hailey is well aware, even better than I am, that there was agitation against the Rowlatt Act throughout the Punjab. He is also aware, I presume, that the Satyagraha movement had spread to all parts of the Punjab; that, generally speaking, the 6th of April was observed as a Satyagraha day throughout the Punjab. He is aware that in none of these other numerous districts of the Punjab did the agitation against the Rowlatt Act or the Satyagraha movement lead to any stir or to any insurrectionary or rebellious movement. He is aware that there was no trouble whatever in any of these places. And no trouble arose in these places, for instance, in Jullundur and all the other districts of that division, because the authorities did not interfere intemperately, but interfered sympathetically with the movement. They wisely said 'let the people give vent to their feelings regarding the Rowlatt Act; let them observe the Satyagraha day as they like.' Here, in Simla, Mr. Tollinton, the Deputy Commissioner, expressed sympathy with the attitude of the people in observing the Satyagraha day. On the day following they resumed their business in the ordinary way. I could name several other Punjab officials who acted in the same way; but perhaps I had better not. I am sure the Hon'ble Mr. Hailey, being Additional Secretary to the Punjab, Government, must know that in many districts of the Punjab, where the Rowlatt Act agitation and the Satyagraha movement were as strong as in any other place, there was no trouble. I contend therefore that the circumstance to which the trouble owed its origin was the blazing indiscretion of the Punjab Government as it was then constituted, in having deported two such public men as Dr. Satya Pal and Dr. Kitchlew. That was the root of the trouble.

"I need not repeat the sequence of events here. I submit that for a proper consideration of the question that is now before the Council, it is necessary for the Government to show that there was a clear necessity for the introduction of martial law. But it is not enough to show that the introduction of martial law was necessary. It may have been necessary, let us assume for argument's sake that it was necessary to introduce martial law in certain places at a certain time; the Government have to go further and to show that it was necessary to introduce it at midnight on the 15th of April; the Government have to show that it was necessary to introduce it in other parts of the Punjab and to maintain it up to the periods up to which it was maintained. I submit that this has not been shown by the Hon'ble Mr. Hailey. But I will not deal with the rest of Mr. Hailey's remarks, as I wish to compress my speech as much as possible. While Mr. Hailey has shown that these were anxious times in the Punjab and that the Government had to exercise vigilance, he has not shown that the situation was such that a sober-headed sympathetic Governor could not have managed it, without resorting to martial law and inflicting the many indignities and humiliations that were inflicted on the loyal people of the Punjab. In contrast to this, I drew attention to what happened at Ahmedabad. Nobody on the official side has referred to it. Perhaps because it could not be referred to except to support what I have said. Trouble arose in Ahmedabad also, but it was completely got over in two days' time by the Government of Bombay allowing Mr. Gandhi to go to Ahmedabad and advise the people. A similar course could have been pursued at Lahore and Amritsar, and, if it was found necessary to introduce martial law, it should have been got rid of at the outside within four days or six days or a week. It was certainly not necessary to expose respectable people to all the indignities and humiliations to which they were exposed, and to keep up this state of things for the inordinate period of time for which it was kept up.

"I will next deal with the Hon'ble Mr. Thompson. Mr. Thompson was the Chief Secretary to the Government of Sir Michael O'Dwyer while martial law was enforced. I can quite understand that he feels he is personally on trial; and I can therefore excuse him for importing a great deal of the personal element and unnecessary heat into the statements he put before the Council. But, my Lord, when we calmly examine his statements what do they come to? As I said before I am never discomfited if any statement made by me in the Council or elsewhere should be found to be inaccurate. Therefore, I repeat that, if Mr. Thompson only gave me correct information in regard to incidents which I have mentioned, I should have whole-heartedly thanked him, however poignant might be my regret that I should have made an incorrect statement. Mr. Thompson said that I had said that in the Badshahi mosque meeting a C. I. D. Inspector, Ali Gauhar, had made certain remarks which had caused resentment to the persons assembled there.

"He told us that he had the file of the case before him, and that nowhere had it been stated in it that such a statement as I had made had been made, namely, that this Inspector had made certain remarks or said something which excited the people assembled there. For the benefit of Mr. Thompson and the Council, I beg to draw attention to the statement made on solemn affirmation by Inspector Ali Gauhar Khan, Criminal Investigation Department, himself in trial No. 1 of 1919 before the Martial Law Commission. He there stated:—'We were in plain clothes in the mosque. There were several thousands of people in the mosque awaiting the people who were to address the meeting. Abdul Hai told me that he recognised me as a C. I. D. man, as my department had had him imprisoned for three months and put on security for three years. When I denied that I was a C. I. D. official, Abdul Hai went towards the pulpit and addressed the crowd saying 'the C. I. D. police had always been intruding in our meetings,' etc.

"Now the man was a C. I. D. official, and only when he denied it, Abdul Hai went to the pulpit and addressed the crowd saying that the C. I. D. police were always intruding in their meetings, etc.

"Now, my Lord, I am sure that Mr. Thompson would feel that my statement that the C. I. D. Inspector had made certain remarks which were resented by some persons at the meeting, was not altogether incorrect.

"I take the next point made by Mr. Thompson, that relates to the incident regarding hand-cuffing in Amritsar. Mr. Thompson wanted the Council to believe that so far as he knew nobody had been hand-cuffed there. I hope I am repeating his words correctly. Speaking with reference to the hardships to which Indians had been subjected, he also spoke of the not dissimilar inconveniences to which certain European ladies and children who had been sent to the Fort had been subjected. Now, my Lord, I would place before the Council a statement on the subject, which I have in my hands of a Barrister-at-Law who says: 'On the 21st morning I myself with Sheikh Mahomed Amin, pleader, his son and brother were taken to the Rambagh in a well guarded *bund gari* and from thence ordered to be taken to the Fort. We four were there put in a cell hand-cuffed two together. In a corner of the cell was a little heap of parched gram and a bucket of water. In the afternoon we were taken out and marched in a file with a large number of Kashmiri coolies and others to the open square inside the Fort, all hand-cuffed, two together. There we had to march round and round with European ladies and gentlemen watching the show.' I suppose this was one of the inconveniences to which the European ladies and gentlemen were exposed in the Fort.

"Now, my Lord, I will take the next point. I referred to several cases of flogging. Mr. Thompson picked up one case and said, 'Oh, they were school boys; the Head Master had asked the Military to help him in maintaining discipline amongst students by flogging some' He overlooks the fact that even that would not justify the flogging of the students by the Military people. And he has not a word to say regarding the many other cases of flogging which are mentioned in the statement which was laid on the table by the Hon'ble the Home Member in reply to a question which I put on the subject.

"Mr. Thompson next referred to Mr. Manohar Lal's case. My Lord, I had said in regard to Mr. Manohar Lal's case that his wife and children had been turned out and were obliged to live in one of the outhouses used as servants' quarters until the bungalow had been searched about a week later. I did not state the exact period, because I did not know it. Mr. Thompson in referring to it grew very angry, and said that the wife and children of this gentleman were allowed, so far as he was aware, to return to the bungalow the next day. Now, my Lord, I have ascertained the exact facts from Mr. Manohar Lal and from others who knew it. Mr. Manohar Lal's house was locked on the 18th. His wife, an invalid lady, was turned out of the house at once. She was compelled to live in one of the outhouses on the whole of the 18th, the whole of the 19th and until late in the evening of the 20th, until the search of the house had been completed. She had not any bedding to lie upon with her, she was not allowed to take anything out of the house. Her friends sent her bedding and food, and thus she lived in an outhouse in her invalid condition for three days. Now, my Lord, if my statement that it was about a week later that they were allowed to return to the house was incorrect, Mr. Thompson, in his capacity as Chief Secretary to the Punjab Government, should have told us what the exact period was and not fulminated that this was a very serious discrepancy.

"My Lord, I should not leave Mr. Manohar Lal's case without drawing your Excellency's attention to certain other remarks Mr. Thompson made about it. He said Mr. Manohar Lal was a Trustee of the 'Tribune', and as such he was wont to take some interest in the paper and Mr. Thompson wanted the Council to think that that was a sufficient justification for the action that had been taken against him. I am not surprised, my Lord, that this view was put forward by Mr. Thompson, because in the letter, dated the 20th April which appeared in the 'Pioneer' to which I have referred before, I find it stated :—

> 'Manohar Lal, the Trustee of the 'Tribune' represents one of those cases which make one despair of educating on western lines. He gained a scholarship to England and at the 'Varsity' gained a brilliant reputation for economics. On his return to India, however, he failed to maintain the promise of his academic career, and while he has always posed as an authority on education, he has done very little practically to utilise his own talents to their full extent.'

"My Lord, it is sad to find that with the writer of the letter in the 'Pioneer,' Mr. Thompson thinks that the mere fact of Mr. Manohar Lal's being a trustee of the 'Tribune' was sufficient to put this distinguished scholar, not less distinguished than Mr. Thompson, to all the indignities, humiliation and suffering to which he and his wife were exposed !

"The next point I will deal with is the treatment of respectable citizens in Gujranwalla. Mr. Thompson read what I thought was a letter from Colonel O'Brien giving his version of the affair. My Lord, he seemed, so far as I could make out, to question the correctness of the statement that a Hindu and a Mussalman were handcuffed together by deliberate design He said that was accidental. My Lord, I refuse to take that statement as correct. I will quote from the correspondent of the 'Pioneer' on this subject, also from a letter published in the paper of the 25th April. He said :—

> 'The outbreak in Gujranwala had almost a comic opera termination. Colonel O'Brien had handed over charge to Mirza Sultan Ahmed and was in Lahore when the news came in. He immediately hurried back to his former district, and after the immediate suppression of the riot he arrested eleven leaders (including one Mangal Sen, a local financial genius) marched them in procession through the city, accompanied by a detachment of the 2-6th Royal Sussex and headed by two City Fathers—a Hindu and Mussalman respectively—who under orders shouted out to their constituents not to misbehave themselves by acts of violence. This spectacle, says the learned and large-hearted correspondent of the 'Pioneer', 'this spectacle of Hindu-Mussalman unity must have been almost as impressive as the sight of Munshi Ram preaching in the Jumma Masjid at Delhi.'

I leave the Council to judge from this quotation what were the feelings of the men whom Mr. Thompson represents, in relation to this incident, and I ask the Council not to accept the statement read out by Mr. Thompson that it was merely by accident that a Hindu and a Mussalman were handcuffed together and marched in the disgraceful manner in which they were.

"My Lord, Mr. Thompson's next point related to my reference to trials in a summary way. I have said that in certain cases notes of evidence had not been recorded. I did not say that in all cases notes had not been recorded. Mr. Thompson showed that he had before him several pages of notes of evidence in certain cases. That may be ; I never said there were no notes of evidence taken in any case. What I did say was, that it had been alleged that notes of evidence had not been recorded in a certain number of cases. I also placed before the Council certified copies of judgments in two cases, in one of which I pointed out that even the offence with which the accused was charged was not mentioned. That was a case tried by Mr. Hoyle on the 26th of May, 1919. Mr. Thompson had not a word to say about it.

"My Lord, the next incident to which I referred and to which Mr. Thompson also animadverted, was the Ramnagar case, where it is alleged that the King's effigy was burnt. Mr. Thompson failed to grasp my point and did not represent me correctly. My complaint was that here was a case in which respectable, probably the most respectable, Hindu citizens of Ramnagar, were charged with having burned the King's effigy. Their position and status in society, their wealth and status, made it impossible for me to believe, and should make it impossible to be believed, that they would be guilty of such foolish and wicked mischief. Their complaint was that they had not had a public inquiry which they wanted. They had not had a regular inquiry, and they urged that if they had a regular inquiry, if they had an opportunity of appeal to a higher court, the facts would have been sifted and their innocence would have been established. They urged that the case was a trumped up one, without any foundation, and that they were entitled to have the matter regularly tried. There was no martial law necessity for trying this matter in a summary way before any martial law tribunal, and my complaint was that by having been put before a martial law summary court for trial on such a charge, they were deprived of the opportunity they should have had to establish their innocence, and that they have been unjustly dealt with.

"My Lord, I must also say a word about the Lyallpur *bhusa* case. It has been said that at Lyallpur Rs. 60,000 worth of *bhusa* was set fire to by incendiaries. If this was so, it was of course a very serious mischief. But was it so? I hold in my hand a copy of an Order passed by the District Magistrate of Lyallpur on an inquiry relating to this affair. Government had evidently asked him to report under section 15-A. of the Police Act what compensation should be fixed upon for the burning of this *bhusa*. The case was taken up by Mr. G. F. deMontmorency, and the conclusion which he arrived at was, that the burning of the *bhusa* was not the result of incendiarism, committed by any of those who were believed to have taken part in the rioting, but that it was probably due to an accident. At any rate, he was unable to find that it was the act of any of those who were suspected of it. This is what he says:—

> 'The *bhusa* appears to have gone on fire between 8-15 P.M. and 8-45 P.M. The flare was noticed by the picket at about 8-40. . . . A few people from the factories, a few members of the Municipal Staff and the Storekeeper alluded to above were the only persons on the spot when I arrived. There was no information of any crowd having visited the stacks or of any single person having been seen near the stacks The absence of the chaukidar seems to have been due to laziness, and not to have been arranged or premeditated. Neither patrol nor picket saw anything suspicious in the vicinity of the goodsyard . . . A very exhaustive police inquiry was made; no trace of anything bearing on the burning of the *bhusa* came out. There were some approvers in the Lyallpur cases who were associates and in the secrets of those who were convicted in the Lyallpur disorders. None of these however had any information to give in regard to the burning of *bhusa* which does not seem to have formed part of the plans of their associates.
>
> 'There was a strong suspicion at the time that this was the work of an incendiary because—
>
> (1) similar acts had occurred elsewhere in connection with the disorders;
>
> (2) a plot to burn *bhusa* had been alleged to exist at Toba Tek Singh;
>
> (3) the fact that goods had been moved from the goodsyard the day before.
>
> 'The police inquiry has failed to connect the burning of this *bhusa* with the act of any incendiary or with any riot or rioters. Those convicted in jail in Lyallpur disorders were questioned by me. They have now after conviction no object in concealing what they know and have given information on a number of other points, but none of them have any information to give about the *bhusa*.
>
> 'I have examined the theory of whether it was the act of some villager or villagers, but no clue has been obtained.'

The learned District Magistrate says that there had been several fires since April last due to cinders from chimneys, but he is not certain that this was due to that. In conclusion he says:—'I have been unable to find anything except suspicion to point to this injury having arisen from riot and unlawful assembly within the area I am therefore unable to make the assessment contemplated in section 15A (2) (*c*) of the Police Act.' So much for the burning of the *bhusa*. I hope that my Hon'ble friend will revise his opinion about this incident also.

"I will now come to the question of the number of deaths caused by the firing in Jallianwalla Bagh. Mr. Thompson warned the Council against accepting the statement communicated to me on the day I spoke last on the subject that 530 deaths had been traced and that 192 persons had been found to have been wounded. With reference to the number of deaths, he told the Council that the Government had issued a proclamation to ascertain their number, and that the number which had been reported was 291. He further told us that the Government of the Punjab had adopted every means in their power to ascertain the number of deaths in question. He said :—

> 'A proclamation was made in Amritsar and the surrounding villages inviting all persons who had any information regarding the names of those who had met with death. Instructions were issued to the local authorities there to encourage men to come forward and give the information they possessed. Every possible step was taken in that direction. The result of the inquiry was that the total number of casualties amounted to 291, and any further number suggested by anybody must be taken with great discretion.'

The Hon'ble Mr. J. P. Thompson :—" Suspicion was the word I used, my Lord."

The Hon'ble Pandit Madan Mohan Malaviya :—" He used the words 'great suspicion'; very well. But, my Lord, what are the actual facts ? I have in my hand a letter which has been published by Mr. V. N. Tiwari, Honorary Secretary of the Seva Samiti, who has been working for some time in connection with the distribution of relief in Amritsar. He writes :—

> 'The number of killed so far known to us comes up to 530 including 60 who could not be traced and, unknown and unclaimed, were cremated by certain philanthropic gentlemen.'

" Now, my Lord, the representatives of the Seva Samiti went to Amritsar to distribute relief, and we set an inquiry on foot to find out who were the persons who had been killed or wounded in order to decide whom to give succour, and it was thus that we found out, by sending men round, the number of persons who had met with death or had been wounded. Our Secretary writes :—

> 'I have had to make from the day I came here strenuous efforts to ascertain the number of killed and wounded at the Jallianwalla Bagh. The method pursued by our volunteers has been to go from house to house in the city of Amritsar, ascertaining the names not only of the killed, but also of the wounded I further arranged to send out volunteers to visit every single village in the districts of Amritsar, Gurdaspur, Sialkot and Lahore, so that we might give relief to their dependants in case of want. We are also advertising in the Urdu and Gurmukhi papers of the Punjab asking people to communicate to the office the names and addresses of the killed and wounded.'

It is thus, my Lord, that the number, 530, was obtained. It was not an imaginary number. It was a number obtained with at least as much care, if not much greater care, as the number reported to the authorities at Amritsar. But, my Lord, to give the authorities at Amritsar their due, I do not think they have anywhere stated that they have received the last information about the number of deaths caused. So far as I remember, I think they said that up to the date on which they sent the information to the Government of India, the number of deaths reported was 291, and, I think, it was so stated in the statement which was laid on the table. The Hon'ble Mr. Thompson need not, therefore, have asked the Council to receive the number, I stated 'with great suspicion.' Receive it with caution always, but you should not refuse to believe that a larger number of deaths may have occurred simply because the official sources have told you that the number was 291. I do not wish to add even one to the number of deaths that has been caused. I cannot. The number has to be found out. Let us combine to find out the truth and let us stand by the truth.

" Lastly, I will refer to the incident of the corpse in the Jallianwalla Bagh well. Here the Hon'ble Mr. Thompson excelled himself. Referring to my statement, he questioned its correctness and held it up as a test by which any allegations placed by me before the Council or the country should be judged. My Lord, I am compelled therefore for his benefit, as well as for the information of the Council, to refer to this unfortunate incident at some length. My Lord, my esteemed friends, Pandit Motilal Nehru, Swami Shraddanand and myself, accompanied by several other gentlemen, went to the Jallianwala Bagh, to see the locality where the massacre of so many of our fellow-men had occurred. When we were there we looked into this well, and one of my friends noticed that there was what looked like a corpse in the well. A stone was thrown at it; the thing turned up and we saw it, and the stench was so great that we all moved back from the well. When we returned home, it struck me and one of my friends, that we should bring this fact to the notice of the Deputy Commissioner of Amritsar, merely from the point of view of the sanitation of the locality. There was absolutely no political meaning in my letter to the Chairman of the Municipal Board, and there was no point to be made against the Government, assuming, which would be a wicked assumption, that we were anxious to find out facts against the Government, with the desire of *budnaming* the Government. My Lord, as the fact of a corpse being in the well had come to our notice, we thought that, as a matter of humanity to the people who were living around, we should draw the attention of the authorities to it. I therefore wrote this letter to the Chairman of the Municipal Board:—

> 'I beg to draw your attention to the fact that there are still one or more corpses in the big well situate in the Jallianwala Bagh in a very advanced stage of decomposition. I visited the Bagh yesterday in the company of some friends, and we saw a corpse giving out an unbearable stench floating in the water. There are inhabited houses in the close vicinity of the well and, unless it is thoroughly cleansed and disinfected immediately, the health of the neighbourhood will suffer seriously.'

This letter was dated the 30th of June. On the 8th of July, I got a reply from the President of the Municipal Committee in which he said:—

> 'In reply to your letter of 30th June 1919 reporting the existence of corpses in a well in Bagh Jalianwala, I have the honour to say that the well was thoroughly dragged by divers in the presence of the Police and ten competent witnesses No corpses or skeletons were found, the only things discovered were some pieces of cloth and an earthen pot.
>
> 'The well has been disused for some time, which doubtless accounts for the odour you noticed.'

"My Lord, I have to move about a good deal and could not reply to this letter till late in August, and then both my friend Pandit Motilal and I sent a letter to the Deputy Commissioner of Amritsar.' In his letter my friend Pandit Motilal said:—

> 'The report made by his subordinates, I have no hesitation in saying, is a wholly perverted and false account of the incident.
>
> 'The Hon'ble Pandit Madan Mohan Malaviya and myself in company with other gentlemen of unimpeachable veracity have actually seen clearly and unmistakeably with our own eyes a dead human body in the well and no police *camouflage* will alter the fact. They may as well try to make out that no human lives were lost in the Jallianwala Bagh on the fateful afternoon of the 13th April.
>
> 'It is not my business to inquire by what legerdemain the putrid corpse came to be substituted by 'the loot from the National Bank,' and the only reason why I am troubling you with this letter is that you have by writing to me for information about bribery in the Police of Amritsar evinced a desire to take the people into your confidence, a desire which is highly valued by all public men in India. This incident will, however, show what use the underlings in office make of an honest endeavour on the part of the public to bring facts to the notice of the authorities, and how ready the latter are to accept the garbled accounts of their subordinates in preference to authentic statements of facts made by persons of the position and standing of the Hon'ble Pandit Madan Mohan Malaviya. It also affords a sad commentary on the possibility of the much-talked-of co-operation between officials and non-officials.'

"My Lord, I supplemented this with a short letter, I said:

> 'Pandit Motilal Nehru has now told you what he and I in the company of several gentlemen actually saw in the well at the Jallianwala Bagh, and the fact that some pieces of cloth

and an earthen pot were found when 'the well was thoroughly dragged by divers in the presence of the Police and ten competent witnesses' some days later seems to me wholly immaterial. That there was at least one corpse in the well when we visited it on the 29th June last can admit of no possible doubt, and no length of disuse of the well can account for what we saw with our own eyes. I may add that our sense of smell is sufficiently developed to distinguish between the exhalations from a decomposing corpse and the odour of a disused well.'

"My Lord, the Deputy Commissioner of Amritsar acknowledged this letter thus :—

'I thank you for your letter of August 20th. Whatever may be the true facts of the case I think I could convince you, if you could spare time on one of your visits to Amritsar to see me, that my predecessor had as good reasons for supposing you were, mistaken as to what you saw in the well as he had for thinking you were correct.'

This was a letter from a gentleman to another gentleman.

"Now, my Lord, I think the facts are sufficiently clear and I need not dilate upon them. Will anybody tell me that it is impossible that the corpse which we saw had been taken out of the well before the ten competent witnesses had been summoned by the police to make a report such as was made ? I leave it to every reasonable man to judge it for himself.

"Now, my Lord, I will not spend any more time upon the Hon'ble Mr. Thompson. I will only say this. He is a junior member of this Council ; I am a senior member of this Council, perhaps the most senior. My Lord, the traditions of this Council have been, the old traditions of this Council are, that we treat every member who enters our brotherhood as a gentleman. I hope the Hon'ble Mr. Thompson will not compel us to depart from those traditions.

"I hope that now that I have told him the facts he will behave as a gentleman and withdraw the unworthy remarks with which he offended the dignity of this Council.

"My Lord, I will next deal with the remarks of General Sir Havelock Hudson *re* : the incidents at the Jallianwala Bagh. My Lord, it is painful to me to have to refer to these incidents. I have not known in my reading of history anything more distressing to think of than those incidents. The General has tried to give an explanation. He has not controverted the facts, he has tried to give an explanation according to the facts supplied to him. I do not impute any personal misstatement to the General. He is an honourable soldier. He has spoken according to the brief supplied to him by those who were in a position to do so, or whose duty it was to do so. But judging from the allegations which have been made to me, allegations made in many cases by persons who were actually in the Jallianwala Bagh when this tragedy occurred, I am sorry to have to say that several of the statements supplied to the General are incorrect. My Lord, the General described to us, as far as he could, the state of mind in which the military officer, who was asked to co-operate with the civil authorities, would find himself. He said : 'When the military officer had reached the place his first care would be to dispose of his troops with a view to the protection of life and property : his second would be to warn the populace as to the result if it became necessary to resort to force in suppressing any attempt at rioting. These are the steps which were in fact taken by the Officer Commanding at Amritsar. On the 11th and 12th, he reorganised his troops and on the 12th he marched a column round and through the city in order that a display of force might have its effect on the minds of the populace.' Then, my Lord, the General said that a proclamation was issued on the evening of the 12th, and on the morning of the 13th April, the Officer Commanding marched a body of troops through all the main streets of the city and announced by beat of drum his intention of using force should occasion arise. The people were permitted to collect in order to hear the proclamations. He then went on to say : 'While the troops were still in the city, information reached the Officer Commanding at about 12 o'clock that in spite of his proclamation a big meeting of rebels would be held at the Jallianwala Bagh at 4-30 in the afternoon.' Now, my Lord, a meeting was no doubt held, but were the men who assembled there rebels? It is a violation of truth to say that they were. I am not saying that the General has said it; he is repeating, I take it, what has been put into him. But I say, my Lord, it is an untruth to say that the men who were assembled at the Jallianwala Bagh,—unarmed, inoffensive men, children of tender years and aged men, and the rest of them—that they were rebels. They showed nothing to justify the accusation that they were rebels. But let me proceed. The Officer Commanding received information at about 12 noon that a meeting would be held at 4-30. What did he do, my Lord? General Hudson says: 'As this place had been used before for meetings, and as large assemblies had been addressed by the heads of the agitators on the 29th March and 30th March and the 2nd April, and as a dense mass meeting had assembled here on the 6th during the *hartal* and had listened to speeches intended to bring Government into hatred and contempt, it would thus have been clear to the officer in command that he might expect deliberate defiance of his orders.' Why should any such silly thing have been clear to the officer in command? Because certain meetings had been held in this place, because certain speeches had been delivered on another occasion, and because all that had been done peacefully and without giving rise to any violence or disorder, should not the officer in command have concluded that the meeting of the people which was to assemble would disperse as peacefully as similar meetings had done before? What was there to justify the view that he should expect a deliberate defiance of his orders? Even if he did come to such a conclusion, was it not his duty to see that sufficient warning was given to the people that if they did not disperse they would be shot at? No such warning was given. I submit, my Lord, that was a great, a most sinful and criminal dereliction of duty. And what does the General say happened? The Officer Commanding at Amritsar had to decide about midday on the 13th April how he would act if the projected meeting took place in direct defiance of his authority. I say that the first thing that he ought to have done when he heard of the projected meeting was to communicate by beat of drum to the people that the meeting was prohibited, and that if they assembled in defiance of his order they would be dispersed by force. It is said that there was a proclamation made in some parts of Amritsar. The people allege, those who live there told me that the proclamation was not made in all parts of the city, but only in certain parts, and that people in the other parts did not hear of it at all or they would not have gone to expose themselves to a risk of their lives.

"The next thing, my Lord, that the General has been made to put forward is equally unsatisfactory. He has said: 'The Officer Commanding at Amritsar had to decide about midday on the 13th April how he would act if the projected meeting took place in direct defiance of his authority. After making dispositions for the safety of his command, he found that he had but a small striking force at his disposal. Realising the gravity of the situation the Officer Commanding this small force (of 50 rifles and forty men armed with kukries only and two armoured cars), marched this force straight to the Jallianwala Bagh, leaving the armoured cars behind owing to the narrowness of streets. On reaching the Bagh his force was confronted by a vast assembly, some thousands strong, who were being harangued by a man who was standing on a raised platform.' Now, my Lord, was this force of 50 rifles and 40 men armed with kukries only such a despicable force as the general would have us believe? Was this force with all the munition it had at its disposal—I am told on the authority of a high official that 1,700, service bullets were used there, another version being that 2800 had been used—such a despicable force that it could not face a few thousands of men who were utterly unarmed? Could it by any justification be said that this force was confronted by a force of some thousands strong, as one force is confronted by another force ? I submit not. The General went on to say : 'Realising th danger it was clearly the duty of the officer to disperse this unlawful assembly. Very well, I will agree it was; then this duty could have been performed b simply proclaiming to the people that if they did not disperse they would be fire on. My Lord, I referred the other day to the Riot Act passed, I think, in th reign of George I. In that Act it is provided that after a proclamation ha been read to a riotous assembly to disperse, an hour must elapse from the tim of reading the proclamation, before the assembly should be fired on. Tha was a humane provision. Do not wait for an hour, if you think you mus not ; but most certainly you must make sure that the people have heard th proclamation and understood what the situation is ; and if they continue to remai where they were then fire on them, but still not in a way to kill them but t impress them with the danger to which they are exposed and to make them ru away from the place. But what was the course followed here ? The Genera said : 'Realising the danger to his small force, unless he took immediat action, and being aware of the inadequacy of the measures taken to restore order on the 10th of April, he (the Officer Commanding) ordered fire to be opened. The crowd was dispersed and the force withdrew.'

" My Lord, what a chapter of woe is concealed between these two sentences. The people were fired on. They began to run for their lives to all the corners of the Jallianwala Bagh ; and they were shot at even when they were flying. I have seen the place, and people have told me that there were heaps of corpses piled one on the top of another. The people tried to climb over the walls to save themselves from the fire. They were not allowed to escape. I am told that there was a wall of corpses raised at more than one place in the Jallianwala Bagh. I have seen a narrow lane, not wider than five feet, into which the people ran for their lives and were there shot at. I have seen a receptacle there which it was said was filled with the blood of those men who were killed or wounded. Was it necessary for dispersing the assembly, to shoot at people who were running for their lives ? When the Officer Commanding had seen that the persons assembled were running away for their lives, was it necessary to continue the firing ? Should he not have stopped it at least then ? It is well known to the military authorities, and to General Hudson, that a number of men had stretched themselves on the ground to escape being shot. One of these men told me that, while he was lying so stretched on the ground, two shots passed over him and that the third hit him in the leg and has maimed him for life. Should not these facts have been disclosed by General Hudson when he was speaking on behalf of the Government, and should not some explanation be offered for them ? My Lord, it was a most unjustifiable massacre of men which was made in the Jallianwala Bagh in the name of dispersing the assembly there. General Hudson spoke of this assembly as an organised rebellion. I do not know what to say about it. It is inexpressibly sad to hear any such expression used of men who had not the remotest idea of rebelling against the King. I have told the Council that there was one man in the assembly with a child of 7 months in his arms. There were a number of boys there of ages ranging from 12 to 18. I have seen some of the young men who were injured ; I have talked to them. They did not go to the meeting with any idea of organised rebellion ; they had no such idea. If they had any such idea they would have gone there armed at least with *lathis* ; they were entirely unarmed, innocent and helpless, and yet they were fired on. I will not attempt to characterise the whole sad affair. My feelings are too deep to permit of my doing so.

" I will now refer to the incident of people having been made to crawl on their hands and knees. I was shocked at the ripple of laughter which passed through some parts of the Council when it was told that several men had undertaken to do this voluntarily. I should like to know whether any Member of this Council would like to voluntarily perform that process in this room. I will say nothing more about it. But before I leave Amritsar, I should say a word about the stopping of the electric lights and the supply of water. As a sort of explanation, I could not regard it as a justification. It was said that there was a fear that the people were going to attack the water pump station. But it was not said that there was any attack really made. It was also said that there was a rumour afloat in the city that the water had been poisoned, and so it was considered prudent to stop the supply. But the water was not stopped in the civil station, and if such a rumour had got about, should it not have been left to die of itself? Could not the residents of the city have been left to discard any such rumour if they had heard it? Was it not the best way to kill the rumour to let the people have the water to quench their thirst and be happy? I say this is the feeblest, flimsiest explanation that was ever offered. And then what about the electric light? Was any poison introduced in it? Why was it then cut off? I have never heard such flimsy arguments used in this Council ever before. I will now come to the Gujranwala incidents. I think I have made it clear that I have no complaint personally against General Hudson. I take it that he merely put forward the case which those who were responsible for supplying him with his brief, put in his hands. But I must point out that no case has been made out for the use of the aeroplane in Gujranwala. It was said at the time in the 'Civil and Military Gazette' that 'the crowds were giving up the contest' *i e.,* were dispersing when the aeroplanes arrived from Lahore. Now, if the crowds had begun to disperse when the aeroplanes arrived, where was the necessity for using them? Where was the necessity for inflicting several casualties by bombs and machine guns? Where was the necessity of throwing bombs at places a mile and a half or two miles from the railway goods shed which had been set fire to? Where was the necessity of dropping bombs from aeroplanes in the villages of Gharjak, Bhagwanpur and Dhulla? The picture given of Gujranwala by General Hudson would make one think that there was a condition of war there. The difficulties of aiming from aeroplanes were brought into requisition and offered as some sort of explanation. Were there any sort of anti-aircraft machines at work at Gujranwala that the aeroplanes had to fly at great height and so missed their aims? I have been told that the bombs were dropped from no great height—perhaps from 100 feet at the outside. Would a bomb dropped from a height of 50, 60, or 100 feet fall half a mile or a mile away from the place where the object aimed at existed? The village Gharjak which I visited must be over a mile from the place where the crowd was assembled. I was told that there were some small children playing in the field where the bomb was dropped. It was mere luck that they were not hurt. I have seen the Khalsa Boarding House at Gujranwala; it is, I think, about a mile from the town proper. I have seen where a bomb fell in that institution. It was lucky that 160 students of the boarding house had just gone out then of the hostel to see the aeroplanes, or some of them might have been done to death. I saw the injuries done to the walls by the missiles. In Dhulla, a woman and a child were killed. Was this, I ask, my Lord, necessary for maintaining or restoring order at Gujranwala? I submit not. As regards the plea for the soldier which General Hudson put forward with such pathos, I will deal with it later on. I have not less regard for a soldier's life than General Hudson has; but things have to be seen in their true proportion. We have to see clearly what the duties and responsibilities of soldiers, as well as of civilians, are to the civil population at a time of disorder.

"I shall now deal with the speech of the Hon'ble the Law Member. He ridiculed the opposition to the Bill.

"He held up the Hon'ble Raja Sir Rampal Singh to ridicule and said that the speech which he delivered in this Council the other day was not written by him, but by some one else for him. My Lord, this statement was untrue, and it was a gratuitous insult offered to Raja Sir Rampal Singh. I knew that Raja Sir Rampal Singh is able to write his own speeches and does write his own speeches; and I wired to him asking him to come up here to be able to reply to the charge, but the Hon'ble Member evidently got my wire rather late. So he has wired to me: 'Wire too late cannot reach in time. Lowndes' attack unjustifiable and groundless; speech was written by me, contained my views, Government is wrong.'

"Now, my Lord, the next gentleman to be attacked was Mr. Sinha. If he had made a speech which met with the approval of the Hon'ble the Law Member, he would have had the honour of being quoted as Mrs. Besant, Mr. Horniman, Mr. Sastri and Mr. Gandhi have been quoted. But he had the misfortune to express opinions which were not acceptable to the Hon'ble the Law Member at the time, and my Lord, Mr. Sinha also came in for unjust criticism. So did my friend Mr. Chanda. I will not speak of myself, for I take the criticisms of some Hon'ble Members on the Government side in a very calm and considerate manner. I know that it is a very unpleasant thing to speak the truth and even more unpleasant to hear the truth on occasions. But I try to put forward the truth according to my light. Perhaps I err sometimes in doing so. Perhaps I err more than others. If so, I am sorry for it; but I put forward what I believe to be the truth whole-heartedly, and I shall continue to do so regardless of any frowns or criticisms from Government benches. The learned Law Member referred to us as gentlemen who came from remote places —he said one came from his palace or fortress in Oudh—I do not exactly remember the exact words he used . . . . .

The Hon'ble Mr. Sachchidananda Sinha:—"From the fastnesses of Oudh."

The Hon'ble Pandit Madan Mohan Malaviya:—"Yes, from the fastnesses of Oudh; another from Assam; a third from Bihar; and a fourth came from Allahabad, and he said that not a single Punjab Member had asked that the Bill should not be proceeded with. My Lord, you do a wrong to the people of the Punjab in not giving them an opportunity to elect their own representatives. You nominate such men as you like, and then you turn back upon them and say that the Members who are sitting here from the Punjab do not say that the Bill should not be proceeded with. I mean no disrespect to the Punjab members; but if you yourself shut the popular voice out of this Council, should you turn back and make use of that fact as an argument in support of your measures? Is this fair, my Lord? I say it is not. I know perhaps one Member from the Punjab is elected. But how many elected Members have you given to the Punjab? Let the people have the opportunity of returning those in whom they have confidence, and you will hear their opinions as freely expressed here as you hear the opinions of the people of the other provinces. My Lord, the Hon'ble the Law Member went on to quote Mrs. Besant, and Mr. Horniman,—and when he had not the courtesy of putting a 'Mr.' before his name,—and he or Mr. Hailey quoted Mr. Sastri. My Lord, I am sorry for the Hon'ble the Law Member that he should have to rely in support of the Bill before the Council on expressions of opinion by Mr. Horniman in his paper when the sad events of the Punjab were fresh and when it had not been investigated what the facts were;—when the Punjab Government supported by the Government of India would not allow the real facts of the situation to leak out from the Punjab, when people were taken aback by what had happened; but had had no time and opportunity to investigate the facts. Mrs. Besant stood in the same position. I am sure if the facts were known as they are known now, neither Mrs. Besant nor Mr. Horniman, nor Mr. Sastri would adhere to the opinions which they had expressed; the opinions they would now express would be very much modified in the light of the facts which have been published.

"Then, my Lord, my friend the Law Member went a little further, and speaking with the air of a Dogberry dressed in a little brief authority, he spoke of us contemptuously as self-constituted Commissioners who went from Allahabad to the Punjab. Now, my Lord, let me tell the Hon'ble Member that we are not self-constituted Commissioners. The Congress, the last Congress, was attended at Delhi by nearly 5,400 delegates from all parts of India. According to a prescribed procedure it regularly appoints every year an All-India Congress Committee as its executive. This All-India Congress Committee is representative of all sections of the people. In view of the recent events in the Punjab, this Committee met and considered the situation, and appointed a sub-committee,—of which I have the honour to be *ex-officio* President and my esteemed friend the Hon'ble Pandit Motilal Nehru a member, and of which several other distinguished Congressmen are members,—to arrange to help in the inquiry which the Government had said was going to be conducted. Now, my Lord, having been so commissioned, not by ourselves, but by a very respectable body, from whom it is an honour to take a commission, we did spend some time in the Punjab. We investigated the facts; we visited the places where these sad events had happened; we saw with regret the signs of the fires that had been set to houses and Churches; we saw also with regret and pain the signs of the killing that had been resorted to in the Jallianwala Bagh; and we heard distressing accounts of other deaths which had been caused. My Lord, we did not publish any expression of our personal opinions on the situation until we had visited these places and made inquiries. What was the next step I took? My Lord, I sent to the Government the result of my investigations, and the investigations of my colleagues, in the shape of a number of questions, and asked them to give us information on the various allegations that had been made to us.

"We thus placed the Government in the best position we could to know the facts, and if they did not know them, to inquire into them. And now that the Bill before us is being pressed by Government, I feel it my duty to oppose the Bill on the ground that these allegations should be inquired into by the Committee that has been appointed before the Bill is passed. I have said in distinct terms more than once, as the report of my speech by the official reporters will show, that the facts have to be sifted. Let them be sifted by the Committee of Inquiry which you have appointed, and when we know what the facts are, then will be the time for the Government and the Council to sit down together and weigh what are the acts which should be justified by this Council; what are the acts among those which some people had unfortunately, in the performance of their duty, to commit, and against which they should be indemnified. That is the reason why I oppose the Bill. I have during these six weeks met a number of men of the Punjab, both among those who are enjoying their freedom as we do, and those who have unfortunately been deprived of their freedom and are shut up in His Majesty's jails. I have met a number of such people and ascertained facts first-hand from them, some of the facts from the lips of the men who are condemned to death and are passing anxious days to know what will happen to them. I have not put forward these facts lightly; I feel it my duty to bring these facts to the notice of Government. Even if I had not a commission from the Congress Committee, I should have been proud and thankful to God to have gone forward to the Punjab, as a self-constituted commissioner, to find out the wrongs that had been done to my fellow-men and to bring those wrongs to light. My Lord, I owe a duty to my fellow-men. When atrocities were perpetrated in Belgium, who constituted the Commission over which Lord Bryce presided? Did the Belgian Government constitute that Commission? No, so far as I remember, it was the then Premier of England who asked Lord Bryce and others to visit Belgium and to report upon the wrongs which it was said had been perpetrated. If the Government of India did not take the steps which they were bound in duty and in honour to take; if the Punjab Government did not take the steps which they were bound in honour and in duty to His Majesty the King-Emperor and the people to take, to ascertain the facts and to seek to have the proper remedies adopted, it was no sin on my part, nor on the part of my friend Pandit Moti Lal Nehru or my other fellow-workers, to go to the Punjab and to make such a sacrifice of our time and other advantages as was demanded by the situation in the cause of humanity. Now, my Lord, I appeal to all my friends, to all my friends, official as well as non-official, to look at the whole question in a fair manner. Speeches cannot explain away things. Let us combine to find out the facts. I have heard some very brilliant speeches made in this Council on these unhappy incidents ; I heard these speeches applauded, loudly applauded, by those whose points of view coincided with those of the speakers. My Lord, I have been reminded of a few lines from Milton (quoted by a writer on the atrocities in Belgium), in which he draws a terrible imagery when he says of Nature :

> ' Only with speeches fair
> She woos the gentle air
> To hide her guilty front with innocent snow,
> And on her naked shame
> Pollute with sinful blame
> The saintly veil of maiden white to throw ;
> Confounded that her Maker's eyes
> Should look so near upon her foul deformities.

"My Lord, I fear that even now some of my Hon'ble friends on the Government benches do not realise the enormity of the things that have been done. I appeal to them not to think of disposing of these by speeches, but to look closely into the facts, and if the truth be where the people allege it is, to accept the truth. George Herbert is one of your holiest of divines. He has been described as 'groaning and growing towards heaven.' He has beautifully expressed this sentiment, of which I make a present to my friends ; not by way of taunt, the occasion is too serious for it ; but in all humility and sincerity. Let the officers of Government and ourselves, putting aside all small feeling of jealousy, all small feeling of racial bias, let the officers of Government and ourselves combine to find out the truth. Let the truth be established in order that justice may be done. George Herbert says :—

> 'If truth be with thy friend, be with them both,
> Share in the Conquest, and confess a troth'

"If the truth is with my friends, who have put the opposite side, I say, my Lord, solemnly and deliberately, I shall bow to them and be grateful to them for establishing it. But if the truth be on the other side, for God's sake, for the sake of our fellow-men, for the sake of truth and justice, for the good name of the British Government, let it be found and established, and let the Council be then asked to determine what acts ought to be justified and indemnified.

"My Lord, there is only one other aspect of the question to which I have to draw attention. I am sorry I have not the strength in me at this moment to say all that I wish to say ; but I cannot conclude—I shall not be doing my duty to this Council and to His Majesty, to whom I owe allegiance, if I were to conclude without making one more earnest and final effort to prevent the Government from committing the great mistake which they are going to commit if they accept this Bill. Among the arguments advanced by the Hon'ble Sir George Lowndes, one was that an Indemnity Bill was a necessity. Your Lordship also was advised to say in your opening speech that, whatever the result of the inquiry, we were bound to protect our officers. My Lord, with great respect I beg to differ from that view. It is not correct to say that, whatever may be the result of the inquiry, an Indemnity Bill must be passed. As Lord Alverstone said in a debate in 1818 in the House of Lords—from which I quoted yesterday—'a legislative assembly has to be satisfied whether the acts done were necessary and proper before it would indemnify those that committed those acts.'

"Now, my Lord, the rights of man do not depend upon any particular charter or constitution. 'The sacred rights of man,' as Alexander Hamilton has well put it, 'are not to be searched for in old parchments and musty records; they are written as with a sunbeam in the whole volume of human nature by the hand of Divinity itself and can never be erased by mortal power.' Among these is the right to protection of life and liberty. Every single individual, however humble he may be, can claim this right of his Government. His Majesty's Government have also promised this right to every individual among his subjects. Now, my Lord, if a man has been injured, if one has been deprived of his life or limb, or liberty or honour, he or his relations have a right to seek a redress of the wrong done. If you want that a person who has suffered loss of life, limb, liberty or honour should not be able to seek any redress against that loss, you must put it on some footing which will be understood and appreciated by him. Parliament can excuse certain acts. The community, the public at large whom the Parliament or the Council represents, can take note of the events which happened, and of the circumstances in which they happened, and can say, that though certain wrongs were done, yet in view of the situation, in view of the greatest good of the greatest number, those regrettable wrongs shall be excused. The individual acquiesces in that decision, he waives his right to sue his oppressor or assailant or those who injured him. That is done with the implied consent of the person who is vitally interested in the matter. Here you are asking us to assent to a Bill which seeks to justify acts which still require investigation, to indemnify officers against acts, the legality, the propriety, the humanity, of which is still under consideration, still to be investigated. I submit, my Lord, it is an utterly wrong procedure that you are following. The keystone of an Indemnity Bill, as I have submitted, is that the introduction of martial law should have been necessary and for the benefit of the public. You have taken away that keystone and yet you want to pass the Bill. My Lord, it is not right to do so. Let me here quote to the Council the opinion of Sir James Macintosh cited at page 541 of Dicey's 'Law of the Constitution.' He says:—

> 'The only principle on which the law of England tolerates what is called Martial Law is necessity; its continuance requires precisely the same justification of necessity; and if it survives the necessity on which alone it exists for a single minute, it becomes instantly a mere exercise of lawless violence. When foreign invasion or Civil War renders it impossible for Courts of Law to sit, or to enforce the execution of their judgments, it becomes necessary to find some rude substitute for them, and to employ for that purpose the Military, which is the only remaining Force in the community. While the laws are silenced by the noise of arms, the rulers of the Armed Force must punish, as equitably as they can, those crimes which threaten their own safety and that of society; *but no longer.*'

"My Lord, martial law was introduced at midnight between the 15th and 16th of April. This Bill seeks to justify and validate acts which were done before that date. It also seeks to justify and validate acts done during all the long period during which martial law was maintained. I submit, my Lord, there is no justification for the Council to pass such a Bill, to accept such a measure.

"My Lord, the Law Member dealt with many side-issues in his long and learned speech, but he did not reply to the main points raised by me, points which have become very much stronger by the alteration made by the Government in the preamble of the Bill. I submit, therefore, that the Government are not justified in proceeding with the Bill. I may here say that the learned Law Member told the Council that the conviction in the case of Fitzgerald to which I had referred had been quashed. I find on page 819, in column 820, of 27 State Trials of 1820 the following paragraph :—

> 'An application was made on the part of Fitzgerald in the Court of Exchequer to set aside the verdict obtained against him by Mr. Wright which was dismissed with full costs.'

The Hon'ble Sir George Lowndes :—" May I explain that that is the passage I quoted from, and it appears to me to be direct authority for the statement that the conviction was quashed ?"

The Hon'ble Pandit Madan Mohan Malaviya :—" Here is the authority."

The Hon'ble Sir George Lowndes :—" The Hon'ble Member knows English. As I read the passage 'which' refers to the last substantive before it."

The Hon'ble Pandit Madan Mohan Malaviya :—" I will again read the passage and leave it to my Hon'ble friend who knows English better than I do to say what it means :—

> 'An application was made on the part of Fitzgerald in the Court of Exchequer to set aside the verdict obtained against him by Mr. Wright which was dismissed with full costs.'

" Now, my Lord, I will not detain the Council longer. I think what I have said is sufficient to show that the Council ought not to accept the motion of the Hon'ble the Home Member unless it is satisfied of the essential fact that there was an open rebellion, and that it was necessary to introduce martial law. This question remains to be determined by the Committee of Inquiry and therefore the Bill is premature.

" My Lord, the learned Law Member and the Hon'ble the Home Member spoke vehemently of the duty of protecting soldiers, policemen and other officers who had acted under the orders of Government. They urged that these at least should not suffer for any error of the Government of India. I submit that this is an entirely fallacious argument, opposed to the basic principles of the constitution. It is a well-settled principle that no order of a superior officer can protect or ought to protect a subordinate in his commission of any illegal act. If a subordinate receives an order to do any illegal thing or act from his superior, it is his duty to disobey it. Even the King cannot give an order to do an illegal thing. In support of this view I would draw attention to a passage in Dicey at page 283. He says :—

> 'The legal dogma, as old at least as the time of Edward the Fourth, that, if any man arrest another without lawful warrant, even by the King's command, he shall not be excused, but shall be liable to an action for false imprisonment, is not a special limitation imposed upon the royal prerogative, but the application to acts done under royal orders of that principle of individual responsibility which runs through the whole law of torts.'

"My Lord, the Governor General cannot claim to exercise a higher right than His Majesty the King does, and in the case of a King, I may remind the Council that the promise given by Charles I to Strafford that 'not a hair of your head shall be touched by Parliament' was insufficient to protect that bureaucrat from the just anger of Parliament. The argument that the Council is bound in honour to protect its officers has also no force. The Council never made a promise to anybody to protect him. If the Executive made a promise, every officer ought to know the limitations on the power of the Executive, and I hope that one of the results of these deplorable incidents will be that soldiers and public officers will have learnt their duty to the people. If any officers of Government have acted in excess of their authority or without humanity, they ought to take their trial and answer a charge on that account. The Hon'ble the Law Member and the Hon'ble the Home Member specially mentioned the cases of soldiers called upon to protect the lives and property of civilians, and said that if indemnity was not granted to them the soldiers would refuse in future to act. My Lord, I do not think that any such evil result will follow. I think the result that will follow will be a salutary one for the soldiers and for the Civilians as well. The argument is an entirely fallacious one. Soldiers have a right like other citizens to repel force by force and to take all proper steps to protect life and property. But if soldiers 'were to kill men unarmed, unresisting, and disfigure, maim or cut down women and children, if unresisting men were cut down, whether by troops or not, it would be murder, for which the parties are liable to be tried by the laws of the country.' I refer my Hon'ble friend, the Law Member, to the case of R. *vs.* Burdett, 4 B. and Al. 323 at p. 327, where the Judgment of Bayley, J. from which I have quoted is given.

"But it is said that soldiers must obey orders given by their military officers on pain of being court-martialled. Here also the law is quite clear. Soldiers are bound to obey orders, but not illegal orders, orders which are manifestly and obviously illegal such as the order to fire at Jallianwala Bagh was. I shall again refer to Dicey who puts this view very clearly. He says at p. 299:—

> 'A soldier is bound to obey any lawful order which he receives from his military superior. But a soldier cannot any more than a civilian avoid responsibility for breach of the law by pleading that he broke the law in *bonâ fide* obedience to the orders' (say, of the Commander-in-Chief. 'Hence the position of a soldier is in theory and may be in practice a difficult one. He may, as it has been well said, be liable to be shot by a Court-martial if he disobeys an order, and to be hanged by a judge and jury if he obeys it. His situation and the line of his duty may be seen by considering how soldiers ought to act on such occasions.'

"Now I will not quote further, though what follows is very important and throws valuable light upon the question raised by the Hon'ble the Law Member. The whole law has been very well summarised by Dicey at p. 302 of his valuable book. He says:—

> 'The hardship of a soldier's position resulting from this inconvenience is much diminished by the power of the Crown to nullify the effect of an unjust conviction by means of a pardon. While, however, a soldier runs no substantial risk of punishment for obedience to orders which a man of common sense may honestly believe to involve no breach of law, he can under no circumstances escape the chance of his military conduct becoming the subject of inquiry before a civil tribunal, and cannot avoid liability on the ground of obedience to superior orders for any act which a man of ordinary sense must have known to be a crime.'

"I submit, my Lord, this places the legal aspect of the case in a thoroughly clear light. I will refer to only one other passage from a judgment of Mr. Justice Stephen which is found at p. 301 of Dicey's book, and which seems to me to be very apposite. It is this:—

> 'Soldiers might reasonably think that their officer had good grounds for ordering them to fire into a disorderly crowd which to them might not appear to be at that moment engaged in acts of dangerous violence, but soldiers could hardly suppose that their officer could have any good grounds for ordering them to fire a volley down a crowded street when no disturbance of any kind was either in progress or apprehended. The doctrine that a soldier is bound under all circumstances whatever to obey his superior officer would be fatal to military discipline itself, for it would justify the private in shooting the Colonel by the orders of the Captain, or in deserting to the enemy on the field of battle on the order of his immediate superior. I think it is not less monstrous to suppose that superior orders would justify a soldier in the massacre of unoffending civilians in time of peace or in the exercise of inhuman cruelties such as the slaughter of women and children, during a rebellion.'

"I submit, therefore, with confidence, that the view put forward by the Hon'ble the Law Member is not the correct view of the law, and I submit that both on grounds of fact and law this Bill is premature. Let, my Lord, the Government and the country wait therefore for the result of the inquiry which the Secretary of State and your Excellency's Government have agreed to institute. On the results of that inquiry being known, let the matter be placed before this Council for further consideration, and let everybody concerned rest assured that every man will render all the reasonable support which ought to be given to soldiers and other public officers who have discharged their duty properly. I once more most earnestly request your Excellency not to proceed with this Bill and to let it stand over till the next Session in Delhi."

[At this stage the Council adjourned for Lunch till 3 P.M.]

The Hon'ble Mr. J. P. Thompson:—" I should be grateful, my Lord, to the Hon'ble Member for having given me such an easy task to deal with. If it is true that there are people from whom abuse is a compliment, I should thank the Hon'ble Member for the compliments he has showered on me. But I feel I do not deserve them. The heat with which he credited me was non-existent and many of the statements which he put into my mouth I never made.

" The first case that the Hon'ble Member dealt with was that of the Inspector who was assaulted in the Badshahi mosque at Lahore. He prefaced his remarks by telling us that he had sent in certain questions and that, as Government did not give him an answer to those questions, he felt justified in stating these questions to the Council in the form of facts. I should like to have heard from the Hon'ble Member, if he had been in his seat, whether the allegation against the Inspector was ever submitted in the form of a question. If it was, all I can say is that, to the best of my recollection, I have never seen it. I do not propose to deal with the quotation which he read out from the evidence of Inspector Ali Gauhar, because the ripple of laughter which went round the Council when the Hon'ble Member read it showed me that I had already a verdict in my favour. The Hon'ble Member played his trump card and found he had revoked.

" The next case he dealt with was that of the persons confined in the racquet court at Amritsar. As regards this I gave the facts as they were supplied to me. How far that explanation satisfies the Hon'ble Member or the Council is another question, but I pointed out, as the Council will remember, that if these gentlemen were subjected to hardships, there were European women and children suffering not dissimilar hardships within a very few yards of the place where they were confined.

" The next case to which the Hon'ble Pandit passed was that of the schoolboys who were flogged at Kasur. He complained, if I understood him aright, that I did not deal with many other cases of flogging. He left it to be inferred that a reference to these other cases had been contained in the question which had been disallowed and which he afterwards stated to the Council in the form of a narrative. I will read that question to the Council—' Will the Government be pleased to state if it is a fact that several schoolboys at Kasur were flogged and, if so, state their names, ages, and the number of stripes administered in each case and the offences for which they were punished. ' I told him that three pupils of the Municipal Boarding School were caned and three of the Islamia school. This was done by way of school discipline. At the request of the Head Master, military aid had been invoked ' to deal with continuous insubordination on the part of the boys '. I am reading from the explanation submitted by the Sub-divisional Officer. That explained what had happened in the case of the schoolboys who had been caned at the request of the Head Master. I went on to say that two other schoolboys were sent by the Commission for summary trial and received three strokes of the cane after trial by the martial law officer. I ask the Council what other explanation I could give. So far as I am aware that explanation covers the cases of flogging of schoolboys at Kasur, and it was with the flogging of schoolboys at Kasur that the question put by the Hon'ble Member dealt.

"Then, my Lord, the Pandit went on to the case of Mr. Manohar Lal. He tells us, if I understood him aright, that Mr. Manohar Lal's house was locked up for several days and that his family were compelled to live in outhouses. The facts as I understand them and as I have received them from the officers at Lahore who are familiar with the case are that Mr. Manohar Lal was arrested on the 18th April. On the evening of that day, I think, the house was shut up by the Police. When they got there, they found his family moving into outhouses, thereby indicating that they had already received instructions from Mr. Manohar Lal as to what they were to do. The house was searched on the morning of the 19th and at 1 o'clock that day his family were permitted to return to the house.

"Then, my Lord, we come to the case of Gujranwala. On this as well as other cases, the Pandit quoted certain extracts from accounts which appeared in the *Civil and Military Gazette* and he appeared to be under the impression that there was something official about them Hon'ble Members will recollect that at an early stage in the proceedings the Pandit quoted from a publication entitled 'Punjab disturbances' which was issued by the *Civil and Military Gazette* in respect of which he definitely alleged that the publication was one which was published under the authority of the Punjab Government. I corrected him, and he pretended not to be satisfied with my explanation, but I note he did not venture to quote it as a Government publication again. My Lord, as far as I can recall, the only connection that the Punjab Government had with the publication was to protest against the inclusion of certain of its contents. The Pandit read certain extracts from one of these articles which had appeared in the *Civil and Military Gazette* on what happened at Gujranwala. The Council will remember that in his original speech he stated that respectable persons were chained together and were marched to the city two by two, headed by a Hindu and a Muhammadan 'with a view to ridicule Hindu and Muhammadan unity as was stated by Colonel O'Brien.' Now, my Lord, the passage which he quoted from the article after describing how persons had been marched through the city went on to say that this spectacle of Hindu and Muhammadan unity must have been most impressive. Would not anybody reading that article come to the conclusion that that was merely a comment of the writer? I do not see what justification the Pandit had for reading into the action of Colonel O'Brien, who was in charge of the arrests at Gujranwala, the sentiments supplied by the writer of the article in the *Civil and Military Gazette.*

"As regards the Ramnagar case I have nothing more to say. The Pandit gave no answer to the criticism which I passed on what he said at the time. All he had to offer us was the *a priori* argument that because these people were respectable they could never have taken part in such disreputable performances.

"The Hon'ble Pandit also attributed to me, if I understood him aright, certain remarks regarding the burning of a *bhusa* stack at Lyallpur To the best of my belief, my Lord, I never touched on the incident of the burning of a *bhusa* stack at Lyallpur. I knew perfectly well what the facts were, and the Pandit, so far as I remember, asked no question about it. It is possible, I think, that it was Mr. Hailey who in another connection mentioned the case of burning a *bhusa* stack at Lyallpur, but as I do not remember exactly in what connection he mentioned it, I am unable to say how far, from the point of view of the Pandit, that mention was justified.

"I now come, my Lord, to the case of the Jallianwala Bagh at Amritsar. The Pandit told us that he received a letter from a Mr. Tiwari, stating that 531 persons had been killed including 60 who had not been traced. He did not tell us how he came to include persons who had not been traced, but he said that 531 were killed.

"Now, my Lord, since I spoke on last Friday, another fact has come to my notice which makes it more probable perhaps than before that the details that we have got regarding the number of persons who were killed in Amritsar are very near the mark. I was informed only a few days ago by a very old resident of Amritsar that for every cemetery and every burning ground in Amritsar, there are sub-registrars who write down particulars of every corpse which is brought for disposal. Those returns are submitted to the Registrar and through him to the Health Officer. So that whether people report deaths or not there is this additional check, supplied by the cemeteries and burning grounds. I still claim, my Lord, that any deaths which were reported, which are considerably in excess of the number which we admit, namely 291, must be received with grave suspicion. I did not claim, and I do not claim now, that we know or ever shall know, the exact number of persons who were killed. But what I do say is, that the information that we have supplied is far and away the best information which is at present available, and that if the people who are collecting information for the Pandit have done their duty in responding to the invitation which was conveyed to them to give us any information which they might possess as to the number of persons who had been killed—I say that if they have done their duty—then our figures are as nearly complete as I or the Pandit can make them.

"As regards the corpse which the Pandit says he saw in the well, really the incident is hardly worth dealing with. But one thing is certain, and that is, that if there was a corpse down the well when the Pandit visited the place at the end of June, it was not the corpse of anybody who had been killed on the 13th of April. It is established by expert evidence that after 2½ months in the hot weather a corpse would be a mere collection of bones at the bottom of a well—so that as evidence of anything which had been in there from the time when the firing took place on April the 13th, there is nothing in it at all. But it does seem to me that when the Pandit wrote to the Municipal Committee saying that there were 'still' one or more corpses down the well, it was perfectly obvious that what he was doing was trying to create horror or pity in the minds of his hearers in connection with the incident of the Jallianwala Bagh. I leave the matter to the Council, but that conclusion appears to me to be irrefutable.

"The Pandit again talked of the desire for co-operation between officials and non-officials in connection with these disturbances. I have already given you one instance in which we had invited the co-operation of those who were collecting information in regard to the number of deaths in Jallianwala Bagh. The Pandit's assertion that the number of deaths is nearly double what we found after issuing that invitation, is a strange comment on the degree of co-operation which has been offered by non-officials. I will give the Council another instance. There were, as the Pandit no doubt knows, a large number of serious allegations against the honesty of the police at Amritsar. It was said that many of them had made large sums. The Lieutenant-Governor was anxious that these allegations should be probed to the bottom, and instructions were issued that the local authorities should invite the co-operation of the Pandit and Pundit Motilal Nehru in finding out whether there was anything in them. Letters were written and the answers we received gave us no information at all. Whether any further answers have been sent since the two which I saw, I cannot say; but the first letters that were received gave us no information at all . . .

The Hon'ble Pandit Madan Mohan Malaviya :—"I have seen no letter of the kind mentioned; nor has my friend Pundit Motilal Nehru received anything as far as I know."

The Hon'ble Mr. J. P. Thompson :—"The Hon'ble Member is certainly in a better position than I am to say whether he received a letter or not, but I understood a letter was sent to him and to Pundit Motilal Nehru who was working in close co-operation with him, and the answer that was received was one which gave us no assistance at all. Whether a separate letter was sent to the Pandit or not seems to me to be really immaterial.

"The last specific allegation that the Pandit made was in regard to the cutting off of the electric lights and water-supply at Amritsar by order of the General Officer Commanding. It was not really for me to justify the action taken by the military authorities. But I gave the Council what I believed to be the facts, and here again it is for the Council to say whether they are satisfied with the explanation or not. But what I said, on the information supplied to me, was that on the 10th of April—I give it in rather greater detail—on the 10th of April two out of the three feeders which give energy to the city were damaged by the mob about 1 P.M. Later on at 2-30 P.M. the mob entered the power-house and stopped the whole plant. At 7 P.M. the one remaining feeder was started. On the 11th the mob prevented a mistri from mending the two damaged feeders. That evening the power was cut off the city altogether by order of the General Officer Commanding, and remained off till the 19th. In regard to the water-supply, I mentioned the story that the supply had been poisoned. But the water was turned on again early on the 11th after having been cut off on the evening of the 10th, and it was again cut off later on the 11th and remained off till the 14th. Those were the facts and that is the explanation. How far it is a justification it is for the Council to say. That completes, my Lord, the examination of the cases with which the Pandit has dealt.

"He then went on to give me a severe rebuke for transgressing, as he said, the traditions of this Council. I think if the Hon'ble Member had been familiar with the lighter forms of English literature and especially with the literature of the comic stage, he would have avoided the 'you're no gentleman' retort. It s a retort which usually comes from a housemaid caught out in an embarrassing situation. It is hardly worthy of the dignity of this Council.

"Towards the close of his speech the Hon'ble Member quoted us some lines from Milton. It is quite in keeping, my Lord, with human nature for a disappointed man to seek refuge in great literature. His attack has failed all along the line, and I sympathise with him in his disappointment. Let me give him another quotation from the same poem which, I think, perhaps describes his situation with some appropriateness :—

> 'The old Dragon under ground
> In straiter limits bound,
> Not half so far casts his usurped sway,
> And wroth to see his kingdom fail,
> Swinges the scaly horror of his folded tail.'

"My Lord, the lashing of the Pandit's tail is the measure of his disappointment.

"My Lord, I have nothing more to say. But with regard to what the Pandit has said about me, what I will say is this. What this Council values above all else, and what I trust it will always value is straightforwardness and simplicity of character. And I hope that, senior or junior, there will never be a lack of Members in this Council who will be ready to protest against perversions of truth and to stamp misrepresentations for what they are."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"My Lord, allow me to congratulate the Hon'ble the Home Member on the skill with which he has piloted the ship of the Indemnity Bill through the storm of discussion, no doubt, with the help of the high-skilled Legal Engineer, the Law 8-24 P.M.

Member and cleverly manœuvring it has saved it from the three pests, *i.e.*, mine, torpedo and submarine, with not less than 38 attempts by them.

"After the complete victory of the Right the other day the course of events was so changed that nearly all had joined the victorious camp except those whose business naturally it was not to do so and had to stick on, through thick and thin, to the opposite camp so as to justify themselves to be called 'public men.'

"Apart from few irreconcilables the majority of the population forming 90 per cent. of the Punjab would welcome the Bill and thank the Government for so many gracious acts done during the period. The Martial Law Commission of the Judges of the High Court and some other experienced men were provided to administer justice for the heinous crimes instead of first or second class Magistrates which was a great improvement on the ordinary machinery of justice. They acquitted large numbers of people who were guilty and convicted only those against whom there was sufficient evidence. The extraordinary kindness shown by His Honour the Lieutenant-Governor of the Punjab in commuting the sentences and their further reduction by your Excellency's Government has caused further satisfaction.

"Though in ordinary circumstances things would have ended here, it is gratifying that two Judges have been appointed to investigate into the cases in order to minutely sift the various facts over again which may be called an unprecedented kindness. In case the Privy Council accepts the appeals of the wealthier men who have approached it, the announcement by the Government that all the poorer accused will get the benefit of the above under the same circumstances is another thing of far-reaching importance. The Government has also kindly given assurances that no one appearing before the Committee will be liable to be molested by any authority or police, and their promise that all those will be released whose cases do not fall under the ordinary law, has further helped the accused. And last but not the least the grant of not only the one Indian member which was asked for but also the appointment of another Indian member in the shape of an Englishman. We call him Indian as his community has got vested rights in the country the welfare of which, I am sure, is the nearest to his heart.

"I think by all the above the Government has gone to an extent that no Government in History would have done so far for the breakers of law and order. I hope when all the above is finished, it will result in wholesale clemency except for some such whose release will amount to letting loose wolves in the flocks of sheep.

"My Lord, those of us who have been saved from a great catastrophe pray that Government will take precautions that such a thing may never recur, because if it again does so there is danger of its coming in a more complete form. This time those responsible for the Egyptian and Indian troubles and foreign invasion not being in possession of cables and having no proper communication have come one after the other and suppressed in detail but at some next time such may not be the case.

"I also hope that some battalions of Sappers and Pioneers will be trained to work as engine drivers and guards, etc., as this time the wholesale strike of the Railway employees was only just averted. Had it occurred as it was arranged transport of reinforcements, food-stuff and other provisions to the Frontier would have been greatly hampered.

"My Lord, there is a section which believes that this our august assembly was to an extent directly or indirectly responsible for the recent troubles by their utterances. One of the leading arguments of the Council in defence of some of the accused was that their inflammatory speeches for which they were being punished and which roused the public feelings for the acts committed did not go half the way as some of those delivered in your Excellency's presence, and people wonder whether there is any regulation which could be put in force to moderate such language and, if there is such, what is the cause that this remedy is not applied when certain portions of certain speeches reach the extent of creating hatred among the classes and go a long way to bring the Government established by law into contempt. I think all the above is being governed by the ordinary law of the land.

"The defence of a public prosecutor against the argument of Mr. Hussan Imam that such speeches in the Council were meant for a responsible class, while those of the accused were for the ordinary public, is a poor argument and falls to the ground as the next day a speech here is public property and the extremist papers, like one or two of those we have got in our province, intensify them by their comments on them.

"I have only put forward this as an appeal on behalf of the general rural public of the Province so that such happenings may not recur and the lives of the innocent people, English as well as Indians may not be lost as well as those at the Frontier either in action, or through epidemics.

"My Lord, all the arguments used to-day have been already put forward on the day when the Hon'ble Pandit Malaviya first spoke on this Bill, and though he does not believe in what the other people say, the others have the same right to say that they do not believe in the allegations that he has put forward. For instance, the Gujranwala case was discussed the other day. The railway line was broken and the police and other people at Gujranwala were absolutely helpless till the evening. If troops were sent from Lahore, it is such a long distance, that they could not possibly have reached that day, nor could they come by train, as, I have already said, the railway line was broken. There was no other possible way to help the authorities at Gujranwala that day except by aeroplane. I hear the people were in the act of opening the prison and letting out all the prisoners when the aeroplanes arrived.

"About Lahore, it is said, my Lord, that everything was quiet. I wish my Hon'ble friend the Pandit Sahib was there at the time. Just as he has seen certain things and believes in them, I think he should also believe in us who saw that the conditions were such that if the military were not there, there would have been many other acts committed.

"As the military were there and suppressed the disturbance, we cannot say there was nothing. Of course nothing happened or could have happened because there was force to suppress it, but it was only that force which kept things quiet.

"With these few remarks, I hope the Bill will be passed."

The Hon'ble Mr. Sachchidananda Sinha :—"My Lord, I hope this unequal struggle between the official members and the non-official members of this Council will soon be over ; for my part, I find it rather too trying for my nerves. The debate has been going on now for three or four days, and almost everything which could be said for or against the measure has been put forward by the advocates of the respective sides. It seems that at the end of the discussion we are as far off from coming to an agreement as we were when the Bill was introduced. 3-34 P.M.

"The motion before the Council now is that the Bill be passed. Under ordinary circumstances I should have held it unjustifiable at this late hour to prolong the agony by making any lengthy observations, but the matter, my Lord, is of such great and grave importance, that I do not think I shall be justified in recording my vote without giving, howsoever briefly, my reasons for the action which I propose to take. When the Bill was introduced and leave was sought for its introduction, some of us felt compelled to oppose that. What has happened since then that the Hon'ble Member should feel justified in asking us to-day to give our assent to the Bill? We tried to improve the Bill to the best of our lights by sending in 38 amendments. Far from feeling grateful to us for trying to improve his Bill, the Hon'ble the Home Member, with that emotional Celtic temperament to which I referred the other day, actually charged us with trying to whittle down the Bill. That, my Lord, was the unkindest cut of all. When we come here to assist him with our experience, with our guidance, those are the thanks which we get in this Council. Now, lest your Lordship and the Council may think that in dilating at some length on the difficulties and the misfortunes of Indian non-official members of this Council, who have to oppose official views, I am at all exaggerating, I shall, with your Lordship's leave, read out two or three sentences, not from an Indian paper, moderate or extremist, but from a well-known Anglo-Indian paper of Calcutta, called 'Looker-on'. This is what the writer in 'Looker-on' says of our most piteous condition :—'I am always struck by the pathetic aspect of the incident when an Indian Councillor gets up on his hind legs'—those are his words, not mine—'and debates a motion eloquently and cheerfully, knowing all the while that the division which he has succeeded in forcing must go against him. It requires a certain amount of assurance, not to say spiritual pluck'—the words are 'spiritual pluck' not 'spirituous pluck'—'to do, as many Indian debaters do, without giving an unedifying exhibition of temper, spleen and despair'.

"Now, my Lord, under those circumstances, I am particularly grateful, speaking for myself, that of the 38 amendments which were moved by us, the Hon'ble the Home Member was graciously pleased to accept one of mine. Afterwards, he made an observation, however, which deprived his action of its little grace, that he was not sure that he had been wise in accepting my amendment. I ventured to assure him then and there that this was the wisest act he had done, if not in his life, at least in the course of this debate. I am also grateful to him, my Lord, particularly, for accepting my suggestion in my opening speech and amending the words of the preamble by dropping the words 'that it was necessary to declare martial law' and putting in the words 'where martial law was enforced'. My Lord, did he suspect then that the Hon'ble Pandit would take advantage of that to build his argument on that, because he had withdrawn from that position of there being the necessity for martial law being declared, therefore the whole Bill must fall through? Well, my Lord, grateful as I am for these two acceptances on his part, I do not think that the rejection of our 37 amendments justifies him in asking me to give my moral assent to the Bill.

"My Lord, I shall, with your Lordship's leave, refer to one or two observations which have been made by official members in the course of the discussion. I shall first say a word about the incursion of the Hon'ble Mr. Shafi. I confess I do not understand what on earth made him intervene in this debate. I thought he was the Education Member, concerned with the carrying out of educational policy, with certain sanitary matters and possibly also with ecclesiastical affairs, but of this last I am not sure. What he has got to do with the declaration of martial law and an Indemnity Bill, I cannot for the life of me understand. I suppose he was most anxious to support the Government. I believe some of us, when we cross the floor from this side to that, undergo some sudden changes in our views and sentiments, and I dare say that is what made him support the Government. He did so, however, by reading out section 101 of the Evidence Act and sundry old reports of Privy Council cases, and he tried to teach us the A. B. C. of the law of evidence. He said it was surprising that we, lawyers in this Council, did not even know what he called the A. B. C. of that law and he tried to explain it to us as best he could. I was gratified, however, that he did not go on to the D. E. F. and the X. Y. Z., as, otherwise, we might have been here all night He laid down the proposition that what appears in clause 3 of the Indemnity Bill in regard to the rule of evidence and the burden of proof is a most elementary principle to be found in all the laws and the prophets. Now, if that be so, and the Hon'ble Member's argument be sound, what is the good of having that specifically provided for in this Indemnity Bill at all? If that is the Common Law, if that is the Statute Law, if that is the Privy Council ruling, I suppose any court would act up to it without there being a specific provision. As, however, the Hon'ble the Law Member has taken particular care to put in that provision here, I have a suspicion that it is not after all such a small thing, a mere A. B. C. as the Hon'ble Mr. Shafi was anxious to make out.

"My Lord, I shall, with your Lordship's leave, refer to one or two observations of the Hon'ble the Law Member. I most gratefully acknowledge that, during the debates in this Council, he has been exceptionally kind and encouraging to me, and he has never said a word about me of which I need make any grievance. My friend the Hon'ble Pandit Madan Mohan Malaviya thought that I had been rather severely handled by the Hon'ble the Law Member on the last occasion; but in a debate, as in love and war, I think all is fair, and I make no grievance of that. But he did make one or two observations, not in regard to me personally, but in regard to certain matters, which I think need a reply. May I say that it seemed to me rather an ungracious act on the part of the Hon'ble the Law Member to have made certain adverse comments, in the absence of the Hon'ble Raja Sir Rampal Singh, about his speech, the more so as the Hon'ble Raja Sir Rampal Singh had made that speech not on the motion about the Indemnity Bill, but on a previous occasion in regard to the constitution of the Punjab Inquiry Committee? However, I felt gratified at this reference and the gratification was due to the fact that I did want that some official member of this Council should protest against speeches supposed to be written by friends, because I have a shrewd suspicion that as often as not the speeches made by some non-official members in the Council supporting Government are written by friends. Therefore, I am grateful to the Hon'ble the Law Member for raising the point; and, in future, when a suspicion crosses his mind that some speech on the Government side by a non-official member may have been written for him by a 'friend,' I hope he will not forget to take that fact into consideration in assessing the value of the speech.

"Now, my Lord, I was also amused, as one who is a lawyer by profession, to see the lengths to which some of us, even members of your Excellency's Executive Council, are driven in a debate when harassed from pillar to post, as happened to the Hon'ble the Law Member yesterday. When the Hon'ble Pandit Malaviya quoted once or twice from an Act of St. Vincent, the Hon'ble the Law Member pooh-poohed it, as if to refer to an Act of St. Vincent was something like *lese majesté* to Sir William Vincent; but to-day he himself, in reply to the Hon'ble Pandit, referred to the same Act, which he repudiated yesterday as something insignificant and worthless. That is all, my Lord, which I have to say in regard to the observations of the Hon'ble the Law Member.

"I shall now say something, my Lord, about the Hon'ble the Home Member's observation. I think it is but fair to say that his speeches in this Council on this rather controversial measure have been, on the whole, very conciliatory, indeed; and so far as I am personally concerned, I have got no grievance to make against the wording or the spirit of them. But I take exception not to his manner but to his matter. I confess I was very agreeably surprised this morning to hear him quote, of all persons, the great Indian leader, Mr. Gandhi. This was in the same strain in which the Hon'ble the Law Member quoted Mrs. Besant and Mr. Horniman—I do not know if he quoted Mr. Tilak; perhaps he did not. Well, Mr. Gandhi is certainly a gentleman whose observations are entitled ordinarily to the very greatest respect. But the Hon'ble the Home Member tries to make much of Mr. Gandhi's observations as in this particular instance they suit his purpose. It is, I presume, from

Young India that he quoted this morning. Is he aware that in *Young India* Mr. Gandhi has been writing week in, week out, on the Punjab situation, taking up the case of each particular person convicted, and saying in terms absolutely unequivocal that there has been a great travesty of justice and that all these persons have been put to very great inconvenience and trouble by the arbitrary conduct of the officials? I only desire to say that I hope that these observations also of Mr. Gandhi will carry equal weight with the Hon'ble the Home Member when he comes to deal with the cases of these persons.

"Now, my Lord, there is one thing more I would like to say. In my opening speech on this Bill, I said that the Indian view was that, whereas Government were fully justified in resorting to effective measures for putting down the riot or disturbance or rebellion, call it what you like, the steps taken for that purpose went far beyond the requirements of the situation, and that in the name of putting down the disturbances and maintaining or restoring order, measures were carried out which were oppressive and tyrannical. This, I said, was the Indian view. I sedulously refused to go, my Lord, into the facts of the case, and I assured you that I had kept an open mind on the subject. But I find that my friend, Mr. Malaviya, on the one side, and Mr. Hailey and Mr. Thompson and General Hudson on the other, have put forward in this Council different versions of the facts. I am now in a better position to make up my mind as to the facts, after having heard both sides. I listened very carefully, my Lord, to the statements of fact of these gentlemen, both on the last occasion and to-day; and making every allowance for an inherent, unconscious bias in my own mind as an Indian, I have tried to place myself in a detached position, and I venture to say that leaving aside every statement of the Hon'ble Pandit and accepting as gospel truth the statements made by the official members in this Council,—Mr. Hailey, Mr. Thompson and General Hudson—there is, to my mind, a clear admission made by these gentlemen that things were done which, to use the mildest language, should not have been done. I shall not say one single word about the observations of Mr. Malaviya. I shall take it that they are incorrect and inaccurate. Let us, however, take the statements made here before your Lordship and this Council by Mr. Hailey, Mr. Thompson and General Hudson as the truth. I shall not traverse the ground in detail; but I shall take one or two instances and the explanations which the official members have offered to this Council. I hope every member of this Council will consider the matter apart from any ideas of race or nationality. Has Mr. Thompson's explanation satisfied the Council that the arrest of Mr. Manohar Lal, a Barrister-at-Law, late Minto Professor of Economics in Calcutta, a distinguished scholar, a favourite pupil of Professor Marshall of Cambridge, and his detention for, I believe, nearly a month, and then his being discharged without being brought to trial, was a right course to adopt? Mr Thompson said Mr. Manohar Lal was a trustee of the *Tribune*, and it was supposed that as a resident trustee in Lahore he had taken an active part in inspiring the writings in that paper. Well, now, I will ask 'Is it fair, is it right that because a man happens to be a resident trustee of a newspaper, assuming even that it is seditious, when once the editor has been brought to trial, the editor who alone was responsible before law, the trustee should be arrested and placed in detention for a month and then let go without any case being started against him?' I venture to submit, my Lord, any question of race or nationality apart, that that is not the way of treating a British subject. I am glad that Sir Michael O'Dwyer did not go beyond arresting the resident trustee and did not order the arrest of the readers of the paper as well, because in that case I might have been arrested too as one of them. I am glad that he drew the line at the resident trustee and did not extend his order to the readers of the paper. I say that just to show, my Lord, that the explanation offered by Mr. Thompson does not satisfy me at all and I have given my reasons therefor.

"I shall now take an instance from the statement of General Hudson. Fortunately in his case I am in a better position, because I find that the *Civil* *and Military Gazette* has published what it calls 'the full text' of his speech. From this full text, I shall take up one point, namely the unfortunate assault on Miss Sherwood, and the orders passed in consequence thereof. General Sir Havelock Hudson admitted 'the issue by the officer in command at Amritsar of orders that any persons who wished to pass the scene of the assault on Miss Sherwood should be made to crawl on their hands and knees': as 'something was required to strike the imagination.' He continued 'It is easy to criticize the orders issued by the officer in command at Amritsar, but the circumstances were altogether exceptional and the punishment though humiliating was not such as to cause danger to life or physical hurt.' And he then added; 'No compulsion was brought to bear on any individual to submit to the order. The order remained in force for a period of five days. There is good reason for the belief that except for the party of prisoners already mentioned, those who were subject to the order came voluntarily to submit to it for the sake of notoriety or martyrdom.' That is the explanation that the Hon'ble General Hudson gave. The facts are not denied. The Hon'ble Pandit Malaviya, who among his many virtues does not unfortunately possess the saving grace of humour, complained to the Council in tones of bitter anguish that when that was said by General Hudson a titter of laughter went round the Council. I should think that but for the restraining influence exercised by your Lordship's presence the Council would have indulged in a loud guffaw. Who could, my Lord, accept with equanimity the statement that human beings preferred to crawl on their hands and knees to obtain 'notoriety or martyrdom'? This was ordered, General Hudson said, to strike the imagination . . . .

The Hon'ble Lieutenant-General Sir Havelock Hudson:—"I think the passage which was referred to as raising a loud guffaw was not that quoted by the Hon'ble Member. It was the one that the men went on their hands and knees that raised the titter."

The Hon'ble Mr. Sachchidananda Sinha:—"There was something about hands and knees."

The Hon'ble Lieutenant-General Sir Havelock Hudson:—"The person went three times on his hands and knees."

The Hon'ble Mr. Sachchidananda Sinha:—"My contention is that if this explanation did not evoke a loud guffaw, it should have done so. Now, my Lord, speaking seriously, I venture to ask the Council whether it is right to defend this action, whether His Majesty's Indian subjects should be made to crawl on their hands and knees because some other persons had been guilty of committing some nefarious deed. I ask whether such a thing should be sanctioned. Whatever the Hon'ble Pandit may have said, General Hudson said that that was done to strike the imagination! I do not know anything about striking the imagination, but what I do know and feel is, that those who were made to crawl on their hands and knees must have left the place with a bitter sense of rancour rankling in their hearts. If General Hudson meant that this may be called striking the imagination, all I can say is that when he joined the Army the imaginative literature of England lost a great deal.

"Thus there is no doubt, my Lord, that things have been done which should not have been done. My Lord, such being the case and the Government having withdrawn from the preamble the statement as to the necessity of the declaration of martial law, the question is whether the Bill should be passed. Nothing having happened since the introduction of the Bill to induce me to change my mind about it, I believe I am justified in voting against it. Your Lordship will remember that on the last occasion when I ventured to take up the time of the Council, I maintained that public opinion was insistent that the Bill should be either withdrawn or put off for some time. Now when I refer to public opinion, I am afraid of a recurrence of what happened then. The Hon'ble Mr. Macpherson, in the course of his manuscript eloquence, said that, I represented only a small section of the Bihar and Orissa public, while he himself represented a large one. But as I explained the other day, when I talked of Indian public opinion I referred to the classes who alone can at present speak out their minds. I shall not, however, refer on this occasion to Indian public opinion; if I did so I could show that Sir Sivaswami Iyer, who was a member of the Madras Executive Council, has been publishing articles in various papers strongly opposing the passage of the Bill at the present moment. I shall, with your Lordship's permission, quote some passages from an article in a well-known Anglo-Indian paper—the *Indian Daily News*. The article is from the pen of one who has himself been a high official, and has acted as Standing Counsel to the Government of India. The paper is owned and edited by Mr. Graham, and the article in question shows how this debate has struck the mind of an independent European in this country. This is what he says :—

> 'The debate now proceeding at Simla is a fair sample of the way India has been governed in the past. The Government adopt an attitude and defend that attitude to the last gasp. They accept nothing, listen to nothing and decline to budge. They do not listen to Mr. Crum or Mr. Sarma, or the 'resuscitated' Pandit. They get the Associated Press to give a full account of Sir William Vincent's 'testy' speech as *Capital* calls it, which is in their opinion so convincing that it has only to be read to be accepted as Gospel. Of course it is not, for it is merely an angry gabble, but Simla sticks to its opinion and lives on.'

I omit the concluding words of the sentence for fear they may be considered unparliamentary The writer then proceeds as follows :—

> 'The main fact that strikes one reading the debate now proceeding about the Indemnity Bill is that the bureaucracy and the Government of India are playing the same old game, namely, absolute inability to yield to suggestion, to accept compromise, and eagerness to play all the trumps, which they have dealt themselves. This is the spirit that invited the Reforms, this imperviousness to reason, this contempt for opposition and this extreme use of every controversial weapon they had helped themselves to in the past. This debate has once more shown the Government of India in its obdurate and obstinate condition and in its best form of stolid opposition.'

I do not say, my Lord, that I accept every word of it, but it shows how this debate strikes a European critic of the Government, a man who has occupied the high position of Standing Counsel in the Calcutta High Court. Therefore, my Lord, I venture to submit that we are not so unjustified, as some of the official members would like to make out, in asking your Lordship's Government to postpone this measure for the time being, at any rate till the Punjab Inquiry Committee submits its report. But as your Lordship's Government are unwilling to accede to our request, I feel justified in recording my vote against the Hon'ble Member's motion that the Bill be passed."

4-2 P.M. **The Hon'ble Sir George Lowndes** :—" My Lord, if the only speech against the Bill to-day had been that of the Hon'ble Mr. Sinha, it would not have been necessary for me to trouble the Council for long. His speech was made in the lighter vein that I am afraid carries us a very little way. But we have had a long and powerful speech from his leader Pandit Malaviya. He gave us a bountiful display to-day, but we sitting in this Council Chamber cannot be swayed by beautiful words or impressive sentences.

" We are here as the responsible Government of a great country, and we have got to carry on that Government not with our hearts but with our heads. I will only say for myself,—it may be a rash thing to say,—that not one word of that extremely eloquent speech carried conviction to my mind. I said on the last occasion when I addressed this Council, that it was necessary for the Hon'ble Pandit as a preliminary to certain proceedings outside this Council to make a great display, and it may be that that is again the explanation of the necessity for it to-day. But I venture to suggest that nine-tenths of what my Hon'ble friend said had no bearing whatsoever on the question before this Council. Let me reiterate it again. It has been said, almost to weariness already, that what we are considering here is not whether acts which are alleged to have been unnecessary, which are alleged to be *mala fide*, are to be protected, but whether indemnity is to be granted in respect of acts which were *bona fide* and which are held to have been necessary. It is no good to get up and reel out a string of so-called facts which the speaker pretends are outside the principle of the Bill. If they are, we are not concerned with them. They will be judged in another place. What we are concerned with here is simply the case of a man who has acted *bona fide* as a servant of Government or under the orders of a servant of Government. If he has done what was necessary for the maintenance or restoration of order, is he to be indemnified? I venture to think that I did not exaggerate when I said that nine-tenths of the Hon'ble Pandit's speech had nothing whatever to do with that point. But here again, as on a previous occasion, I am glad to be able to follow the lead of my Hon'ble friend Mr. Sinha, and I need do no more than quote his words, which I hope, I have taken down accurately. 'I shall not say a word about Mr. Malaviya's statements. I shall take them all as inaccurate.' Those are the words which Mr. Sinha used just before he sat down and they suit me down to the ground.

"But let me turn to one or two arguments in the remaining tenth of the speech which, I think, necessitate some answer. There were in the Hon'ble Pandit's speech, many, no doubt unconscious, perversions of fact. Let me refer to one of them at least. The Hon'ble Pandit said that the Bill seeks to validate all the acts that were done,—he put it in two parts—prior to the 13th April and subsequent to the time when the disturbances had ceased. But this Council has been told over and over again that we are not proposing to validate any of those acts. It was, if I may say so, a confusion which has run through the Hon'ble Pandit's mind from the very commencement of this debate, a confusion between validation and indemnity. I explained just now what the proposed indemnity is and how far it goes. Validation is something quite different. The English Acts which my Hon'ble friend has quoted, the South African Acts which he has quoted, validate all acts which were done under Martial law. We do not propose to do this. Validation in this Bill, let me repeat once more, is confined to the validation of the sentences of men who are now in jail and whom we, as a responsible Government, consider that we cannot in the public interest release. That is the utmost extent to which validation goes under this Act, and it is no good to try and pervert facts and put forward to the public that we are trying to validate every act which has been done under Martial law; to say so is a perversion of facts . . . .

(Here the Hon'ble Pandit got up to interrupt the Hon'ble the Law Member.)

The President:—"The Council has listened to the Hon'ble Member with unexampled patience. It is now his business to exercise that same patience towards the Hon'ble the Law Member."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I explain a fact?"

The President:—"I think the Hon'ble Pandit has had 6½ hours of this Council's time and should now let the Hon'ble the Law Member have a little time of the Council."

The Hon'ble Sir George Lowndes:—"Let me explain another thing which seems not to have struck the minds of many lawyers in this Council. My Hon'ble friend Mr. Sinha suggested that he knew all about law and there was no necessity for my Hon'ble Colleague in this Council to lecture him,—I think that was the word he used,—on the law. I do not doubt that my Hon'ble friend knows all about it; though it is sometimes convenient to forget what one knows. Now let me remind him what is the position with regard to validation. We propose to indemnify only the officers of Government against the consequences of acts they have done, and not to validate the acts themselves.

We leave any remedy there may be against Government entirely open. If there is any complaint to be made in a civil action, any claim to damages open, let the man who complains sue Government, let him take his chance in the courts; we all know how the Government is sued,—in the name of the Secretary of State. Have we attempted by this Bill to preclude actions against the Secretary of State? Are not we responsible? Have not we from the very first as a Government taken responsibility for what we have thought to be necessary? Any act that has been done unjustly, contrary to orders, *mala fide*, unnecessarily, the man who did it must answer for; it was outside the scope of his agency. But for any act done under our orders Government must be responsible. We are the principal, he was merely our agent; such remedy as there may be, must be against the principal. There are many lawyers in this Council besides my Hon'ble friend Mr. Sinha, but I feel certain that even he must be well acquainted with the maxim, *Respondeat superior*. Let Government answer; it is we who have ordered these things to be done. If they were reasonable, in accordance with the necessities of the case, we must be responsibly. We have not attempted by the Bill to preclude any possible action against Government. So far as validation goes, we are, as I said, validating nothing but existing sentences. One would also have thought that it might have been worth while for one or other of those who have spoken to-day to refer to the pledge that has been given that everybody who is now in jail merely for a breach of a martial law regulation and nothing more, will be released. That is, it appears to me, a concession which answers a great deal of the most eloquent portion of the Hon'ble Pandit's speech.

"But my Hon'ble friend began with one of the most astounding arguments I have ever heard in any law court or even in this Council. He is much in love with the preambles of Acts, and he quoted from the preambles of the English Acts about acts that were necessary, and recitals that the putting in force of martial law was necessary ; and he said that this is the only foundation for an indemnity. It is only justified if you can assume that martial law has been necessary. My Hon'ble friend went on to point out somewhat disingenuously I thought, that we had, of course at his request, omitted the word 'necessary' from the preamble. Then came the astounding argument that because we had omitted the word 'necessary' from the preamble, therefore Government must give up the whole Bill. That is an argument which is solemnly addressed to a Council of some half a hundred reasonable men. Will it carry conviction to any man in this Council or outside it? I think the Hon'ble Pandit did not even refer to the reason why the recital of necessity which was in the English Act to which he referred was omitted here. Is it that he does not understand the reason for it, the reason why we have omitted the word 'necessary' from the preamble? Even the Hon'ble Mr. Sinha did not venture to suggest that Government does not believe martial law was necessary. I can only say that, speaking for myself as a responsible member of this Government, I have not the least doubt that it was necessary. But why did we leave out the recital of this at the request of the Hon'ble Pandit? Because it was said that there is a Commission coming out to examine that question and it would not be fair to prejudice it by putting this into the preamble . .

(The Hon'ble Pandit Malaviya rose to make a remark.)

The President :—" Order, order, the Hon'ble Member must sit down."

The Hon'ble Sir George Lowndes :—" That is the reason why the reference to necessity was omitted from the preamble, and not because we have had the least doubt that it was necessary. In the case of the English Act of 1789, to which the Hon'ble Pandit referred, there was no commission coming, and the conclusion of reasonable men was that it was necessary and therefore the recital of this appeared in the preamble of the Bill. But my Hon'ble friend's predilection, if I may so put it, for preambles was so great that he proceeded in the course of his argument to tell the Council that you do not find any recital of necessity in the South Africa Acts. I am glad that I am able to say that the Hon'ble Pandit in this respect is absolutely correct. The Council will perhaps be amused to know why it is correct,—it is because no South Africa Act ever has a preamble. But in dealing with the South Africa Acts it was much more convenient for the Hon'ble Pandit to quote from the operative part of the Act, which he proceeded to do, without saying that he was doing so In this case he quotes from the operative part of the Act because it suits him. When he is dealing with the English Act of 1789, as I pointed out on the previous occasion, he quoted only from the preamble and not from the operative part, because the operative part of this 1789 Act validated all acts done, whether they were necessary or not. Apparently, the—what shall I say—the necessities of elocution produce this unfortunate result, that when it pays the Hon'ble Pandit to quote one particular part of an Act, he quotes it; when it does not pay to quote that, he quotes the other part. I protest that is not a scheme, either of argument or logic to which I have been brought up.

"Then my Hon'ble friend went on, with a magnanimity which I admire, to defend his absent friend,—I hope I did not err again in that expression—his absent friend Raja Sir Rampal Singh. No one regrets more than I do, and I said it on a previous occasion, that the Hon'ble Raja Sir Rampal Singh has not been able to stay for this debate. But I am afraid I cannot recognise the fact that an Hon'ble Member is not able to stay for the whole of the Council proceedings as disentitling me to reply to arguments he has used. The Hon'ble Pandit tells us that he has taken the trouble to send Raja Sir Rampal Singh a telegram asking him whether he had written that speech (of course it was a written one, we know that) and Raja Sir Rampal Singh has unblushingly admitted that he had. I accept the statement; I have no doubt that it is true, and I do not doubt that his was the hand that wrote it, but I am still inclined to think that though the hand was the hand of Esau, the voice was the voice of Jacob. But let me give that point up. But what does the Hon'ble Pandit's contradiction mean? It was not a statement of fact on my part. The Council will no doubt remember that all I said was that I thought the most charitable interpretation of Raja Sir Rampal Singh's speech was that it had been written for him by a friend. I always like to be charitable, but the Hon'ble Pandit now has told me that there is no room for charity and I must now take what the Hon'ble Raja said in all its baldness as a statement of fact by a gentleman from Oudh (who is not here to tell us anything more about it) as to the condition of the Punjab at a particular time. The Hon'ble Pandit went on to suggest that I was quite unjustified in referring to Mr. Chanda having come from Assam. Well I doubt if there was anything particularly unparliamentary in that reference, but the argument was a very simple one, and I will repeat it for the Hon'ble Pandit's benefit. I was not arguing that the Punjab wanted this Bill; that has been sufficiently explained by one of my Hon'ble friends opposite. All I was dealing with was the question 'was there or was there not at the time we put martial law into force a state of affairs in the Punjab that the ordinary civil arm could not cope with?' And I said that it was a remarkable fact that, with all these members here from the Punjab, men of weight, men of standing, men of honour, men of truth, that there was not one who could get up in this Council and say the situation was not one of that sort, and that it was only Hon'ble Members from Assam, from Oudh, and from Madras, who made that statement? We have plenty of members in this Council who come from the Province where those things were taking place and who knew—it was not the case of having an opinion—who knew for certain whether it was necessary to put martial law in force for the restoration of order or not, and I would still ask the Council to judge whether that is not an argument of some weight.

You have them all here; do you believe they are untruthful, do you believe that they do not know what was going on in the Punjab? And yet I say there is not one who knows the facts who states that there was not a situation such as the civil arm could not deal with. And I repeat, it wanted a gentleman from Madras, a gentleman from Assam to say it—perhaps I must not say again the Special Commissioners from the United Provinces because that appeared to arouse some indignation on the part of my Hon'ble friend the Pandit. I really thought he was a self-constituted commissioner at that time, but he has told us he was a constituted commissioner by some body (I do not mean some person, but some body) of which he gave the name though I was unable to catch it. I am quite willing to assume that he was appointed a special commissioner by some body to inquire into the facts in the Punjab. But there again it does not affect the argument. The argument is that the Punjab people who know do not say this; the only people who say there was no rebellion there are people from outside who have only second-hand information. I apologise sincerely to the Hon'ble Pandit if I have over-stepped the bounds of courtesy by referring to him as a special commissioner for this purpose, and I am the more anxious to make the apology in that I understand from what he has told us to-day that a considerable portion of his duties was merely sanitary! The Hon'ble Pandit also referred to my having mentioned Mr. Sinha in this connection. There, I think, he is mistaken. I think he is confusing his two allies in this Council, Mr. Sinha and the Hon'ble Mr. Ayyangar. I do not doubt that he will offer suitable apologies afterwards. But I did not refer to Mr. Sinha in this connection. My Hon'ble friend Mr. Sinha had made no statement whatever on the subject of the situation in the Punjab; he very carefully abstained from doing this, and if I may say so, wisely. And here again, the larger part of the Hon'ble Pandit's speech on this point was a mere perversion of my argument. I was not dealing with the question whether this Bill was necessary. I was dealing solely with the constitutional question whether, when martial law was proclaimed, a situation had arisen which necessitated its use, nothing else.

"With regard to the second portion of my Hon'ble friend's argument which dealt with certain questions of law, we know that under my Hon'ble friend's auspices a number of cases have gone to the ultimate court of appeal of the Empire, the Privy Council, and are lying there for decision. I do not propose to answer my Hon'ble friend on these legal points. I will only say let them be urged in the Privy Council. As no doubt they will be; and let their Lordship's attribute what weight to them they deserve. I am content at all events that they should judge upon them between him and me.

"The real point which the Council have got to consider,—I venture to reiterate it once more, but for the last time I hope—is 'Do Hon'ble Members regard it as the first duty of Government to enforce law and order in this country and to protect the lives and property of its citizens?' If they do recognise that that is the duty of Government, if Hon'ble Members wish that their lives and their property should be protected, and wish Government in cases of emergency to employ the ultimate force of the Army for that purpose, then they must, at the first possible opportunity, indemnify those who in carrying out the orders of Government have acted *bona fide* and in the belief that what they have done was reasonably necessary for the purpose. If Hon'ble Members think that it is not the duty of Government to protect their lives and property, if they do not wish that done, then let them refuse an Indemnity Act. But if they do that, they cannot expect protection when these great emergencies, these great crises, arise.

"Some reference was made by the Hon ble Pandit to martial law in Bombay. Have Hon'ble Members forgotten the ghastly fate that overtook an Indian in connection with those disturbances? Have they forgotten how the mob seized one of their own community, a *mamlatadar*, soaked him in kerosine, set fire to him and burnt him alive? That is a fate which overtook, not a European bank manager, not a European lady missionary, but one of their own community. If they do not wish their lives and their property protected by Government, I venture to suggest that that is a fate that may overtake any one of them on the next occasion.

"Then the Hon'ble Pandit referred to the legal position of soldiers under martial law and he read us out quotations from law works on the point which, I am afraid, did not appeal to me very much, because the answer is so obvious. It is because soldiers may find themselves in this extraordinary position, of having on the one hand to fulfil the orders of their Commanding Officers on pain of being tried by court martial, and on the other of being tried by the civil courts, it may be for murder, if they do,—it is because of this extraordinary position in which the soldier may find himself, that it is necessary to indemnify them. That is the reason and the object to a great extent of indemnifying them against actions, indemnifying them against suits and against criminal prosecutions. It is perfectly immaterial for the Hon'ble Pandit to read out long citations about the legal position of soldiers. I hardly cared to listen to them,—the answer is so clear. It is because of that position that it is necessary to pass an Indemnity Act and has been so held in the other cases where martial law has been enforced throughout the Empire.

"There is much more to which I should have liked to reply in many passages of the Hon'ble Pandit's speech; but we are now on the second day of this debate nearly at eventide, and, I think, it would be kinder if I left the rest unanswered. I do not want the Council to think that it is because there is no answer to the points that have been made by him, but only because it seems to me at this hour not to be worth attempting."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, we have listened with rapt attention to the powerful speeches which have been delivered by the Law Member in defence of the policy of the Government. All the points that have been raised have been threshed out for two days, and I do not propose to go into the facts at any length in order to justify the vote that I have to record on this motion. All that I ask is, that the Government Members should not be uncharitable in interpreting the attitude that some of us have had to take and have still to take with regard to this Bill on the facts which have been so far placed before us in this Council. I allude to that for the simple reason that, during the course of the debate, more than one reference has been made to the opposition of a few individuals in this Council to the introduction of this Bill and, later on, to their attempting to whittle down the measure, when they did not succeed in effecting their original object. 4-27 P.M.

"My Lord, if there was opposition to the introduction of the Bill, there were ample grounds therefor; it is not necessary to repeat them. What we were entitled to do after the Bill was introduced was to make it, if possible, one which would be acceptable both to the Government as well as to the people. The primary object, we were told, of this Bill was to protect, not the Government, not the higher officials who initiated the policy, but the officers who executed, who carried out, the objects of the policy which was enunciated by the Government. I agree that the object is one to which no general exception can be taken. I said that these officers should not be allowed to be sued during the interval which may elapse before the Legislative Council is in a position to make up its mind as to the exact form the Bill should assume. Therefore it was that, both at the introductory stage, as well as when the Bill was brought up for consideration, I suggested the enactment of a provision that no suit should be entertained until the inquiry was over and a reasonable time elapsed, when the Government and the public would be in a position to sift the facts for themselves and arrive at fairly accurate conclusions. I felt, my Lord, that the object of the Government would be achieved without at the same time offending the susceptibilities, the reasonable susceptibilities of the people, and

I made the suggestion in the hope that we should re-establish the Government in the confidence of the people.

"My Lord, the law need not be stated over again. In the absence of an Indemnity Bill it is acknowledged on all hands that the officers who may be put on their trial would have to show that there was a necessity for the particular measures that they took. Judicial Courts would be the proper tribunals to dispose of that question and also of the question as to whether martial law was necessary. That is a question of fact. But (in all civilised countries these martial law proceedings have been followed by Indemnity Acts making it unnecessary for judicial tribunals to consider the question as to whether martial law was necessary. Therefore, when we render it unnecessary for the judicial tribunal to go and ascertain as a question of fact whether martial law was necessary, it is necessary that we as the Legislative Council should come to some rational conclusion on that subject. It is all the more necessary in a Council of this description, where the Legislative Council is virtually the Executive Government. That is the reason why, my Lord, we, as the representatives of the people, thought it was our bounden duty to defend the rights of the people to the utmost in so far as it was compatible with securing the necessary objects the Government had in view, namely, the protection of its officers before the facts were thoroughly sifted.) My Lord, that course was not allowed to us. Then, accepting the position that we should have to protect the officers and the soldiers, the question that we had to consider was as to whether on the facts that were placed by the Hon'ble Pandit Madan Mohan Malaviya before the Council and controverted to a certain extent by the official members, on those facts as I say accepted for the time being as correct, was there any alternative for the Members of Council but to ask the Government to stay their hands and not to afford protection to all and sundry alike?

"The Hon'ble the Law Member says we do not want it, we only raise the presumption in all these cases but leave it open to the persons aggrieved to show that the presumption is unreasonable. My Lord, I venture to say that no such presumption should be raised especially in the case of certain acts which have been the subject of discussion in this Council. If people grumble and are dissatisfied that undue presumptions have been made in favour of such actions, I do not think we can say that such grumbling or dissatisfaction is unreasonable. We felt it would be wrong to do so and that, my Lord, was the reason why we prayed, we begged, we implored that all actions prior to the proclamation of martial law should be excluded from the purview of this Bill.

"The Government wish to cover every act that cannot be justified in this Council to the satisfaction of some of us by raising this presumption. Therein lies the difficulty of some of us seeing eye to eye with the Government. The Government cannot believe that our object was merely to whittle down the measure so as to make the protection nominal, illusory and absolutely meaningless. Allusion has been made more than once to the circumstance (and the elucidation of the facts here is a sufficient answer) that people from other provinces should come forward and build up theories and enunciate principles, and advance facts which they can only know second-hand. Whatever justification there may have been for the charge before this debate, I venture to say that everyone, whether he comes from the Punjab or from outside, is now in a position to express his opinion. We now know what took place in the Punjab if we did not know before. I venture to reiterate what I said before, that members from outside the province of the Punjab should have been grossly remiss in the discharge of their duties if they had only looked upon this as a Punjab problem. It is rightly regarded as an all-India problem. It is true that we here who represent the people are at the present moment in a hopeless minority. Of the 13 non-official members elected by Provincial Legislative Councils we have only 4; of those who are elected by communal bodies there are 7, of those nominated only 2, of whom one was nominated by the Punjab Government after the disturbances. It is true that public opinion outside the Council Chamber is not adequately represented here and has never been. My Lord, there is one significant argument that has been used by the Law Member now and on a previous occasion by the Home Member, that some of the matters dealt with by the Hon'ble Pandit Malaviya would afford a good electioneering cry, but that they were hardly relevant to the subject under discussion. The significance of the admission is this, that any member who does not defend the position as we defend it would have no chance with any constituency, and therefore that in advancing the arguments which have been used, we are really voicing public opinion. The Government seems to be therefore aware that what has been stated by us represents faithfully sentiments which rightly or wrongly are cherished by the people throughout the country. My Lord, there were certain passages-at-arms between the Hon'ble Pandit and the Hon'ble Mr. Thompson and the Hon'ble the Law Member. We have listened with some pain to the debate on these points. We have tried our level best to base our judgment on the material facts practically admitted by both sides. Nothing has been said either now or before this which really controverts the facts as stated by the Pandit. On relevant questions there has been no substantial contradiction. There may have been some trivial incidents, some matters not of essential importance which may have been inaccurate. Such being the state of things we have tried, we have asked the Government to stay their hand in protecting all their officers until the public inquiry sets the matter at rest. The main line of the argument of the Hon'ble the Home Member, as well as the Law Member, was: 'Do you want the Government to uphold order or not; if you want the soldiers to protect your life and property, then you cannot expect them to do so unless you protect them.' We do not quarrel with the premises. The Hon'ble the Home Member particularly appealed to the aristocracy. But even the professional classes have a stake in the country, and I do not therefore think that that was a very happy appeal, made as it was to a particular section of this legislative assembly. Everyone here has a stake in the country and is expected to look at the problem in a proper perspective and in just proportions. We know we should do nothing to weaken the hands of the Government especially in a country like India; but what we want is justice to all alike; we do not want any officer to be harassed by vexatious and unnecessary actions; but, my Lord, at the same time the golden mean has to be observed; where certain facts have been divulged which necessitate an inquiry, all I say is the protecting cloak should not be cast on all alike equally. It is because vital constitutional principles are at stake that we have taken so much trouble to weary the Government and the Legislative Council. We feel that this Council should not pass a final Act of Indemnity unless it is satisfied that there was necessity for martial law in the Punjab. (We think that this Legislative Council should not lend weight of its authority to the proposition that the executive Government, whenever they feel that the civil arm is unable to cope with an emergency, should call in the aid of the military and allow them to do what they like. We do not want an extension of the martial law doctrine to cases which occurred in peace and before the proclamations thereof.) We do not want to accept here as a body the doctrine that martial law can be enforced or can be kept in force one minute longer, for the suppression of rebellion, whether armed or unarmed, the moment the rebellion is suppressed. (Martial law cannot and ought not to be used for the mere purpose of maintaining order in the community. No Government is worth the name of Government if it cannot maintain order, by the civil power, once violent disturbances are suppressed; and it would be a dangerous doctrine to uphold that we may indemnify all the acts of Government the moment the Governor of a province says that he cannot maintain order, not merely without the aid of the military, but without the enforcement of martial law.) That question, my Lord, is one of essential importance as to how long martial law can be kept in force, and here we have grave reasons for thinking that although the Government of India might have been justified, on the representations made by the Punjab Government—and when it was not in a position to ascertain the accurate position—and I am sorry that the Chief Justice has dragged himself in here, although it may be that the Government of India might have been justified in issuing its preliminary orders, there was no justification for keeping it in force for three months, and more, and most of the trials held in that period should not be upheld and ratified by this Council. We are thankful to the Hon'ble the Home Member for conceding to us that all those found guilty of infractions merely of Martial Law Ordinances would be released, provided they do not at the same time come under some provision of the Penal Code, special or local law . . .

The Hon'ble Sir William Vincent :—"My Lord, the Hon'ble Member said Martial Law Ordinances. I think he means Martial Law Regulations."

The Hon'ble Rao Bahadur B. N. Sarma :—"I beg your pardon, I meant Martial Law Regulations. We are thankful for that concession, and it is a real concession and the other one is that the cases of those who have not appealed to the Privy Council would also be governed by the principles and grounds of the Privy Council decision. It cannot but be acknowledged that that to a certain extent obviates some of the objections we had to the passing of the Bill. But, to my mind, the constitutional principles that are at stake, especially in a country like India, are of such vital importance that we as a legislative body would not be justified in passing a Bill of this description finally, pending the inquiry into the necessity for the enforcement of martial law its duration, the measures adopted and as to the acts of individual officers who *prima facie* on the evidence before us here must be presumed to be guilty until the contrary is shown."

4-46 P.M. **The Hon'ble Mr. K. V. Rangaswamy Ayyangar** :—"My Lord, if the views of people like us, residents of even distant parts, though we may be, should be agreeable to Government, then these will be said as emanating from people with a stake in the land and all that. But now as they are not quite agreeable the Hon'ble Raja Sir Rampal Singh is said to come from a distant talukdari village in Oudh in the United Provinces, and I come from the distant religious regions of Madras, far away from the Punjab, the scene of tragic action. The presentation of the case by the official apologists, my Lord, only goes to confirm the popular view that a very grave crime has been committed in the Punjab. If for the reasons put forth by the Official Members we are asked to give our assent to indemnify the officers, then we have to say we are sorry, we cannot give our consent.

"Our friend the gallant member, Hon'ble Lieutenant General Sir Havelock Hudson, said the other day in defending the Jallianwala Bagh incident.

"On reaching the Bagh his force was confronted by a vast assembly some thousands strong, who were being harangued by a man who was standing on a raised platform. It was clearly the duty of the Officer in Command to disperse this unlawful assembly. Realising the danger to his small force unless he took immediate action and being well aware of the inadequacy of the measures taken to restore order on the 10th of April, he ordered fire to be opened. The crowd was dispersed and the force was withdrawn. I cannot do better than commend the views which have been so beautifully expressed by the 'Leader.' It questions:—

'How simple and innocent do these words sound? But a world of tragedy lies hidden behind them. Did the officer in command ask the crowd to disperse? Did he inform the meeting that it was an unlawful assembly? Did he inquire what the meeting was about? Did he notice that any one carried any arms? Did the meeting show an attitude of defiance or hostility? Did any section of it advance in a menacing manner against his force? Did he ascertain whether any seditious speech was being delivered to incite the people to revolt? These questions must be answered in the negative, for if the General could have urged any one of them in the affirmative he would not have failed to do so in defence. The officer realised the danger to his small force. Was he under the influence of a hallucination, or of some strong passion which clouded his reason and distorted his judgment? He ordered his men to open fire. How many volleys were fired? One, two, three or more? He is silent. He gives no information. Were they fired in quick succession or at intervals to see what effect they produced? No information. Was the firing continued even after the crowd had begun to fly wildly? Was the avenue of escape left for such a huge crowd? The dark deed was done, and the force was withdrawn. What became of the dead and wounded? That was no concern of the General. Were the dead and wounded counted? Was any ambulance provided? It was after four months that the Government took into its head to inquire how many were killed.'

"Then with regard to the crawling incident in Amritsar, Lieutenant-General Hudson tells us that men crawled voluntarily!! Does he expect any one to believe this? This is not so. People were forced by soldiers to crawl. It is certainly an act of intentional degradation. Then comes the question of bombing in Gujranwala. This has no justification. Bombing continued for two days over an area of several miles. This has been compared to bombing in war time! In war there are aircraft guns which fire against aeroplanes, and therefore aeroplanes have to fly high. In Gujranwalla aeroplanes could fly very low and could aim. Yet they hit all sorts of distant objects, including a college hostel.

"I come from distant Madras and I am minimising the situation. There are so many respectable people in the Punjab and its neighbouring places who would bear testimony to the cruel actions committed in the Punjab. It is too late for me to read what so many have to say, and I will read only one portion of the account given by Mr. Alfred Nundy:—

'By 8-30 P.M. on April 10th, that is within an hour of the so-called riot all were quiet in Lahore, and no further disturbances occurred after that. It was on Tuesday, the 15th April, that martial law was proclaimed in the whole of Lahore district, and it is therefore necessary to record if anything took place between the evening of the 10th April and the 15th April to warrant the resort to such an extreme measure. An official Communiqué mentions an incident on the 12th, when it is alleged brickbats were thrown at the troops marching through the city. But no mention of this is made either by the 'Civil and Military Gazette' or the Associated Press correspondent. Anyhow, considering quiet was restored on the evening of the 10th April, and there was no disturbance after that, was there any justification, apart from the desire to terrorise the people, to pass through the crowded and narrow lanes of the city, especially as all the vantage grounds were occupied by the military? Was it meant that women or children who threw the brickbats and what was the age or sex of those killed or wounded? No information is vouchsafed on these points, and has it struck the Government that it was thus laying itself open to the imputation that it was callous or indifferent to the feelings of the people? But surely the throwing of a few brickbats in the city could not have endangered the safety of Government or of the people, or of their property so as to justify the introduction of martial law. Thus we come to see what the open rebellion was.'

"Perhaps this is the reason why open rebellion is left out in the preamble of the Bill and the word 'disorders' is substituted.

'Again Mr. Nundy says:—'The Punjab Government Proclamation dated April 26th stated that martial law was declared only where heinous crimes, murder or arson had been committed. What were the heinous crimes committed by the people of Lahore between the 10th and 14th of April? None has been published. But Sir M. O'Dwyer wanted martial law, not because of any open rebellion, but because he was very keen about paying off old scores and teaching a lesson to men who had been a thorn in his side, who were guilty of the grave crime of political agitation, which he thinks should have no place in the Punjab, if not in the whole of India. The ordinary courts were slow and unsatisfactory, but martial law courts with their summary procedure were just adapted to deal with such miscreants, and they did it all with a vengeance. And yet Englishmen profess to be shocked when an old man indignantly tells them they are not quite as civilized as they imagine themselves to be. Why was the mob at Lahore going from the city to the Civil Lines? The official Communiqués ignore this matter. This is a very important matter which should be gone into by the Committee of Inquiry. Then Mr. Lloyd George said in the course of a speech that his heart thrilled with pride on hearing the greatest Labour Orator of Europe state at the recent Labour Conference: 'There are two methods of dealing with the labour situation, one is the Russian method, and the other the English method.' Will his heart thrill again with pride on reading the exploits of Sir M. O'Dwyer, the latest exponent of the English method in India?'

"Let me say what Mr. Norton, an impartial Englishman opines about martial law trials:—

'The authorities are making it difficult for the Indian to retain his faith in the wisdom of his rulers of the saneness of their programme. Journalists and lawyers primarily unconnected with an act of violence during the riots have been relegated to trial to what is practically a drumhead court-martial and there refused the privilege of being defended by counsel of their own choice . . . . . . Though martial law had been proclaimed at Lahore the Civil Tribunals were still left open and no legitimate argument has been or in my view can be raised in defence of a policy which tore batches of men away from the protection of the established courts of the country and handed them over to the mercy of the tribunal from whose summary methods there was no right of appeal. He asks why citizens of education and position physically unconnected with the riots in the north have been snatched from the court of municipal law, and subjected to summary courts of procedure; why the ordinary safeguards have been denied them; why such counsel were forbidden to take notes of evidence; why the accused has been deprived of the usual protective accompaniment of an appeal; why they were not permitted to be represented by the counsel of their own choice; why a barrier was erected in favour of the professional men residing at Lahore; why those who have been convicted have been subjected to sentences which are brutal exhibitions of superior force unredeemed by one tinge of judicial balance. The punishment adjudged is indicative of the mental frame and intellectual attitude of the judges to whom those unfortunates were confided.'

"Even the ancestors of the present bureaucracy in India, as was pointed out by my friend and colleague the Hon'ble Mr. Tej Bahadur Sapru, by a Statute of Henry IV had fully recognised the right of freedom of choice by the accused and of the persons by whom be wished to be represented legally. Yet in the 20th century we hear of the accused being denied the choice of their own counsel; while the sentences, as observed by Mr. Norton, 'are such as those which mark the ferocity of the Huns, and which no English judge would dare to emulate even against the Germans in England.'

"Serious allegations have been made against individual officials of callous excesses, such as gratuitous acts of insolent provocation, indiscriminate firing of men, against whom no case of rioting has yet been made out. So long as these charges are not disposed of by a competent and impartial Commission of Inquiry, any attempt to exculpate the alleged offenders will be regarded by impartial observers and the aggrieved Indian public alike as an act of flagrant injustice, undertaken and executed in contemptuous defiance of public sentiment. It will violently outrage the feelings of hundreds of bereaved families to alleviate whose sufferings and to soothe whose afflictions no attempt of any sort has yet been made by the Government.

"No one denies that in cases of civil wars and rebellions the duty of no one is more onerous than that of public servants, and if they are led by conscientious considerations of high morality, law and order, to commit excesses of law, it is the duty of the Crown to protect them. But if misguided, misinformed and possibly prejudiced public servants get themselves excited, or wilfully and wantonly exaggerate the dangers of the situation and thus plead plausible justification for using the powers of a giant, it is equally the duty of the Crown to protect its subjects against such flagrant abuse of the authority with which such servants are invested.

"It is one thing, however, to exonerate officers. It is quite a more serious thing to deny innocent sufferers the ordinary remedy that the law of the land provides. It is not easy to see what good purpose the Bill will serve beyond emphasising the already existing suspicions of the public that the authorities have become conscious of the guilt of their agents, and they are compelled to rush to their rescue, as accessories after the fact.

"The Bill before the Council is taken as giving the crowning touch to the many acts that have been done to defy public opinion in the country during the last few years. The Government knows the feelings of the country fully well about this Bill, and I need not enlighten them any more.

"I cannot but close my speech without repeating what Lord Morley wrote: 'Your mention of martial law in your last private letter really makes my flesh creep, but martial law is only a fine name for suspension of all laws, and would not snuff out murderous clubs in India any more than the same sort of thing in Italy, Russia and Ireland.' And he added, 'it would be neither more nor less than a gigantic advertisement of national failure.' Quite true, it is a gigantic national failure now. Evidently there seems to have been, since then, a change of principle in those responsible for the administration of the country."

The Hon'ble Sir William Vincent:—"My Lord, before I address myself to the main motion, I should like to reply to two remarks of Mr. Sinha. I regret that he is not here, but it is not my fault that he is absent. The Hon'ble Member began by complimenting me, perhaps undeservedly, on the moderate tone I had adopted throughout the debate. He went on immediately afterwards, however, to cite with approval, with gusto, if I may say so, an extract from some paper, which condemned in no measured terms, the whole of the substance and language of my speech. This does not seem to me reasonable. 5-1 P.M.

"I am content, however, to leave the matter to the decision of Council. I do not think that any Member here can say that I have been intemperate in my language in this debate.

"The Hon'ble Mr. Sinha then went on to suggest that, as I had quoted Mr. Gandhi in regard to the Indemnity Bill, I should remember also that Mr. Gandhi had repeatedly found fault with the convictions and sentences of various persons. My Lord, we are having these cases examined, but may I point out to the Council that, although Mr. Gandhi condemned these convictions, in spite of his feelings on that point, he has still supported this Bill? That is a fact which many Members of this Council might do well to remember. I did not quote him as an authority for whom I myself had any very great respect, but the Hon'ble Pandit Madan Mohan Malaviya having cited him frequently in this Council, as a man of the greatest weight and one almost inspired, I hoped that I might use the name of Mr. Gandhi in appealing to him and to other Members of this Council to support the Bill.

"Turning to other speakers, my Lord, may I say that in my opinion the whole debate on this motion to pass the Bill has resolved itself into an occasion for a discussion of totally irrelevant matters? All kinds of details have been brought up which really are not before the Council at this stage at all. Many Members have indeed taken the opportunity of the motion to answer criticisms that have been made of their speeches on previous occasions, and a part of the day at least was spent in recriminations. Statements of fact made on one side were almost inevitably answered by others, and the result has been, however, that the Council has been invited indirectly by some Members, like the Hon'ble Mr. Malaviya, and almost directly by others, such as the Hon'ble Mr. Thompson, to come to definite conclusions on inadequate information and *exparte* statements, as to particular incidents during these risings. You have one member saying one thing; another saying something quite different; on many occasions neither of them speaking from first-hand knowledge; and on their statements this Council is asked to condemn or justify the conduct of individual officers. I use the word 'condemn' deliberately —I took down one statement used by the Hon'ble Mr. Madan Mohan Malaviya when he said that a particular officer was guilty of criminal dereliction of duty— I put it emphatically to the Council that such a statement is neither fair nor reasonable. These are matters for the Committee I will take one incident which has been repeatedly referred to, this unfortunate Jallianwala Bagh affair. My Lord, no one deplores the loss of life on that day more than the Government. It has been, and must be to all of us, a source of great distress, and it does not really make so very much difference from this point of view whether the number killed was 300 or 500. In either case the loss of life is serious enough in all conscience and greatly to be regretted. But we have no right in this Council either to justify or condemn that action. It is not part of our duty; it does not come within the scope of the Bill. General Hudson has, it is true, put before the Council certain considerations relating to this occurrence, but as I understood him—he was merely attempting to put the matter as it might have appeared to a military officer at the time and was not in any way putting his personal views before the Council. That is the way I understood his remarks. I mention this because his statements have been made the ground for attacks on him; and it was suggested he sought to justify what was done. I do not think that the Council, when they have considered the position, will for one moment accept that as a fair presentment of his intention. What I ask the Council to do now is, not to prejudge this matter in any way, neither to condemn nor to justify any action, neither to say a man is innocent nor to say he is guilty until the proper time for such a decision shall arrive. Does this question come within the scope of this debate? Is there anything in the Bill that justifies a man or condemns a man? I maintain there is nothing. All that the Bill enunciates is a principle. It does not say that a man is justified or blameworthy for his conduct on any particular occasion. It leaves that to the Court to decide from a legal point of view. In so far as administrative action is concerned, that is also a question outside the Bill altogether, which can be decided, as I have repeatedly explained to this Council, only after the Report of the Committee is received. What could be fairer? The question whether an officer acted *bona fide* or not is left to be decided from the legal point of view by the Courts save for this provision, that there is a presumption that he has acted *bona fide* and reasonably. Let me take the case again of Jallianwala Bagh. What is the position? If the action of any particular officer is found to be unjustifiable, if all the allegations made to-day are true, what will be the result? It will be a matter for the Court, either the Court will find it justifiable and reasonable or unjustifiable and unreasonable, in which latter case the normal legal results will follow. Similarly, so far as administrative action is concerned, if the action was unjustifiable, then undoubtedly the Committee will condemn it. But is it fair to any officer to condemn him behind his back, unheard and without his having an opportunity of making a statement and offering his explanation? Is it fair to him to come here and make statements which affect his character, his honour, his sense of justice, and his sense of humanity?

"My Lord, the Hon'ble Pandit Madan Mohan Malaviya made an admittedly powerful speech; many parts of it were very powerful, but I submit that it was, as I have tried to point out to the Council, both irrelevant to the motion before us now and unjust to many who are not here. The Hon'ble Member in the course of the debate made more than one reference to the Almighty and to his conscience. I wish, my Lord, that it would induce him to be fair to others. I regard the whole of his speech, however, as a desperate attempt by creating prejudice to recover a position that was really lost. The whole principle of this Bill had been accepted by the Council on the understanding, as I say, that the question of *bona fides* or *mala fides* was to be decided by the Courts. When that principle has been accepted, the Hon'ble Member again attempts to prejudice the minds of the whole Council by citing specific incidents, the merits of which are really not before this Council at all.

"My Lord, the Bill has however been attacked as premature for more weighty reasons than these. It was said—at least if I understood the argument correctly—it was said 'you should pass no Indemnifying Bill because the Legislature has had no opportunity of satisfying itself as to the actions taken.' The answer to this argument seems to be very simple. We are not dealing with individual actions or specific actions at all. We are dealing with principles, that is, the principles upon which a man in such circumstances ought to be indemnified. If Council will not give a Government officer even this qualified indemnity, then he is liable in the courts for any action which is not legal or justifiable by the strict law though it may have been proper and necessary. Such an argument, namely, that you should not pass an Act of Indemnity until you are satisfied as to the character of the act indemnified, would be of some weight and more could be said in favour of it, if we were here granting complete indemnity and completely validating all that has been done. My Lord, that is exactly what we are not doing, and the reason we are not doing more is because we do not think it would be right to ask for more complete indemnification at present. If Council will look at the older Acts, either the English Acts or the Indian Act of 1860, they will see that these Acts give complete indemnity to everybody for any acts done in suppressing disorders irrespective of any question of *bona fides*. The indemnity we propose to give is however definitely qualified, for reasons I have given, namely, because we cannot with the Committee coming on ask Council to pass a more comprehensive Act. By taking our present course, we leave it to the Courts to decide whether a particular action was *mala fide* or wrong from the legal point of view; and from the administrative point of view, we await the report of the Committee of Inquiry. My Lord, it is said that the words 'reasonable belief' mean nothing, to my mind the meaning is perfectly simple. The only legal definition of the term, I know, is in the Indian Penal Code, where reasonable belief is defined as belief for which there is sufficient cause. I will read the exact words 'A man is said to have reasonable belief if he has sufficient cause to believe it, but not otherwise.'

"Another objection taken to the passing of the Act now is, that the preamble has been altered since the Bill was introduced. This point has been dealt with so ably by my Hon'ble Colleague, that I really do not think I need dilate on it at any length. But I should like to put one aspect of it to the Council. First, we were told that by retaining the original words in the preamble we were making this Council admit that martial law was necessary. Well, we said 'All right; we will alter the preamble; we do not want to commit you to any such admission'; and we modified that portion of the preamble to which objection was taken. The next day two new objections are put forward, the first by the Hon'ble Mr. Malaviya who says 'You cannot pass the Bill because you have withdrawn that statement from the preamble,' though we did so to meet objections of non-official Members. The second was by the Hon'ble Mr. Sinha who said 'Oh, you have now admitted that martial law was not necessary.' Hon'ble Members have heard the whole of the discussion, and I leave it to them to decide whether they think that either of these arguments is of any weight.

"My Lord, it has been repeated more than once in this debate that martial law was not necessary. The facts are before the Council, and I do not want to reiterate anything which has been said already; but I have here a short statement of some of the leading outrages that occurred in the Punjab which, I think, will be interesting. There were 7 murders of Europeans, 15 serious assaults, some of them murderous, there were 44 cases of arson; there were 34 cases of serious tampering with railway lines, any one of which might have caused a grave accident—I am quoting from information supplied to me—and there were 132 cases of cutting telegraph wires or destruction of telegraph posts and insulators. I think that with this additional information before it, this Council will conclude that there was some reason at least for supposing that this was not a case of ordinary disorder, for crimes of this kind are not committed in cases of local rioting.

"The Hon'ble Mr. Ayyangar (I wish I could make myself heard by him), indeed, went so far as to suggest that martial law was instituted merely because Sir Michael O'Dwyer wished to pay off old scores. I have read out to the Council the telegram that we received from the Punjab; the Council have heard from Mr. Hailey and from others well acquainted with the facts including my friend, the Hon'ble Major Umar Hayat Khan, what the actual position was. Is it generous, is it fair, is it honest, in these circumstances, for an Hon'ble Member of this Council to come forward and make or quote an allegation against Sir Michael O'Dwyer of that character, to stab him in the back in this way? For myself I may say that I have heard many unfair things said in this Council—but I have never heard a more cowardly attack in the whole course of my experience.

"Then we had another allegation by the Hon'ble Pandit Malaviya to which I wish to make some reference. He made what was to my mind a very serious statement. An allegation that the telegram from the Punjab Government to the Government of India did not state the truth . . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"The whole truth, I said."

The Hon'ble Sir William Vincent:—"The Hon'ble Member said 'truth' first, though he subsequently corrected it. I took down the words . .

The Hon'ble Pandit Madan Mohan Malaviya:—"My Hon'ble friend did not take the words down accurately. I said 'the whole truth.'"

The Hon'ble Sir William Vincent:—"I maintain that what the Hon'ble Member first stated was 'truth'; he corrected it later. I submit in any case that there was no justification for such an allegation against the late Lieutenant-Governor of the Punjab. There is nothing whatever in the speech of the Hon'ble Member which can be held to be justification of such a serious accusation as that. Whatever were the exact words used—the truth or the whole truth the insinuation is that Sir Michael O'Dwyer deliberately withheld facts from the Government of India, and I maintain that there is no information before Council to lead us to think that there is any basis at all for such a suggestion.

"Then it was said that the declaration of martial law was really due to unsympathetic treatment of the people by the Punjab Government. If that statement is correct, my Lord, what was the case in Bombay? Was Sir George Lloyd unsympathetic? We have heard nothing but praise of Sir George Lloyd's conduct throughout, yet we know that martial law was enforced in parts of Bombay for a short time, at any rate, and we do know that the most deplorable excesses were committed there. The Council has heard of this unfortunate Mamlatdar who was burnt alive.

"The fact is, my Lord, that in many of these cases where martial law is declared, it is easy to criticize the action taken and often the measures taken deprive the authors of evidence of the necessity for them. This is very well put in the Report of the Commission on the Jamaica Rising—in the following words: 'how much easier it is to decide such a question after than before the event, and sometimes the success of the measures adopted for the prevention of an evil deprives the authors of those measures of evidence they would otherwise have had of their necessity.' I maintain that this has been a great deal the position in the Punjab. The very success of the measures taken has deprived the authorities of evidence of their necessity.

"But, my Lord, we are not now deciding whether martial law was necessary or not, but whether in any case to protect our officers when they have acted *bona fide*? It was for this reason I deprecated the discussion of the necessity for martial law in this Council altogether. I asked the Council then to forbear from discussing that question, because it necessarily must come before this Committee of Inquiry. The position I have always taken up is, that we believe that martial law was necessary, but whether it was necessary or not, we must protect our officers who have acted *bona fide*; and I have never yet heard any argument which has satisfied me that I was wrong on that point. We do not seek to indemnify our officers for specific acts; we are not doing so either administratively or in respect of legal liability; we are only laying down principles on which indemnity should be granted. I am told, however, that officers need no such protection, and that they must depend on their protection under the common law. This point has also been dealt with by the Hon'ble the Law Member, and I will only say to Council that these references to legal dogmas leave me cold. The real question is a simple one on which any man of sense can judge for himself. Each Member of this Council must judge whether a soldier or any officer of Government who carried out the orders of his superior or did his duty in suppressing these disorders *bona fide* and honestly is or is not entitled to be indemnified against legal liability for his action. There is no good citing legal dogmas and constitutional theories in such circumstances. The question is 'are you going to afford the men reasonable protection or not?'

"Well, my Lord, I have placed all the facts relating to the Bill before the Council. I maintain now that it is a perfectly fair and reasonable measure, that it is entitled to receive the support of this Council, and I now leave the issue with all confidence in the hands of Hon'ble Members."

The motion that the Bill, as amended, be passed was put and agreed to.

The President:—"The Council has now come to the end of another Session. It is usual for the Viceroy to address Members of Council both at the beginning and at the end of the Session; but I think that, in the circumstances of this particular Session, especially in the circumstances of these last two days, Members would prefer on this occasion to adjourn and not to be kept here a moment longer than the necessity demands, and as a matter of fact it is only three weeks since I addressed the Council most exhaustively on all the various subjects which have been of public interest during the past few months since the last Session. Since that date no new subject has come to the fore, nor has there been any development in any of those matters with which I dealt 5-23 P.M.

very fully on that occasion. It only remains for me this evening to thank Hon'ble Members for the work which they have done during the present Session and to wish them God-speed and a safe return to their homes.

The Council will now adjourn *sine die.*"

SIMLA ;
The 9th October 1919.

H. M. SMITH,
Offg. Secretary to the Government of India,
Legislative Department.

APPENDIX A.

[*Referred to in answer to Question No. 5.*]

Serious Accidents on railways during 1919.

Date.	Place.	Railway.	No. killed.	No. injured.	Particulars and cause of the accident.
30th January 1919	Spintangi	North Western	4 (camel men)	8 (camel men)	Camel special. Owing to neglect of special working rules by the train staff the train rolled back on a down grade and was derailed in a slip siding.
17th April 1919	Between Harriah and Malakwal.	Ditto	2 (including fireman)	1 (sepoy)	Train was derailed owing to a portion of the permanent way having been removed by raiders during the night.
19th June 1919	Between Firozabad and Makhanpur.	East Indian	Not possible to give any accurate figures of the actual loss of life but it is believed to have been about one hundred.	47 (including 3 Railway servants).	Collision between a Passenger and a goods train due to driver of the goods train having started with a wrong authority to proceed.
29th June 1919	Kinana	North Western	41	44	Collision between a Mail and a goods train in station yard. Driver of Mail train is said to have entered yard against signals and is being prosecuted.
4th July 1919	Kharindwa	East Indian	...	11 (including 3 railway servants).	Collision between a passenger train and an Empty Coaching Special due to defective outer signal and breach of shunting rules by station staff.
7th August 1919	Maonda	Bombay, Baroda and Central India.	2 (attendants)	3 (attendants)	Collision between two portions of a Special Goods Train which had parted.
1st September 1919	Between Uchhri and Chhab.	North Western	18	42	During the night train ran into a land slip which had blocked the line.

APPENDIX B.

[Referred to in answer to question No. 10].

Statement showing the new rates of pay of telegraphists in the general and local services, respectively, the increases which took effect from the 1st January 1919 and the percentages of the increases for each year of service.

Year of Service.	General Service.			Local Service		
	Scale of pay.	Increase.	Percentage of increase.	Scale of pay.	Increase.	Percentage of increase.
1st	75	25	50 per cent.	50	15	42-8 per cent.
2nd	75	20	36-3 „	50	12	31-6 „
3rd	75	15	25 „	50	9	21-9 „
4th	80	15	23 „	55	11	25 „
5th	80	10	14-3 „	55	8	17 „
6th	85	10	13-3 „	60	10	20 „
7th	90	10	12-5 „	65	10	18-1 „
8th	95	10	11-7 „	70	10	16-6 „
9th	100	10	11-1 „	75	10	15-3 „
10th	110	10	10 „	80	10	14-3 „
11th	120	10	9 „	85	10	13-3 „
12th	130	10	8-3 „	90	10	12-5 „
13th	140	10	7-6 „	95	10	11-7 „
14th	150	10	7-1 „	100	10	11-1 „
15th	160	10	6-6 „	105	10	10-5 „
16th	170	10	6-2 „	110	10	10 „
17th	180	10	5-8 „	115	10	9-5 „
18th	190	10	5-5 „	120	10	9 „
19th	200	10	5-2 „	130	15	13 „
20th	200	...	...	130	10	8-3 „
21st	200	...	...	130	5	4 „
22nd	200	...	...	130	...	...

APPENDIX C.

[Referred to in answer to question No. 13.]

STATEMENT I.

Enclosure to Question II (a).

(1) Cloth obtained on a voluntary basis and supplied to provinces before the provisions of the Cotton Cloth Control Act were put into formal operation :—

—	Standard cloth.	Other cloth.	Total.
	Bales.	Bales.	Bales.
Bihar and Orissa	555	217	772
United Provinces	240	...	240
Central Provinces	...	60	60
Bengal	5	...	5
Baluchistan	5	...	5
Punjab	4	...	4
Bombay	4	...	4
Total ...	813	277	1,090

(2) Cloth obtained and supplied to provinces after the provisions of the Act had been put into formal operation :—

	Bales.
United Provinces	3,963
Bihar and Orissa	2,855
Punjab	1,691
Assam	368
Central Provinces	279
Bombay	109
Baluchistan	51
North-West Frontier Province	44
Bengal	37
Delhi	1
Total ...	9,398

Ordinary cloth obtained at favourable rates and supplied to—

	Bales.
Bengal	119
Bombay	9

Ordinary cloth obtained at the market rates and supplied to—

	Bales.
Bengal	100

(3) Total amount of cloth obtained up to date by the Controller of Cotton Cloth and supplied to various provinces ... 10,716 bales.

STATEMENT II.

Mark.	Description.	Breadth.	Length.	Weight in Pounds.	No. of pieces in a bale.	Price per yard.		Price per pound.	Price per pair.	Price per bale.
							Annas.	Rs. a. p.	Rs. a. p.	Rs. a. p.
A. 1	Shirting	37 inches	38 yards	$7\frac{1}{4}$	50 pieces	1st Allocation	4·48	1 7 6	...	532 6 9
						2nd Allocation	4·1	1 5 6	...	487 1 9
A. 3	Dhoti	31 "	7 "	$1\frac{1}{8}$	300 pairs	1st Allocation	...	1 8 0	1 11 0	506 4 0
						2nd Allocation	...	1 6 0	1 8 9	464 1 0
A. 4	"	35 "	8 "	$1\frac{1}{2}$	250 "	1st Allocation	...	1 8 0	2 4 0	562 8 0
						2nd Allocation	...	1 6 0	2 1 0	515 10 0
A. 5	"	39 "	9 "	$1\frac{7}{8}$	200 "	1st Allocation	...	1 8 0	2 13 0	562 8 0
						2nd Allocation	...	1 6 0	2 9 3	515 10 0
A. 9	Sari	39 "	9 "	$1\frac{3}{16}$	200 pieces	1st Allocation	...	1 8 6	2 15 6	593 5 9
						2nd Allocation	...	1 6 6	2 11 7	544 14 9
A. 12*	Shirting	31 "	38 "	$10\frac{7}{8}$	36 "	1st Allocation	6·15	1 5 6	...	520 1 3
						2nd Allocation	5·6	1 3 6	...	477 2 3
A. 14	"	40 "	38 "	$7\frac{3}{4}$	50 "	1st Allocation	4·8	1 7 6	...	569 2 3
						2nd Allocation	4·4	1 5 6	...	520 11 3
A. 15	Sari	40 "	10 "	$2\frac{5}{16}$	180	1st Allocation	...	1 8 6	3 5 6	602 14 10
						2nd Allocation	...	1 6 6	3 1 3	553 11 4
A. 16	Dhoti	44 "	10 "	$2\frac{3}{8}$	160 pairs	1st Allocation	...	1 8 0	3 9 0	570 0 0
						2nd Allocation	...	1 6 0	3 4 3	522 8 0
A. 17	Sari	44 "	10 "	$2\frac{3}{8}$	160 pieces	1st Allocation	...	1 8 6	3 10 2	581 14 0
						2nd Allocation	...	1 6 6	3 5 5	534 6 0
A. 18	Dhoti	40 "	10 "	$2\frac{5}{16}$	180 pairs	1st Allocation	...	...	...	...
						2nd Allocation	...	1 6 0	3 0 1	541 6 6

APPENDIX D.

[*Referred to in answer to question No. 19.*]

Statement of Income and Expenditure of the Imperial Indian Relief Fund.

Central Fund.—(*a*) The total sum received by way of subscriptions by the Central Committee of the Imperial Indian Relief Fund from the date of its inception up to the 30th June 1919 was, in round figures, Rs. 2,00,48,000. The interest upon the sums placed at fixed deposit amounted to about Rs. 12,02,000, bringing the total income of the Fund on that date up to Rs. 2,12,50,000.

Provincial Branches.—Complete figures of the amounts retained by the Provincial Branches of the Fund out of subscriptions to the Relief Fund are only available up to January 1919, at which date the total stood at about Rs. 14,86,500. This money was retained for the relief of acute distress among the poorer classes of the civil population arising directly out of the war and through no fault of their own.

(*b*) The expenditure incurred by the Central Fund up to the end of June 1919 amounted to Rs. 98,22,000 (in round figures), the principal items of expenditure being :—

(1) Through the agency of Brigade Area Committees or Soldiers and Sailors Families Association:—	
	Rs.
(*i*) Grant of relief to Indian officers, men and public followers, returned from the front and proceeding to their homes on sick leave, at the rate of Rs. 75 to each officer and Rs. 25 to each Indian soldier or follower. This concession was withdrawn in January 1917	22,55,000
(*ii*) Donation of Rs. 100 to the family and dependants of each Indian officer and of Rs. 50 to the family of each Indian soldier or public follower who died or was killed on active service. Similar donations were granted six months after the date of the first donation, and also a third donation in really necessitous cases requiring immediate relief	40,01,000
Donation of Rs. 100 and Rs. 50 to each Indian officer and soldier or public follower respectively who was invalided out of the service.	
(*iii*) Discretionary relief to the families of Indian soldiers and followers who proceeded on field service ...	3,99,000
(*iv*) Donation of Rs. 200 (with a further donation of the same amount after 6 months) to the family or dependent residing in India of a British soldier or military clerk, who dies or is killed on field service, and the payment of Rs. 200 to a British or Anglo-Indian soldier or military clerk resident in India who has been invalided out of the service permanently disabled ...	49,000
(*v*) Administrative expenditure in connection with the above items	38,000
(2) Sums placed at the disposal of Local Governments and Administrations for the relief of distress among certain classes of dependants of Indian soldiers during the summer of 1919 ...	3,39,000
(3) Grants-in-aid to the Soldiers and Sailors Families Association	3,90,000
(4) Extra medical comforts for the sick and wounded ...	3,70,000
(5) Donations to the Officers' Families Fund in England ...	2,91,000
(6) Donations to the Indian Soldiers Fund	1,00,000

	Rs.
(7) Donations to the Indian Comforts for Troops Fund ...	5,04,000
(8) Donations to the St. John Ambulance Association ...	64,000
(9) Distributions to officers and crews of vessels sunk by the enemy	1,07,000
(10) Assistance to convalescent officers	7,36,000
(11) Donations to the Queen Mary's Technical School for disabled Indian Soldiers, Bombay	29,000
(12) Relief to the families of Postal and Telegraph employees who had proceeded on active service	20,000

Of the above items, Nos. 1(*i*), (*ii*) and (*iii*), (2), (6), (9) and (11) are concerned with relief to Indian classes, Nos. 1 (*iv*), (3), (5) and (10) with relief to European classes, and the others with relief to both classes combined. The total sum spent on the relief of these classes therefore amounts to:—

	Rs.
Indians	72,30,000
Europeans	14,66,000
Indian and Europeans	9,58,000

Of the sum retained by Provincial Branches, the expenditure incurred up to the end of January 1919 amounted to about Rs. 811,000. It has since been decided that relief from this source should not be confined to the civil population, but should also include discretionary relief to the dependants and families of Indian soldiers in really necessitous cases demanding immediate assistance. The money spent by Provincial Branches has been for the most part on Indians.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Friday, the 30th January, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 58 Members, of whom 51 were Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation of allegiance to the Crown:— 11 A.M.

The Hon'ble Mr. Reginald Arthur Mant, C.S.I.
,, **Sir Sydney D'Aguilar Crookshank, K.C.M.G., C.B., C.I.E., D.S.O., M.V.O.**
,, **Mr. George Francis Stephen Christie.**
,, **Mr. Basil Copleston Allen.**
,, **Mr. Charles Augustus Kincaid, C.V.O.**
,, **Mr. Herbert Alexander Casson, C.S.I.**
,, **Mr. Leonard Frederick Morshead.**
,, **Mr. Kiran Chandra De, C.I.E.**
,, **Sir John Barry Wood, K.C.I.E., C.S.I.**
,, **Mr. Claude Fraser de la Fosse, C.I.E.**
,, **Rai Lalit Mohan Chatterjee, Bahadur.**
,, **Khan Sahib Shah Nawaz Bhuttoo, O.B.I**
,, **Mr. Arthur Edward Nelson, O.B.E,**

HIS EXCELLENCY THE PRESIDENT'S OPENING SPEECH.

11-9 A.M. "Hon'ble Members will notice that the Flag and Shield, which I formally received a few minutes ago, have now been affixed to the walls of the Chamber.

"I am confident that they will always be treasured as honoured heirlooms embodying the history of heroic deeds.

"Let me now welcome Hon'ble Members to another Session. We have before us an immense amount of important work to do, but I am hopeful that it will be of an uncontroversial kind, though I recognise that there must necessarily be differences of opinion among Members in an assembly of this size and character.

"The outstanding fact which we have to record is the passing by Parliament of the Reforms legislation, and I am sure that Hon'ble Members would wish me to express our great indebtedness to the Secretary of State in this matter. We, who have been associated with Mr. Montagu in this policy, know how much we owe to his great ability, to his fertile resourcefulness and to the enthusiasm which he has displayed in this cause. Tribute has been paid to him in England for the tactical skill and the persuasiveness with which he has handled the Bill in Parliament. We can only know this through hearsay and not of our own knowledge. But from the fact that he has piloted his Bill through Parliament, we may not unfairly infer that that tribute was well founded. I think I shall be only echoing what is in the minds of Hon'ble Members when I congratulate him and tender him our thanks for the conspicuous service which he has rendered.

"But I do not wish to stop here. It would have been impossible for Mr. Montagu to have accomplished what he has if it had not been for the loyal and devoted manner in which the spade work of Reforms has been performed. I doubt whether many Hon'ble Members realise to the full what work is involved in the passage of a great Bill through Parliament, especially when the Bill has, as in this case, to run the gauntlet of examination and criticism in a Select Committee. I know what this work has been, and I am sure Hon'ble Members would wish me to express our gratitude to those who have worked so zealously, so loyally and so devotedly in this field. It is needless for me to say that there have been many others besides those whose names I propose to mention. In a work of this immensity the circles of labour radiate out far and wide. But there are three whose conspicuous labours I should like to mention. My colleagues in the Government will, I am sure, understand why my reference must necessarily be to those who are not members of the Government. The first name is that of Lord Meston, and I am sure you will wish me to congratulate him on the well-merited distinction which His Majesty has been pleased to confer upon him. Lord Meston has been in the thick of the Reforms from the very beginning and no one has done more, by masterly philosophical analysis of the problems, to elucidate and straighten out the difficult questions with which we were faced. As Lieutenant-Governor, as Member of Council carrying on his shoulders the double burden of Finance and Reforms, and now as the *vir pietate gravis* commissioned to carry out the thorny task of settling the Financial Relations between the Central and Provincial Governments he has earned and will earn our gratitude. I trust that he is not putting too great a strain on himself, and that when he has accomplished his present task, he will have many years during which he may help India, the land he has loved, from his seat in the House of Lords.

"My relations with Sir William Marris have been so intimate that I feel some difficulty in placing before you the character and extent of his service. Prior to Mr. Montagu's arrival I appointed him on special duty in connection with Reforms and ever since, whether on duty here or in England, he has brought to the cause his great intellectual powers, his unrivalled industry and his mastery of the pen. He is now working specially under me to perfect the machinery which is required to set the new constitution in motion. He will greatly dislike my mention of him, but his displeasure is a risk which I have no hesitation in taking.

"Constitutions may be projected in men's minds, may float in unsubstantial form as dreams, but at some time or other they must take shape in hard, clear cut legal form. To Mr. Muddiman we are indebted in large measure for the work which has been done in this respect. As one who in his time practised Parliamentary drafting, I know the difficulties and the thanklessness of the task. The draftsman is not his own master. He is not left to himself to turn out his work *teres atque rotundus*, completely finished and rounded off. He has to fit in amendments, perhaps thrown at him at the last moment, at variance and inconsistent with the main principles of his structure, and subsequently the critic will point the finger of scorn at lacunæ and inconsistencies. But I am confident that Mr. Muddiman has met these crosses with smiling imperturbability. I am sure Hon'ble Members will be in accord with me when I thank him for his work.

"Over the bodies of these three gentlemen there has been for the past two years a friendly tussle with the Secretary of State. We have each of us appraised their worth and have clung to their possession. It reminds me of some struggle depicted in Homer over the body of a dead hero. Now he, now I have had the mastery.

"But I cannot stop here. There is a vast multitude of public servants throughout India, whose services have been requisitioned in order that this thing might be accomplished. To them, the vast majority of them unknown to me, I would tender my thanks. The inquiries which have taken place have necessitated demands for information which meant hard, painstaking and accurate work. This has been given loyally and ungrudgingly. What happier augury could there be for the working of our great experiment! Indian ministers will find a running machine composed of human parts of finest temper and quality ready to their hand. The work which has been done is an earnest of what will yet be done. I am confident that nothing will be lacking in the loyalty and efficient working of the machine of Government.

"And now what of the work which lies ahead of us?

"We have still the best part of a year's strenuous labour before the new Councils can come into being. To deal with the press of work involved a new office has been created in the Government of India under a Reforms Commissioner working in direct relation with myself, assisted by a Secretary, Under Secretary and the necessary establishment; and all Local Governments have similarly placed officers on special duty to deal with local problems. We have discussed in conference with Heads of Provinces all preliminary points which presented any obstacles to immediate progress. It is our aim to take public opinion freely into our confidence, and I will take this opportunity of stating our intentions upon points of wider interest. We contemplate a lowering of the franchise in Madras and the Punjab which will result (so far as our rough estimates indicate) in an increase of something over six hundred thousand voters in the two provinces taken together. We shall provide for some increase in the rural seats which the Joint Committee wish us to attain, without a reduction of the urban seats. We shall similarly provide for some better representation of the depressed classes. The special case of the urban wage-earner is also being provided for in Calcutta and Bombay where the class is numerous and important. I hope that under the sympathetic and capable guidance of Lord Willingdon and Sir George Lloyd the difficulties about non-Brahmans in Madras and Mahrattas in Bombay are in a fair way to settlement.

"The process of making the electoral rolls has begun or is beginning, and with it will proceed also the shaping of the election rules. Another matter of immediate urgency is the drafting of the rules of legislative and other business for the several Provincial Councils and for the Indian legislature. On all these points it is the aim of my Government and Local Governments freely to consult Indian opinion and so far as may be to carry it with us, and we, as our proposals mature, shall take every opportunity of laying them before non-official advisers and considering their suggestions. Our proposals for the distribution of seats in the Indian legislature have now been for some weeks made known, and no criticism of substance has yet reached the Government of India from any quarter.

"The scheme of Reforms also entails some important legislation. Council will have noticed the recommendation of the Joint Committee that it should enact legislation of a stringent character dealing with corrupt practices at elections. In due course a Bill will be laid before the Council. Not only is the subject new to Indian legislation, but it bristles with inherent difficulties, in dealing with which the Government will be greatly assisted by Hon'ble Members' knowledge of what is expedient and possible in the conditions of India.

"At a later stage we propose to introduce also measures providing for the devolution upon Local Governments of many powers now vested in the Government of India, and for the rights and duties of the public services. But these are not yet sufficiently advanced for any definite statement about them to be made.

"I may say that we intend, at the earliest possible moment, to publish for information and convenience of reference the Government of India Act, 1915, as amended by the recent Act passed by Parliament, but Hon'ble Members will of course understand that the old law continues in force until the new one is brought into force by notification. Regarding the lifetime of existing Councils we have asked the Secretary of State to sanction an amendment of the regulations which will enable us to continue in existence such of the present Councils as would otherwise expire, until the date on which the new Councils come into existence. I think you will gather from what I have said that nothing is being left undone to carry into operation the great Reform which has just passed through Parliament. We shall want your whole-hearted co-operation in our labours. To me the one thing that matters is to get the work done and to get it well done. Anything else is of supreme unimportance.

"The heavy demand which necessary legislation will make upon the time of Council makes it necessary to limit the time to be set apart for the discussion of other matters of public interest. I propose to allot six days for the discussion of resolutions during February, and Hon'ble Members will be informed shortly of the exact dates; but the pressure of legislation and the Budget will make it impossible for us to find time for the discussion of Resolutions during the month of March.

"Before I turn to other matters of current interest I might briefly allude to a small matter which has been brought to my attention by Mr. Bhupendranath Basu, whom we are all glad to see again in India and who is conversant with the facts. He tells me that the appointment of Sir Sankaran Nair to the Council of the Secretary of State has been construed as a direct snub to me and my Government. If this concerned me alone I should not touch the question, but this interpretation of the appointment conveys an imputation on the Secretary of State, with whom I have the honour to work, which I cannot pass by. The facts of the case simply stated will dispose of this imputation.

"I put forward the name of Sir Sankaran Nair myself for the Council of the Secretary of State, and his appointment to the specific vacancy, which he was chosen to fill, was made after consultation with me and with my cordial concurrence.

"I turn now to other questions which are of interest to Hon'ble Members.

"When I last addressed this Council in September, the grip of famine was upon the land. Fortunately that grip has now been relaxed, and, though the high prices still cause considerable hardship, the necessity for measures of famine relief has almost entirely passed away. The pendulum of the weather has swung back in a more favourable direction, and after experiencing in 1918 a failure of the monsoon which was almost unprecedented in geographical extent, we were favoured in 1919 with exceptionally good rains which was unusually well distributed. Good *kharif* crops have been garnered in most provinces, and the prospects of the *rabi* crops are generally good. Though the effects of last year's drought are still reflected in depleted stocks of food-grains and inflated prices, the situation is immensely improved. Those of you who have perused the interesting report by Mr. Innes, published in November last, on the Operations of the Indian Food-stuffs Commissioner, will realise how serious was the economic crisis through which we passed last year: and how much cause we have for thankfulness that we have come through it, not indeed unscathed, but without shipwreck. We still have to guard against a drain on our food supplies, and though it is the policy of my Government to withdraw restrictions on the export of food-grains as soon as we can do so with safety, we think it necessary to maintain those restrictions until the stocks in the hands of the people have been replenished and easier prices indicate that the normal course of trade can be resumed.

"Hon'ble Members may or may not have read my speech at the Calcutta University Convocation. In that I outlined the course which the Government of India propose to take on the monumental document known as the Sadler Report. Our resolution on the subject is on the point of issuing, and towards the end of April I hope that a draft Bill may be published for general information. Last week I had the advantage of meeting the Heads of Provinces, and I was glad to learn that in all the provinces the proposals of the Sadler Commission are being considered from the point of view of their applicability to the University position in the several provinces.

"You have doubtless seen the Communiqué about the reorganisation of the Indian and Provincial Educational Services. You will observe that the Secretary of State has accepted our recommendation that the Indian element in the Indian Educational Service should be largely increased up to 50 per cent. of the cadre.

"At the opening of the last Session of the Council, I described to you the steps taken to obtain the views of the Local Governments on the recommendations of the Industrial Commission and thereafter to obtain the decision of the Secretary of State regarding those cardinal points of principle that had to be established before we take the first practical step forward in organisation. From the papers published in November last Hon'ble Members will have seen that the Secretary of State accepted the two fundamental principles underlying the recommendations of the Commission; namely, that in future Government should play an active part in the industrial development of the country and should, consequently, be provided with adequate administrative equipment and be forearmed with reliable scientific and technical advice.

"But in order that there should be no undue delay in pushing ahead with practical schemes, we did not rest with the discussion of fundamental principles: we proposed three specific measures for the purpose of dealing with the questions that were obviously most urgent. These, we considered, were—

Firstly, the creation of an interim central authority for the purpose of designing the new official machinery and establishing a system of co-operation with the Provincial Governments;

Secondly, the formulation of conditions for the establishment of the necessary scientific services; and

Thirdly, the institution of a system for the local purchase of Government stores.

"All three proposals having been sanctioned by the Secretary of State, a Committee was appointed at once to advise on the best lines of organising the chemical services, which are the most urgently required of those necessary to deal with our neglected raw materials. We have been fortunate in obtaining as the Chairman of this Committee, Professor Jocelyn Thorpe, the distinguished Professor of Organic Chemistry at the Imperial College of Science and Technology in London, and it is hoped that the proposals of this Committee will be ready by the end of April.

"The local purchase of Government and railway stores is probably the most important among the practical proposals made by the Industrial Commission. The principle that Government stores should be purchased, whenever possible, in India has long been accepted; but, in the absence of an institution for the amalgamation of indents and for technical inspection during manufacture, we have been caught in a vicious circle. Manufacturing industries obviously could not be started without a sufficient and continuous market, while orders could not be placed in India so long as there existed here no adequate means of manufacture. Demands have thus continued to be made on England for many articles and materials which might very well be manufactured in this country if we had had the machinery for bringing Government buyers into effective touch with local manufacturers. On receipt of the Secretary of State's sanction, a Committee was appointed in December last under the Chairmanship of Sir Francis Couchman of the Railway Board to design the organisation of a new department for scrutinising Government indents, with a view to their being executed in an increasing degree in India; to consider the ways in which the duty of purchasing stores can be shared by the Central and Local Governments; and to examine the possibility also of assisting in this way Railway Companies and other public bodies The Report of this Committee will be ready, I hope, before June next.

"Meanwhile, formalities are being completed for the purpose of re-constituting the Munitions Board which, while carrying on the work of securing local stores (undertaken as a necessity during the war), will work out, for the sanction of the Secretary of State, those of the Industrial Commission's specific proposals which still remain. The Board will thus lay the foundations and will design the structure of the new Department of Industries, which the Secretary of State agrees with us in regarding as important enough to require a special Membership of Council.

"Since the Secretary of State dealt with our proposals in September last, the Joint Committee has reported and the new Government of India Bill has become law. In compliance with the recommendations of the Joint Committee the administration of industrial activities in the Provinces will become one of the functions of the elected Ministers. The proposal of the Industrial Commission (that the functions of the Central Department of Industries should be mainly advisory) thus becomes a definite statutory prescription, while the responsibility for local executive action will rest with the representatives of the people.

"I need not say that the object of the Ministers in developing the material resources of India, with the help of her own young men, will have our cordial support. The new Central Department will place its resources freely at the disposal of the Provincial Ministers, will assist them, when required, with technical advice in dealing with specific industrial schemes, in the development of industrial education, in the exploitation of extra-provincial markets, in the collection and distribution of industrial intelligence, and in the recruitment of staff. But it will be the duty of the Ministers to initiate and administer local operations for the purpose of developing provincial resources.

"Since we met last September, our anxieties regarding the future of our Indian fellow-subjects in South Africa have increased rather than diminished. As you have read in the papers, a recent decision of the Transvaal Provincial Court endangers rights which we hoped had been secured beyond dispute by the Act of last summer. I would, however, renew most earnestly my plea for calmness. In a few weeks, probably, South Africa will be in the throes of a general election. It will only injure those whom we desire to help, if agitation here forces the Indian question to the front as an election issue.

"Already, I think, by steady and moderate representations we have done much to ensure a friendly hearing for our case. We have now been informed that the long-awaited Commission will probably assemble about the end of February. The *personnel* of the Commission and the terms of reference have not yet been announced. But we understand that the Chairman will be a high judicial officer, and that the inquiry will be limited to the right to trade and to own fixed property in the four provinces of the Union. Sir Benjamin Robertson sailed yesterday for South Africa to represent our case before the Commission, and we earnestly hope that his skill and experience will avail to effect an honourable settlement.

"Meanwhile, fresh difficulties are arising in the British East African Protectorate. As yet we know no more than what has appeared in the press regarding the report of the East Africa Economic Commission, but I need not assure you that my Government will do everything in its power to defend Indian interests against this new attack. I may remind you, however, that this Report, as Colonel Amery, has already declared in the House of Commons, must not be regarded as representing the views of the Government of East Africa, still less of the Imperial Government, with whom the final decision will lie. British East Africa is not a self-governing Dominion; and the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects With the support of the Secretary of State we have steadily pressed this view on the Colonial Office; and we have asked the Secretary of State to see to it that Indian interests are fully represented at the forthcoming discussions in London between Lord Milner and the Governor of East Africa.

"While in some parts of the Empire we have these difficulties, other parts are eager to attract Indian settlers. There are now two deputations in India, one from British Guiana and one from Fiji, who have come here to persuade us to re-open emigration to those Colonies on a new basis. The British Guiana deputation have put forward a scheme of free emigration, with State assistance, which deserves, I think, our careful consideration. The Fiji Government have also given proof of their desire to enter on new and happier relations with this country by cancelling unconditionally all the outstanding indentures, and by declaring their intention of introducing at an early date measures to provide for the representation of the Indian community in the Legislative Council of Fiji on an elective basis.

"I wish, however, to make it clear that the position, which was taken up by Lord Hardinge's Government, still holds good. It is not the duty of India to provide labour for British Colonies. But if the Colonies offer Indians a wider and more prosperous career than that which they can look for in their own homes, then we should not stand in the way. Our duty then will be to protect the ignorant Indian emigrant against misrepresentation, and to see that such guarantees are given as will safeguard his interests as a free settler in the country to which he goes. We propose that a Committee of this Council should meet the deputations, discuss with them the conditions on which it would be possible to re-open emigration, and report their conclusions to the Government. Sir George Barnes will move a Resolution to this effect. I would suggest that the Committee should be in a large measure, if not entirely, composed of unofficial Indian Members, for the question is one which concerns Indians alone, and we intend to be guided by the findings of the Committee. I think Hon'ble Members would wish me to express our appreciation of the success which Sir George Barnes has achieved by his untiring efforts in this matter of Indentured Labour.

"I was very glad to have an opportunity of referring to the subject of Imperial Preference when I was recently invited to address the inaugural meeting of the Association of Chambers of Commerce of India and Ceylon. I said then, and I repeat it now, that I want to see the subject freely discussed and carefully examined. I said then, and I repeat it now, that it is not the Government of India's intention to adopt a policy of preference throughout the Empire as a general policy without full discussion and support from enlightened public opinion. It was with this object that, as Sir George Barnes told the Indian Merchants' Chamber and Bureau in November last the Government of India intend to move for the appointment of a Committee of the Council to discuss the question and to examine the statistical records relating to the various commodities of our export and import trade. I need hardly say that a preliminary examination, at any rate, of the statistical position, has already been made in the Department of Commerce and Industry. It is my intention that this preliminary examination should be placed before the Committee in order that they may study the figures for themselves, and I hope it may be possible for them to come to some general conclusion on the question whether the adoption of a system of preferential tariffs is or is not likely to be to the advantage of the country as a whole. The question is one of course of great complexity and difficulty. Part of the difficulty perhaps arises from the fact that most of us have some kind of pre-conceived ideas on the subject of tariffs, perhaps not always based on a critical examination of the facts I think that it will be of advantage if the members of the Committee could approach their task by divesting themselves, as far as possible, of all their previous notions and trying to look at the question as if it were an entirely new one, to be examined in the cold light of commonsense and statistical figures.

"Now I will turn to the position of affairs on and beyond our Frontiers.

"The situation in the Middle East has been recently painted in startling and lurid colours by the European Press. It has been said that the Bolshevists flushed by their successes are about to join hands with the discontented elements for an overwhelming attack on the Allied Powers and especially on the British Empire; that the East is in ferment and that a time of acute peril lies before us especially in India. Now I do not wish to minimise the dangers threatening us, and indeed threatening the civilised world, as a result of the upheaval of the last five years. Men's minds are troubled and excited, as perhaps never before by the spectacle of the foundering of Empires, the decay of conventions and the loosening of religious restraint; while starvation and distress have goaded whole peoples to desperation. At the same time also the Allied States, who alone have the power or organisation needed for the repair of the world, are tired of war, and eager to disband their armies and concentrate their energies on the problems of their own reconstruction. But I am confident that things are not so bad as they have been represented to be. Germany and Austria have now finally ratified the Peace terms presented to them, and the horrible prospect of a renewal of war in the West has disappeared. Trade is being opened with our former enemies; so that we may expect that prosperity will gradually return to them, and that, with prosperity, internal commotion will subside. The real disturbing factor in the world is the ebb and flow of the uncontrolled forces let loose by the collapse of the Russian Empire. The forces fighting against the Bolshevists have, it is true, been badly defeated, but the Bolshevists themselves are extremely disorganised. Disillusioned and sated by more than two years of hideous excesses, massacre and rapine, there seems now some prospect that the Bolshevist rulers may adopt a more moderate policy; and if this proves to be the case, they may become a less active menace to the outside world. But they still preach the necessity of the disruption of the whole fabric of society, the destruction of property and the domination of mankind by its lowest and most ignorant elements; and, where they cannot penetrate by arms, they seek to penetrate by propaganda and secret agitation. It is to the dangers of such penetration rather than to those of actual invasion that the Middle East is, according to my information, chiefly exposed. We are watching this development most carefully, and we have set up a special staff to deal with it.

"Turning now from the region of surmise and conjecture, important though it is, to the actual position on our Frontier, the Amir of Afghanistan has since the signature of the Treaty of Peace at Rawalpindi expressed uniformly friendly sentiments in his communications with us; but, as is known to you, he has allowed a Bolshevist Mission to visit his capital and has sent an Afghan deputation to Moscow. An attitude such as this makes it difficult for us to enter into closer relations straightaway. Our position *vis-a-vis* Afghanistan remains as it was last September. We wish to live on terms of friendship with her, but it is idle to enter into a treaty of friendship, until she has given us by her conduct proof that the treaty of friendship will not be a mere piece of paper, but a document based on the proved fact of friendliness.

"Our border tribes have not yet recovered from the unrest caused by the Afghan war. To the north of the Khyber we have had peace; but the younger and more excitable men of the Afridis have, in spite of the strength of our grip on the Khyber and of the efforts of their elders to restrain them, indulged in constant raids. We have announced to them comparatively lenient terms of submission; and I hope that they will before long realise the futility of their conduct, and that the former confidence between these tribesmen and our frontier officers will be restored. The tribes of Waziristan, the Mahsuds in the centre and the Wazirs of the Tochi in the North and of Wano in the South, had committed themselves deeply against us during the Afghan war; and after the conclusion of peace they continued their intolerable depredations on the peaceful population of Bannu and Dera Ismail Khan. At the beginning of November a strong field force was assembled, and the terms of their submission were announced to the Mahsuds and Tochi Wazirs. The Mahsuds rejected our terms, but the Tochi Wazirs accepted them, being deterred by our display of force in the Tochi and by the advance of our troops in imposing strength to Datta Khel. In the meanwhile the Mahsuds, after being given time to remove their women and children, were severely bombed from the air; but though they were much shaken by the bombing and though many individuals were anxious to submit, the tribe as a whole remained recalcitrant, and an advance of our troops in force became necessary. On the 18th December the Derajat column advanced from Jandola and was strongly opposed by the Mahsuds and Wano Wazirs, who now possess plenty of modern rifles and ammunition, and large numbers of whom have been trained in our Militias in the most recent methods of warfare. In this fighting, while I regret to say that our casualties were numerous, heavy losses are known to have been suffered by the enemy, and on the 29th December the Mahsud jirgah came in and accepted our terms in full. But the disintegration of the tribe is so great that the hundreds of petty headmen have little authority and about a third of the tribe have continued to oppose our advance. This will now be maintained until the tribesmen have shown the reality of their submission by the payment of their fines and of the rifles which have been demanded of them. The Wano Wazirs will then remain to be dealt with; but they are not expected to prove so stubborn as the Mahsuds, and we hope that before long these troublesome but inevitable operations will be brought to a successful issue. Our forces have had a hard time of it in difficult country under the severe conditions which winter imposes in that region, and I would express my warm appreciation of the grit and gallantry they have displayed in their advance against determined opposition into the heart of the enemy's country. I should like to say in passing that General Climo has been kept fully supplied with reinforcements throughout his campaign; that the air force consists of the most up-to-date machines, of which a full reserve is kept with the force; and that the latest pattern of heavy mountain howitzer has been employed throughout the campaign. We shall now proceed, by a greater concentration of our forces at strategic points and by a vigorous extension of roads fitted for mechanical transport, to secure our more effective future domination of this portion of the frontier and protection of our border tracts.

"Further south the Sheranni tribe including both the sections under the North-West Frontier Province and Baluchistan have submitted, and the tribes of the Zhob Valley have given no trouble.

"To sum up then:

"The position in our Frontier, complicated and difficult though it is, is being gradually straightened out.

"I do not minimise the dangers arising out of the turmoil of the disintegrated Russian Empire, but I rest my confidence on the peoples of India. They will never, I believe, open their hearts to the abhorrent doctrines of murder, anarchy and atheism.

"The present is indeed a critical time in the world's history when every nation which hopes to maintain or advance its position in the community of civilised

States must stand firm by its traditions and set up bulwarks of sanity and moderation against the forces of disorder and destruction. In India I see no grounds for pessimism. There may be clouds in our sky, but the shadows they cast are relieved by much that is bright. In his deep concern for India's welfare in these days of stress and change His Majesty the King-Emperor has issued to the Indian people a gracious Proclamation. The Royal Message full of inspiration and hope has been acclaimed throughout India, and you will have an opportunity of acknowledging it when Mr. Sinha's Resolution comes before you. The Proclamation ends;

> 'It is my intention to send my dear son, the Prince of Wales, to India next winter to inaugurate on my behalf the new Chamber of Princes and the new Constitutions in British India.
>
> 'May he find material good-will and confidence prevailing among those on whom will rest the future service of the country, so that success may crown their labours and progressive enlightenment attend their administration. And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom.'

To this we will answer *Amen*

"It remains for me only to express what I know is the great satisfaction of all Hon'ble Members that the task of opening the new Indian Legislature of the future will be performed by His Royal Highness the Prince of Wales. The extraordinary success which has attended the Prince's visit to other parts of the Empire will, I know, be equalled by the reception which this great country will give him.

"By his gracious presence in our midst he will forge anew the links of Empire. Let us prepare to welcome the Prince in Shakespeare's words:

> 'Now is the winter of our discontent.
> 'Made glorious summer by this sun of York.'

STATEMENT LAID ON THE TABLE.

11-54 A.M. **The Hon'ble Sir George Barnes** :—"On the 15th September last, in reply to a question asked by the Hon'ble Rao Bahadur B. N. Sarma, I promised that an endeavour would be made to supply information, so far as it is obtainable, of quantities and values of materials supplied to the United Kingdom and the Allies during the war at controlled prices. A* statement has accordingly been prepared and is placed on the table for the Hon'ble Member's information. As, however, the term 'controlled prices' is rather an ambiguous one, I take this opportunity of explaining that the producers, exporters, etc., of the various articles included in the statement were in no case compelled to sell their goods to Government at a fixed price. In most cases Government named a maximum rate at which they were prepared to buy, and it remained open to sellers to supply the required goods at these rates or to dispose of their stocks to other buyers if they wished to do so. In regard to shellac and raw jute, special arrangements were made. In the case of shellac an agreement was reached with the trade whereby all shippers of this article guaranteed a certain quantity to Government at a rate considerably below the existing market price, but the shippers recouped themselves by obtaining correspondingly higher prices for non-Government exports This of course was only possible because India possessed a monopoly of that commodity. In the case of raw jute, an arrangement was made in 1916 with certain firms for the supply of this article to the War Office at cost price *plus out-of-pocket* expenses. This agreement was, however, a voluntary one, and was in fact suggested by the firms concerned. Similarly, in the case of jute manufactures, agreements were made with the Jute Mills for the supply of fixed quantities of sandbags at prices below the market rates. These agreements, however, were also on a voluntary basis."

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*Not included in these Proceedings.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Kamini Kumar Chanda asked :— 11-56 A.M.

Abolition of the system of control of traffic and priority certificates.

1. "When is the system of control of traffic and issue of priority certificates to be abolished?"

The Hon'ble Sir Arthur Anderson replied :—

"The system of controlling traffic by means of certificates giving priority of wagon supply or despatch ended on 30th November 1919 except in the case of food-grains to the North-West Frontier Province and Baluchistan. Owing to heavy military traffic it was considered necessary in the case of these Provinces to continue priority for food-grains over other civil traffic in order to ensure the non-interruption of food supplies"

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Appointment of Lieutenant-Colonel Beadon as Deputy Commissioner of Delhi.

2. "(*a*) Will Government be pleased to state how long Lieutenant-Colonel Beadon has been in Delhi? Is it a fact that he was at first Settlement Officer for five years in Delhi and then went on leave and after return was for a few months posted to the adjoining district, Rohtak, after which he became Deputy Commissioner of Delhi in December 1911, and from that time till recently continued in his present appointment?

(*b*) Is it in accordance with rules that one officer should remain so long at one place?

(*c*) Will Government state when his time will be up?

(*d*) Is it the intention of Government that he is to remain in Delhi till retirement in one capacity or another?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The information required can be obtained from the 'History of Services' which is available to the public, and a copy of which I shall very gladly show to the Hon'ble Member. Colonel Beadon was Settlement Officer of Delhi from October 1906 till September 1910. He became Deputy Commissioner, Delhi, in January 1912 and remained in that appointment till recently with short interruptions.

(*b*) There is no rule limiting the period for which an officer should remain at a particular place.

(*c*) and (*d*) Colonel Beadon is now on leave, and it is probable that on his return he will revert to the Punjab"

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Representative of the Moslems of Assam in the Imperial Legislative Assembly.

3. "(*a*) Is it a fact that Assam ranks third among the eight major Provinces of India as regards Moslem population?

(*b*) Has any provision been made for any special Moslem electorate in Assam for returning any member to the Imperial Legislature under the Reform Act?

(*c*) Is it a fact that the Southborough Committee recommended that in the Imperial Legislative Assembly one seat and half a seat (that is to say one seat in every alternate term) be allotted to the Assam Moslems?

(*d*) With reference to the last part of the answer given by Sir Reginald Craddock to my question on the subject on the 27th September, 1916, do Government propose to consider the question of allotting one seat and a half to the Moslems of Assam?"

The Hon'ble Sir William Marris replied:—

"(*a*) The information is available in the census reports. Assam ranks seventh among the eight major Provinces in aggregate Moslem population, and third in the proportion of Moslems to total population

(*b*) and (*d*) The Hon'ble Member is referred to the Press Communiqué issued on the 8th January.

(*c*) The answer is in the negative. The Southborough Committee, in paragraph 33 of their report, proposed that one seat only should be allotted to the Moslems of Assam."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Co-operative societies or stores for students.

4. "(*a*) Do any co-operative societies or stores for students exist in any Province?

(*b*) Do the Government of India propose to suggest to the Local Governments that steps should be taken to popularise such societies or stores?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The Provincial Reports on the working of Co-operative Societies show that Co-operative Societies or stores for students exist in Bengal, Assam, Bihar and Orissa, the United Provinces and the Punjab.

(*b*) It is not the policy of the Government of India to intervene in such details of the administration of Co-operative Societies, and they do not propose to move in the matter. The Hon'ble Member's question will, however, be brought to the notice of Local Governments."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Confinement of Mr. Shankar Lal of Delhi in a solitary cell.

5. "(*a*) Is it a fact that Mr. Shankar Lal who was lately tried at Delhi was kept in a solitary cell while an under-trial prisoner?

(*b*) If so, under what provision of the law was he so kept and what was the reason?"

The Hon'ble Sir William Vincent replied:—

"Lala Shankar Lal was not confined in a solitary cell, but on his admission to the Delhi Jail on 20th April, 1919, was placed in quarantine by the Medical Officer, as required by paragraphs 478 and 1069 of the Punjab Jail Manual. The fact that the quarantine accommodation in the Delhi Jail is entirely cellular may account for the impression that this prisoner was kept in solitary confinement. He was removed from quarantine on 30th May, and then occupied a small barrack with an open yard for exercise, affording good accommodation for a prisoner of his class, until his release on 21st July, 1919."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Boy Scout movement.

6. "Do Government propose to encourage endeavours to popularise the Boy Scout movement in all educational institutions?"

The Hon'ble M . Shafi replied:—

"The Hon'ble Member is referred to a speech of the Hon'ble Sir Sankaran Nair made in this Council on the 21st March 1917 in which he indicated the position of the Government of India with reference to the boy-scouts movement. In addition to the Circular which it was stated by the Hon'ble Sir Sankaran Nair was about to issue and which, as a matter of fact, issued immediately afterwards, the Government of India again addressed Local Governments on the subject last year. Replies have been received which show that good work is being done in some of the provinces, and that efforts are being made to encourage the movement. In other provinces, notwithstanding encouragement, little interest has been displayed. The movement is one in which the Government of India have already demonstrated their interest, and its development rests mainly with Provincial authorities."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Medical inspection of the health of students.

7. "(*a*) Has any system of medical inspection of the health of students been instituted in any province?

(*b*) If such a system does not exist in all provinces, do Government propose to issue instructions recommending it?"

The Hon'ble Mr. Shafi replied :—

"(*a*) The attention of the Hon'ble Member is invited to paragraph 7 of the Government of India, Department of Education Resolution No. 301-C. D., dated the 21st February 1913, in which the Government of India emphasised the importance of school hygiene including the inspection of the health of students. In the same year the Government of India allotted a sum of R25 lakhs to Local Governments for these purposes, and they further addressed Local Governments in June 1913 pointing out that school and college hygiene was a subject which they considered had not hitherto received adequate attention in India and on which they laid the utmost emphasis. Systems of medical inspection have now been instituted in various provinces. An account of these systems will be found in the last Quinquennial Review of the Progress of education and the short Annual Narrative called 'Indian Education' for 1917-18. The Educational Commissioner will again give an account of progress in the Narrative which will be laid on the table in March.

(*b*) Owing to the war and financial stringency it has not been possible for all provinces to introduce the complete schemes which they had contemplated. Good progress, however, has been made and further improvements are taking place. The Government of India have recently addressed the Secretary of State supporting a proposal from the Government of Bengal for the entertainment of an adequate staff for physical education and medical inspection. The Government of India do not propose to issue further instructions."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Promotion, supersession and transfer of Munsiffs and Sub-Judges.

8. "(*a*) Is it a fact that while the questions of promotion, supersession, transfer, etc, of Munsiffs and Sub-Judges lie with the High Court, those regarding the District Judges and Additional Judges are with the Local Government?

(*b*) What are the reasons for this distinction?

(*c*) Do Government propose to consult the different High Courts about the matter and place the replies when received on the table? Do they propose to revise the rules?"

The Hon'ble Sir William Vincent replied :—

(*a*) I lay on the table* a statement showing the authorities which appoint District Judges, Additional Judges, Sub-Judges and Munsiffs in the various provinces. The power of appointment necessarily connotes the power to order promotion, supersession or transfer of the persons appointed.

(*b*) The powers of appointment are laid down in the Statutes governing the judicial administration of each province, which have been in force for many years past. The Government of India understand that it is the practice in most, if not all provinces, for the executive authorities to consult the Supreme Court of the province in regard to orders affecting the promotion, supersession or transfer of subordinate judicial officers.

(*c*) The answer is in the negative. The Government of India have no reason to suppose that the present system works unsatisfactorily."

Not included in the Proceedings.

The Hon'ble Mr. Kamini Kumar Chanda asked:—

The Assam Labour Board.

9. "(*a*) Is it a fact that there is not now, nor has there been at any time since the creation of the Assam Labour Board, any Indian member on it?

(*b*) What is the number of tea estates in Assam owned by Indians and Europeans, respectively?

(*c*) Do Government propose to make some provision for appointing at least one Indian member on the Board from either Valley in Assam?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Yes.

(*b*) The Government of India have no information as to the number of tea estates in Assam owned by Indians and Europeans, respectively. The large majority of the tea estates in Assam belong to limited liability companies, many of which presumably include Indians as well as Europeans among their shareholders.

(*c*) Under section 116-A of Act VIII of 1915, the members of the Assam Labour Board, other than the Chairman, are elected, and the Government of India have no present intention of amending the Act."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Colonisation outside India by Indian soldiers.

10. "Has any action been taken to give effect to the following recommendation contained in paragraph 329, pages 155, 156 of the Joint Report on Indian Constitutional Reforms, namely:—'If opportunities of colonisation outside India are forthcoming after the war, we believe that many Indian soldiers would take advantage of them; and we would urge upon His Majesty's Government that their claims in this respect should be favourably considered'?"

The Hon'ble Sir George Barnes replied:—

"We are at the present time inquiring from Local Governments whether it would be practicable to attempt an organised scheme of settlement in the event of territory being available for this purpose, and how far a suitable type of agriculturists, ex-service men or others, would be attracted by the prospects of free settlement in such territory."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Colonisation by India of the tropical possessions conquered by Indian troops.

11. "(*a*) Is it a fact that the suggestion was made by several public men during the course of the war that the tropical possessions of the enemy should be handed over to India for colonisation on the ground that they were conquered mainly by Indian troops?

(*b*) Has this question been considered and has any decision been arrived at? If not, do the Government of India propose to bring it to the notice of His Majesty's Government?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Yes.

(*b*) The question has been considered, but no decision has yet been reached."

The Hon'ble Dr. Tej Bahadur Sapru asked:—

Publication of the Hunter Committee's report in India.

12. "Will Government be pleased to state when the report of the Committee presided over by Lord Hunter will be ready, and when it is proposed to publish it in India?"

The Hon'ble Sir William Vincent replied :—

"Government have no information when the report of the Committee over which Lord Hunter presided will be submitted, but they hope it will be received by the end of February or early in March. Until the report is received, and in the absence of any definite information as to the date of such receipt, it is not possible to make any statement as to the date of publication in India."

The Hon'ble Dr. Tej Bahadur Sapru asked :—"Will the Government allow the Council a chance of discussing the Report?"

The Hon'ble Sir William Vincent replied :—"Undoubtedly the Council will have an opportunity of discussing the Report after publication."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

13. "Will Government be pleased to lay on the table a detailed statement of the export of the following articles from the various Ports of India to different parts of the world in each of the five years before the war and each of the years 1916, 1917 and 1918 :— **Exportation of certain articles from various ports of India.**

(*a*) Rice;
(*b*) Wheat;
(*c*) Pulses, and
(*d*) Cloths and textile fabrics?"

The Hon'ble Sir George Barnes replied :—

"I must refer the Hon'ble Member to the Annual Statement of the Sea Borne Trade of British India which gives the figures of exports of the commodities named in the question for the different provinces of India. The Annual Statement does not give information with regard to each separate port in India, but I trust that the information given will be sufficient for the Hon'ble Member's purposes."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

14. "(*a*) Have Government taken into consideration the representation made by the Indian Merchants' Chamber and Bureau, and the statement made in the telegram from the Reverend Mr. Andrews published in the newspapers, as regards the treatment of Indians in East Africa? **Safeguarding of interests of Indians in East Africa.**

(*b*) What steps do Government propose to take for safeguarding the interests of Indians there?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The Government of India have received no representation from the Indian Merchants' Chamber and Bureau as regards the treatment of Indians in East Africa, but their attention has been drawn to the telegram from the Rev. Mr. Andrews.

(*b*) The Hon'ble Member will have learnt from His Excellency's speech the steps which we are taking to safeguard the position of Indians in East Africa, and I can assure the Hon'ble Member that the Government of India will continue to be watchful of the interests of Indians there and elsewhere."

PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Hon'ble Sir George Lowndes :—"My Lord, I beg to move that the Bill further to amend the Provincial Insolvency Act, 1907, be re-committed to Select Committee for the purpose of consolidation, with instructions to report on or before the 1st March, 1920. 12-6 P.M.

This motion is made in accordance with the recommendations of the Committee contained in the Report which has already been presented to the Council."

The motion was put and agreed to.

The Hon'ble Sir George Lowndes:—"My Lord, I beg to move that the Hon'ble Mr. Muddiman and the Hon'ble Mr. Kincaid be added to the Select Committee on the Bill, in place of Mr. Rice and Mr. Mountford, who have resigned."

The motion was put and agreed to.

INDIAN STEAMSHIPS (AMENDMENT) BILL.

12-8 P.M. **The Hon'ble Sir George Barnes**:—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Steam-ships Act, 1884. The object of this Bill is simply to correct a mistake and to supply an omission in the Indian Steam-ships Act of 1884. In order to secure the safety of passengers no steam-ship is allowed by the Act of 1884 to carry more than twelve passengers without a certificate of survey which must specify the number of passengers which the steam-ship may carry. This Act imposes a penalty if a steam-ship carries more than twelve passengers without a certificate of survey, but unfortunately it imposes no penalty in the event of the passengers in excess of the number entered in the certificate of survey being carried. It is clear that this is an accidental omission, and the object of this Bill is to rectify it."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

INDIAN ARMY (AMENDMENT) BILL.

12-10 P.M. **His Excellency the Commander-in-Chief**:—"My Lord, I beg to move for leave to introduce a Bill further to amend the Indian Army Act, 1911. The object of the Bill is to amend a deficiency in the Act that recent experience has disclosed. As explained in the Statement of Objects and Reasons sections already exist for the speedy disposal of moveable property of those who die or desert or become insane. The intention of the Bill is to extend the provisions of the Act to persons who, when on active service, are reported missing. It is contemplated that this clause should come into effect one year after the date of the report."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

UNITED PROVINCES TOWN IMPROVEMENT (APPEALS) BILL.

The Hon'ble Mr. Shafi:—"My Lord, I beg to move for leave to introduce a Bill to modify certain provisions of the United Provinces Town Improvement Act, 1919. Hon'ble Members may be aware that with a view to make improvements and extension of town in the United Provinces an Act was passed last year in the local Legislative Council called the United Provinces Town Improvement Act Under section 3 of that Act the duty of carrying out the provisions of the Act in any local area to which the statute may by notification be extended vests in a Board called the Improvement Trust of that area. By section 56 of the Act, the Trust may, with the previous sanction of the Local Government, acquire land under the provisions of the Land Acquisition Act, 1894, as modified by the provisions of this Act, for carrying out any of the purposes of this Act. Under section 57 a Tribunal is constituted for the purposes of performing the functions of the Court in reference to the acquisition of land for the Trust under the Land Acquisition Act, and under section 58 (*a*) the Tribunal so constituted is deemed to be a Court and the President of the Tribunal is deemed to be a judge under the Land Acquisition Act. Finally, under clause (*d*) of that section the award of this Tribunal is deemed to be the award of the Court under the Land Acquisition Act and is considered final. There is one more provision in this enactment which it is necessary to invite the attention of Hon'ble Members to in order to make the position clear. By section 64 (1) (*b*) questions relating to the determination of persons to whom compensation is payable or the apportionment of compensation may be tried and decided in the absence of assessors if the President of the Tribunal considers their presence unnecessary, and when so tried and decided the decision of the President is to be deemed the decision of the Tribunal. And in sub-clause (*c*) of the same section, notwithstanding anything done under the foregoing clauses, the decision on all questions of law and procedure rests solely with the President of the Tribunal, and Hon'ble Members will have noticed that the award of the Tribunals is under that Act final. 12-12 P.M.

"Now when the Local Government sent up the Bill as originally drafted by them there was a clause in it, 56 (*e*), which provided for an appeal from the award of this Tribunal in certain circumstances, to the High Court of Judicature at Allahabad. The Government of India were of opinion that such a provision in a local Act was *ultra vires* of the Provincial Legislature.

"The Bill which I am now asking for permission to introduce is being undertaken at the instance of the Local Government in order to supply that omission, and I am sure Hon'ble Members will recognise that in its nature it is essentially a non-controversial measure. The Bill has been in the hands of Hon'ble Members for the last two or three days, and it is, therefore, unnecessary for me to summarise its provisions in my speech."

The motion was put and agreed to

The Hon'ble Mr. Shafi:—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

RESOLUTION *RE* HIS MAJESTY'S PROCLAMATION ON REFORMS.

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I rise to move the Resolution which stands on the Agenda paper in my name and which runs as follows:— 12-17 P.M.

"That this Council recommends to the Governor General in Council that he may be pleased to transmit, through the proper channel, to His Majesty the King-Emperor the

> following humble representation :—' That this Council begs leave to tender to His Most Gracious Majesty the King-Emperor its dutiful homage and loyal devotion and to express its sense of profound gratefulness for the Royal Proclamation issued by His Majesty on the memorable occasion of his having given his Royal assent to the Government of India Bill, declaring, as the Proclamation does, noble and lofty principles of government which are to guide in future the policy of His Majesty's officers to enable the Indian nation to attain full responsible government and full political freedom as an equal member of the British Commonwealth.'

"My Lord, I do not think I need make any apology for my having brought up this Resolution on this the first day of the opening of the Session of this Council, for the very simple reason that as your Lordship was pleased to observe in the course of your very exhaustive inaugural address delivered this morning this Proclamation has been acclaimed by the people of India throughout the length and breadth of the country, and I felt I should be wanting in my duty if I did not put forward this Resolution which represents the unanimous opinion of the people of India in regard to the Proclamation so graciously issued by His Majesty. My Lord, had it not been that the time at my disposal is limited, I would have read out to the Council a large number of extracts from the leading exponents of Indian public opinion in the various Provinces, which would support my view that even papers, which are regarded as very advanced in their views on questions of Indian self-government, have all unanimously and with one voice expressed their heartiest welcome to His Majesty's Proclamation as embodying and laying down principles of a lofty and noble character alike for the guidance of His Majesty's officers and His Majesty's subjects in this country. I shall content myself with reading two short extracts from two leading papers, one of Calcutta and one of Bombay, to satisfy the Council that what I claim is a fact beyond dispute ; I read from the ' Bombay Chronicle ' which says :—

> ' All India will gratefully welcome the Proclamation of the King-Emperor, heralding as it does the opening of a new epoch in the history of India ....The words of the Proclamation reveal a loftiness of purpose which will touch the hearts of the people, because it is something more than a ceremonial announcement about the Royal Assent which is given to the Reform Act '.

"I shall also read one short passage from a paper which is generally regarded as a very advanced journal in this country, namely, the *Amrita Bazar Patrika*, so well known to my friend, the Hon'ble Sir William Vincent. It says :—

> 'The Proclamation of His Majesty the King will be read with thrilling interest throughout the length and breadth of India. We have no doubt that the people of this country will heartily respond to the appeal of His Majesty whose genuine sympathy for the aspirations of his Indian subjects is well known'.

"My Lord, I could multiply similar extracts from other leading nationalist papers in various parts of the country, but these two short extracts will, I am sure, satisfy the Council that I am justified in saying that all shades of Indian public opinion are absolutely unanimous in according a very hearty welcome to His Majesty's Proclamation. I may also say here that it has been to me a matter of very great gratification to find that, with one single solitary exception, all the leading Anglo-Indian papers have taken a similar view and have expressed an equally hearty appreciation of the terms of His Majesty's Proclamation. This is not the occasion, my Lord, to raise any controversial topic, and I shall, therefore, refrain from making any comments about the conduct of the one leading Anglo-Indian paper of Calcutta, which has utilised the Royal Proclamation for an attack on Mr. Montagu, in language which I would not care to characterise. Now I have no desire to confer cheap immortality on that paper by referring to it by name, but those who have read its three leading articles will agree with me that it has shown—to say the least of it—very scant courtesy to His Majesty's Proclamation by calling it, as it has done, a political manifesto of Mr. Montagu, an allegation which I entirely repudiate and deny. I also say this, not in anger, but in sorrow, that I have not seen any one of my British fellow-subjects entering a protest against the kind of language employed by a leading Anglo-Indian paper in regard to

His Majesty's Proclamation. But with that one single exception, I claim that Indian and Anglo-Indian opinion as expressed in the press of India and in the resolutions adopted by the various political bodies is emphatically unanimous in welcoming the Royal Proclamation as a document of very great historic importance. I shall not, therefore, trouble the Council with any further observations in justification of my placing before it my Resolution.

"My Lord, the Resolution which I have read out is in three parts. In the first, I am requesting your Lordship's Government to transmit our humble representation on behalf of this Council to His Majesty the King Emperor. From the fact that your Lordship, as President of this Council, has admitted the Resolution exactly in the terms I drafted it, I take it that your Lordship's Government will be pleased to accept the Resolution. The next part of the Resolution tenders to the King Emperor our dutiful homage and loyal devotion, and then gives expression to our opinion about the Proclamation itself. Now, I believe, it is regarded as a convention that whenever British subjects approach their Sovereign with a representation, they first tender to him their loyal devotion and dutiful homage, but I assure your Lordship that so far as we Indians are concerned, we do not regard it as a mere formality. We take it as an obligation and a duty to our King Emperor George V, who has taken such a deep and abiding personal interest in the affairs of his Indian subjects, and we deem it a privilege to offer to him, on occasions like these, our dutiful homage and loyal devotion. I have been, since the Resolution was admitted, looking into some literature upon the subject, and I have tried to find any important speeches by any Viceroy or Minister of State in proposing the toast of the King Emperor. I have found curiously enough very little upon it as, I believe, it is regarded as customary to propose the King's toast at the end of banquets. I once asked a Scotch friend of mine why no speeches were made, as a rule, in proposing the King's toast, and he said: 'we take our loyalty as a matter of course, and there is no occasion for us to make any speeches or to express our views in regard to our loyalty'. Now that may be the right course to take for the British subjects of His Majesty, but in the case of his Indian subjects,—even though your Lordship declared in the Joint Report on Constitutional Reforms, that although Indians criticise freely and frankly and sometimes in strong language the actions of His Majesty's officers in this country, their loyalty is above suspicion—I nevertheless think that on an occasion like this a few observations will not be irrelevant in regard to the reasons why we all are most profoundly loyal to the King Emperor.

"Now, my Lord, looking into this matter I lighted upon some very happy and apposite observations of your Excellency's distinguished predecessor, Lord Curzon, made by him in this very city of Delhi on 1st January 1903, on the occasion of the State Banquet given by him when he held the Durbar to proclaim the accession to sovereignty of His late Majesty King Emperor Edward VII. In proposing the Royal toast Lord Curzon said:—

> '....This Indian possession of His Majesty is no mere dead-weight tied on to the heels of the British Empire, but a Dominion, a Continent, an Empire by itself, rich in its own personality and memories, self-confident in its own strength, and aglow with abundant potentialities for the future. To be King of the United Kingdom and of the British possessions beyond the Seas is a great and noble title. But to be Emperor of India is in no respect less, and is in some respects greater For powerful Empires existed and flourished here, while Englishmen were still wandering painted in the woods, and when the British Colonies were wilderness and jungle; and India has left a deeper mark upon the history, the philosophy, and the religion of mankind than any other territorial unit in the universe. That a British Sovereign should in the fulness of time have been able to do what no predecessor of his ever accomplished, what Alexander never dreamed of, what Akbar never performed, namely, to pacify, unify, and consolidate this great mass into a single homogeneous whole, is, in my judgment, the most impressive phenomenon in history, and the greatest wonder of the modern world'.

"I think, my Lord, that although these words came from one of His Majesty's British subjects, every Indian subject of His Majesty will equally gladly subscribe to these observations of Lord Curzon, and it is exactly in that light that we regard our King Emperor, as the head of a great system of administration under which it has been possible for India to become in the course of less than a century a nation. There are, no doubt, various reasons which appeal to various minds on the basis of which each Indian is loyal to the King Emperor. Loyalty, however, being, a subjective feeling, I shall leave it to my colleagues to express each in his own way his grounds for his loyalty to the King Emperor. But for my part, the real reason why His Majesty's rule and that of his predecessors has appealed to me is that it has enabled the people of India who, till this country passed under the Crown were a congeries of different nationalities, races and tribes to have become since a single nation. On that point I do not think I should express emphatically my own opinion, because I find that a gentleman, to whom your Lordship referred this morning in terms of deservedly high appreciation, namely, Lord Meston, made some very striking observations in the House of Lords in the course of the debate on the Government of India Bill. He said :—'What lies behind and below the whole of the political difficulties in India, is the spirit of nationalism, a spirit bred in the soil, nurtured......by our own methods and our own examples, and spreading rapidly through all ranks and classes. I say deliberately all ranks and classes, because I have been watching its operations now for over thirty years. It, of course, permeates the professional classes, with whom it originated. That is accepted. But it is also going deep into the trading and monied classes. A few years ago they had nothing whatever to do with politics, but they are now a prominent feature in all political organisations, and it is very largely their money which finances the nationalist movement. It has also spread to the landed classes'. So that it is quite clear, as Lord Meston puts it, that a national spirit is permeating now all ranks and classes in this country. Beginning with the professional classes, it has filtered down to other strata and even to the masses. That is absolutely incontrovertible, and, I think, your Lordship will agree with me that of all the titles to honour of our King Emperor and of his claim to our loyalty and devotion to him, the greatest is this—to have found the Indian people divided into races, tribes, ranks and classes and moulded them by means of education, training and culture into one great homogeneous, political whole. It is on this ground that I have retained the words in my Resolution as expressing our real sentiments of loyal devotion and homage to the King Emperor; and not merely by way of a customary convention or formality.

"I shall now say a few words about the Proclamation itself, but before I do so, I desire to clear the ground by pointing out two omissions advisedly made by me from this Resolution. Although there is much in the Proclamation about Royal clemency, I have not referred to that part of it, for the simple reason that, although the question of Royal clemency is a very important one at present, it will not be one of any permanent interest in time to come. The subject of Royal clemency also figures at length in Her Gracious Majesty Queen Victoria's Proclamation, but although we all remember certain important passages from that historic and memorable document, no one to-day remembers or tries to recall what is said in it about the grant of amnesty. Similarly, after your Lordship has been pleased, as I hope your Lordship will be, to extend, on behalf of the King Emperor, the Royal clemency as freely as possible, this particular question will not be a matter of importance hereafter. But in regard to the policy laid down in the Royal Proclamation, there are statements made therein in regard to the wishes of the King Emperor which are binding upon all his subjects, and those declarations are and will be invaluable for all time to come. It is, therefore, that I have made no reference in my Resolution to the subject of Royal clemency.

"I have also advisedly refrained from putting in anything in this Resolution about the Government of India Act. The reason is not because I am afraid of the question being discussed as to whether that measure is a little thing or a big thing, but because I quite agree with my esteemed friend, the Hon'ble Mr. Sastri, who in an article contributed by him to Mrs. Besant's paper, published in England, called 'United India' rightly points out that 'rules have to be framed under no fewer than seventeen sections of the

Bill and some of these are of capital importance, while many involve matters of intricacy. The Selborne Committee have in addition recommended that as many as twelve different matters must be investigated in India and the data for their settlement furnished in definite shape before the new Act could be brought into operation'. And he then gives a note of warning by saying 'It is a commonplace that the Morley-Minto Reforms were rendered unpopular by the rules framed by the Government of India'. Now I do not take Mr. Sastri to mean, nor do I mean it myself, that there is any reason to apprehend that the rules and regulations to be framed under the sympathetic guidance of my friend, Sir William Marris, will partake of the nature of those framed ten years back by the Government of India. At the same time, it is quite clear that this Act is incomplete in itself. It is admittedly a skeleton measure, and unless we have got before us the complete material, namely, the rules and regulations, it is not fair to any one to express our definite opinion about it. It is with this aspect in view that I have omitted any reference to the Government of India Act. But I would point out that, whatever view we may take of the new Statute, whether we regard it, as I am told some people do, as a little thing, or whether we regard it, as I am told some other people do, as a big thing, no honest man but will concede that an Act of Parliament, which introduces for the first time in the history of British India an element of responsibility in the Provincial Governments, for the people to work up to for their full political freedom in course of time makes the occasion a memorable one. It is, therefore, that I say that the occasion of the passing of the Act was a memorable one, and it was with a rich and rare political instinct that His Majesty the King-Emperor has issued this Proclamation which we all welcome so much as a new Charter of our legitimate goal and aspirations.

"Now, my Lord, coming to the Proclamation my thoughts naturally go back to the other great Proclamation, which is referred to by His Majesty in the present one, namely, that of Her Majesty Queen Victoria. That Proclamation has a history of its own, and because certain incidents which occurred in regard to that Proclamation may have, in future, some bearing on the present one, I wish, with your Lordship's leave, to say a few words about them. It has been contended by some people that His Majesty's Royal Proclamation is really the act of his Ministers and that it is, therefore, open to us to take it in that light. My contention is that this view is untenable. I urge that a Royal Proclamation is principally an act of the Sovereign, although a constitutional monarch like our King Emperor naturally acts on the advice of his Ministers. We know that in the case of Queen Victoria's memorable Proclamation Her Majesty took a special personal interest in the draft which was being prepared. Lord Morley refers to the fact in the Appendix to the collected edition of his Indian speeches, and an important communication on the subject is to be found in the 'Letters of Queen Victoria,' Volume III. Writing to the Earl of Derby under date 15th August, 1858, Her Majesty said:—

> 'The Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objections to the draft of Proclamation for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female Sovereign who speaks to more than one hundred millions of Eastern people on assuming the direct government over them, giving them pledges which her future reign is to redeem, and explaining the principles of her government. Such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization.'

"This very remarkable document clearly shows that Her Majesty took a great personal interest in the matter, and I have the authority of Lord Morley that 'the last sentence of the Proclamation was the Queen's'. Curiously, in spite of the declarations made in the said Proclamation, when many years later a controversy arose in regard to the amendment of the Code of Criminal Procedure about certain matters which I need not refer to in detail at present, a distinguished predecessor of my friend, the Hon'ble Sir George Lowndes—

Sir James Stephen—expressed certain views about it which gave a very rude shock to the people of this country. Sir James Stephen propounded the view that 'the Proclamation has no legal force whatever', and that though 'as a ceremonial, the Proclamation may have been proper, but in any other point of view it is a mere expression of sentiment and opinion'. This declaration of an ex-Law Member gave a profound shock to the people of this country who had come to regard Her Majesty's Proclamation as a solemn pledge given on a very memorable occasion. The matter naturally attracted very great attention, and I find from the Proceedings of this Council that when the debate came to be summed up by the President, the late Lord Ripon, to whom India will always be grateful for the many reforms he introduced, made these very striking observations on the views expressed by Sir James Stephen :—

> 'When Sir James Stephen goes on to maintain that a Proclamation issued by the Sovereign of England and of India is only a ceremonial . . . . a mere formal utterance of sentimental phrases of no binding force or practical effect whatever, I cannot too emphatically express my dissent. To me it seems a very serious thing to put forth to the people of India a doctrine which renders worthless the solemn words of their Sovereign, and which converts her gracious promises . . . . . . into a hollow mockery.
>
> 'The document is not a treaty—it is not a diplomatic instrument; it is a declaration of principles of government which, if it is obligatory at all, is obligatory in respect to all to whom it is addressed. The doctrine, therefore, to which Sir James Stephen has given the sanction of his authority I feel bound to repudiate to the utmost of my power. It seems to me to be inconsistent with the character of my Sovereign and with the honour of my country.'

"These are noble words, nobly spoken. Some years later the matter again came up, in a different form, in this Council This time it was not about the effect or validity of the Proclamation as a whole, but about certain words in it and it was Lord Curzon, who, speaking in the course of his seventh Budget debate speech on the 29th of March, 1905, with reference to certain observations of my late lamented leader, Mr. Gokhale, said :—

> 'He (Mr. Gokhale) . . . . referred to the Act of 1833 and to the Queen's Proclamation of 1858. I am familiar with both those documents, and I also remember—which those who quote them sometimes forget—that the late Queen's words contained a qualification, not indeed modifying their generosity, but limiting their application by the necessary tests, firstly of practical expediency, and, secondly, of personal fitness'.

"My Lord, these words of Lord Curzon also were regarded by His Majesty's Indian subjects as unduly emphasising, if not practically imposing, an unwarranted limitation upon the Queen's Proclamation, and the matter attracted the attention of the then Secretary of State Mr. John (now Lord) Morley, with the result that shortly after Lord Curzon's pronouncement, Mr. Morley, speaking in the House of Commons, in 1906, said :—

> 'I think those words 'so far as may be' have been somewhat misinterpreted in the past. I do not believe that the Ministers who advised Queen Victoria in framing one of the most memorable documents in all our history meant those words to be construed in a narrow, restricted or pettifogging sense. I do not believe that Parliament ever intended this promise of the Queen should be construed in any but a liberal and generous sense'.

"I have referred, my Lord, briefly to the historical facts and incidents about Queen Victoria's Proclamation so that it may not be possible in future for any one either to impugn the validity or try to limit the scope either of Queen Victoria's Proclamation or the Proclamation of our King-Emperor George V.

"Now, my Lord, I do not think I should detain the Council at any length on a question of this character, which is non-controversial, and I shall say a few words about the Proclamation itself. The Proclamation, as I have said in the Resolution, lays down noble and lofty declarations of policy, and I particularly invite the attention of the Council to paragraph 5, for reading out the whole of which I make no apology :—

> 'With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in the march towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India,

'I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure misrepresentation, to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries and, while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous government. Equally do I rely upon my officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institutions; and to find in these new tasks a fresh opportunity to fulfil, as in the past, their highest purpose of faithful service to my people.'

"I do not think, my Lord, if I may say so without the least impertinence to my King-Emperor, it possible to have put better in one short paragraph ideas of such profound wisdom affecting the current and even future problems of this country. If only both the races in India—His Majesty's British subjects and Indian subjects - will constantly keep these words of wisdom in mind and proceed upon the lines laid down by His Majesty, I am sure we shall be all the better for it in future.

"My Lord, I have been all my life a staunch—a very staunch—optimist; although I have for many years seen the country pass through stages of political repression which have placed, from time to time, a very great strain on our loyalty to our King-Emperor's Indian Government. But in spite of all that I have always believed that, notwithstanding the repressive measures and the misguided policies resorted to by the Indian Government, our King-Emperor's rule is the one great instrument of our political salvation, the one mighty lever by means of which the people of India will be raised to a higher destiny and to their right place in the scale of nations. It is, therefore. that I feel enthusiastic about the King-Emperor's declarations of policy in his great Proclamation. I am sure His Majesty's officers also will obey the Royal command and respect the Royal wishes. His Majesty very properly says that India is on the threshold of a momentous epoch in her history. 'A new era is opening,' says His Majesty and I for my part am quite prepared to obliterate the past if His Majesty's officers in this country also will turn over a new leaf. It seems to me, my Lord, that what is wanted now, is that all sections of the people, all His Majesty's subjects, should really co-operate in the right spirit. 'Unfortunately co-operation' in the past, if I may say so, has often been misconceived and misconstrued I am not talking of places like Calcutta, Madras or Bombay, or Provincial capitals where exists influential public opinion; but in the mufassal—which means practically the whole of India—co-operation has often been regarded by the officials as more or less synonymous with subservience on the part of non-officials. I earnestly hope that the words of His Majesty that his officers will in future treat their non-official colleagues as their equals will be kept in mind by them; and if this is done I am sure the chances of misunderstanding between the two sections will be materially reduced. The situation demands great forbearance on both sides, and I sincerely wish that both will rise to the occasion. It seems to me that in the critical period of our trial, both officials and non-officials should keep in mind the memorable words of the great American poet, Lowel, which are singularly appropriate in view of the King-Emperor's injunctions in his Royal Proclamation:—

'New occasions teach new duties, time makes ancient good uncouth;
They must upward, still and onward who would keep abreast of Truth;
Lo! before us gleam her camp-fires, we ourselves must pilgrims be;
Launch our Mayflower and steer boldly through the desperate winter sea,
Nor attempt the future's portals with the past's blood-rusted key.'"

The Hon'ble Mr. Surendra Nath Banerjea:—"My Lord, I desire whole-heartedly to support the Resolution which has been moved by my Hon'ble friend. My Lord, it seems to me that there is peculiar appropriateness in our moving this Resolution and in this Council adopting it. We are a Legislative Council, the highest Legislative Council in the Indian Empire, and when we speak with a united voice we impart to it an authority 2-50 P. M.

which does not belong to any other similar body in the land. My Lord, it is our high and appointed function to guide the public mind of India and to give it a lead and a direction. We have performed this duty in the past with dignity and success. When after the publication of the Montagu-Chelmsford Scheme the country was distracted with a babel of tongues, we in this Legislative Council adopted a Resolution, a practically unanimous Resolution declaring that the recommendations contained in that Report represented a substantial and definite stage towards the progressive realisation of responsible government. Our lead was accepted by the country. Similar Resolutions were passed by other Legislative Councils, and they had a sobering effect upon public opinion; and now, my Lord, it is our duty to express a similar opinion with regard to the Royal Proclamation, which we hail, and I am sure the country will hail, with enthusiastic gratitude.

"My friend, Mr. Sinha, says in his Resolution that we desire to convey to His Majesty the expression of our dutiful homage, our loyal devotion, our profound gratitude for the Proclamation of the 23rd December last. My Lord, the Proclamation, in the terms of the Resolution, sets forth lofty principles of government and a great policy for the guidance of His Majesty's officers in order that they may help us to rear up the fabric of self-government in this country, so that India may take her place as an equal partner among the self-governing Dominions of the Crown.

"My Lord, that is only one aspect and perhaps not the only or the most important aspect of the Proclamation. I am sorry to have to say that my friend's Resolution makes two notable omissions. One of these he has tried to correct. The first point which I should like to advert to is the absence of all reference to the general amnesty granted to all political prisoners so far as is compatible with the public safety. My friend says that it is a transient feature. I hold that it is a permanent factor which will have a profound effect in tranquilising the situation and preparing the public mind for the successful working of the Reforms Scheme. It is of such paramount importance that in my judgment, and I am sure in the judgment of this Council, it ought to find a place in the Resolution itself.

"Another point which I desire to refer to, is that no mention is made in the Resolution of the service of Mr. Montagu and Lord Sinha, and whatever sentiment of gratitude we may feel or express towards them, a similar measure of gratitude is due to your Excellency for what you have done in connection with the Reforms Act.

"My Lord, Lord Sinha has let us into the secrets of his prison house. In one of the very first speeches which he delivered at Bombay he told us that the message of the 20th August 1917 was largely due to your Excellency's initiative, and that your Excellency came out to this country with that message in your pocket. Furthermore, but for your Excellency the Montagu-Chelmsford Report would not have been dealt with or accepted by the official world, in the way it has been. Lastly, when the Bill became law, your Excellency wired to the Secretary of State stating that you were prepared to work it in a loyal and cordial spirit. We thus owe a great deal to your Excellency in this connection. Render unto Caesar the things that are Caesar's. In politics let us be fair-minded, generous, just to all. My Lord, we have differences with your Excellency's government, profound differences in regard to Punjab and other matters. But here we are dealing with a Proclamation which concerns the Reforms Act and the issues connected therewith. In regard to the Reforms Act, your Excellency has rendered great service to India and therefore I repeat render unto Caesar the things that are Caesar's. Our acknowledgments are due to your Excellency, and I am glad that I am able to make them publicly here from my place in the Legislative Council.

"Then, my Lord, there is another omission to which I desire to call my friend's attention. Nothing is said about the approaching visit of His Royal Highness the Prince of Wales to this country. The Proclamation announces that fact; and your Excellency was pleased to allude to it in the concluding words of that speech to which we listened with so much interest and admiration.

I speak the sense of this Council, I may add the sense of my countrymen at large, indeed of all sections of the community, European and Indian, official and non-official, when I say that we welcome the announcement and shall feel profoundly grateful for the visit, and that when His Royal Highness the Prince of Wales comes to India, he will receive an enthusiastic reception from all sections of our vast and multitudinous population. It will indeed be a welcome in conformity with our traditions and loyalty, and of devotion to the British connection.

" My Lord, the Proclamation is not merely a repository of lofty principles or of a noble policy; it is something more than that. It embodies an Act of Parliament galvanised into a living and beneficent instrument of government by the vivifying breath of sympathy and of lofty statesmanship. My Lord, the Proclamations of the past were more or less in the nature of pledges to be carried out in the future; the Proclamation of to-day stands on a different, and if I may be permitted to say so without irreverence, upon a higher footing. (It confers a boon at once, and it is the greatest of earthly boons which it is in the power of any Government to confer, and the full measure of it is placed in sight and to be won by our own patriotic efforts and the vindication of our capacity for responsible government.) My Lord, a gift is also a trial, and we shall soon be on our trial. A privilege connotes an obligation which we shall have adequately to discharge, not indeed as has been suggested in some quarters by an agitation to be started at once, but by solid work, by the justification of the trust that is reposed, and by the consolidation of the privilege that is conferred.

" My Lord, the hour for the final verdict will soon come; it may come in ten years but what are ten years or even less in the life-time of a Nation? When it does come and judgment is pronounced before the eyes of all India and of the civilised world, I trust it will not be said of us that we were tried and found wanting.

" My Lord, what is the central idea of the Proclamation; what is it that imparts to it its distinctive character and complexion? It is set out in a few pregnant words by His Gracious Majesty. His Majesty recognises that the people of India have the full right to direct their own affairs and to safeguard their own interests. The whole of the Proclamation is addressed to the generation of a set of conditions which will secure the same. His Majesty invites us, the people of India, invites the European community, invites the officers of Government, to unite for the creation of an atmosphere of contentment, of peacefulness, of mutual trust and of mutual esteem which will pave the way for the harmonious and successful working of the Reforms Scheme. 'Let by-gones be by-gones' is the resounding note of the Proclamation. Let all irritation, all bitterness be obliterated, let co-operation be the watchword of the new era, and hence it is that a general amnesty has been proclaimed of all political prisoners, such as may be compatible with the public safety. My Lord, I have heard it said that your Excellency should not have been empowered with discretion to determine the manner, the measure and the extent to which the act of Royal clemency should be exercised. Those who argue in this way seem to forget what is the obvious, natural presumption, in this case, namely, that your Excellency must have been consulted, must have been a consenting party to the provisions of this act of clemency. For myself, I will say this, that clemency has been exercised on a generous scale; if there are complaints it is open to the aggrieved parties or their friends to bring them to the notice of the authorities, and I am sure they will receive sympathetic and careful consideration. My Lord, the Proclamation makes an appeal to all of us, it lays a special mandate upon the representatives of the educated community. We have been invited by His Majesty to safeguard the interests of the masses because they do not possess the franchise. Let me say this on behalf of my educated countrymen that we shall scrupulously carry out the Royal behest, not only because it is the mandate of our Sovereign, but also because it is entirely in accord with our own deep-rooted instincts and with the trend and tenour of our past activities.

"My Lord, the educated community ever since they have felt the first throbbings of national life, have constituted themselves as the appointed guardians and protectors of their uneducated countrymen. In their Congresses, in their Conferences, from their public platforms, in their public prints, they have in season and out of season advocated measures for the benefit of the masses. They have pressed for the extension of primary education, for the reduction of the Salt tax, reform of the Police and of the judicial systems, and other kindred matters calculated to ameliorate the condition of the masses. Therefore I repeat that in loyally carrying out the Royal mandate, we shall only continue to act in accordance with our aims and traditions.

"My Lord, the Proclamation announces the birth of a new era. It says 'a new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose'. In so far as the educated community are concerned, we shall loyally carry out that mandate, and I am sure that the officers of Government and representatives of the European community will do the same. For good or for evil, for good as I believe, Indians and Europeans have got to live together in this country, as fellow-citizens of a common Empire. Let us live together in peace and amity, in the cultivation of those friendly relations which alone can make for our mutual advantage and our mutual prosperity. We, the educated community, are prepared to extend the hand of fellowship and friendship to the servants of the Government, to the representatives of the European community. I ask them to grasp it with alacrity. We are prepared to make the first advance. Are they prepared to reciprocate the sentiment and to do likewise? I am sure they will, for I have reason to believe that there is a movement going on in Calcutta for a good and friendly understanding between Europeans and Indians. As for the Civil Service, they have had a great past. They have built up the fabric of stable government in this country. A higher task now awaits them. They will be our helpmates, our comrades, our colleagues in the more exalted function of rearing up the nobler edifice of constitutional freedom. That will be their *magnum opus*, their greatest achievement, which will throw into the shade even the glory of their past work. Well, my Lord, one word more and I have done. Let Europeans and Indians, officials and non-officials, enter at the bidding of our Sovereign into a solemn League and Covenant of fellowship and friendship, consecrated by common and devoted service rendered to this great and ancient land, which in the case of many of us is the land of our birth, in the case of others the land of their adoption, and in the case of all, I hope, the land of their love whose destinies are indissolubly inter-linked with those of the greatest and the freest Empire that the world has ever seen, presided over by our gracious Sovereign whose Proclamation has enthroned him in the hearts of the people whom he loves so well. With these words, my Lord, I desire to support the Resolution."

[At this stage the Council adjourned for Lunch].

2-15 P.M. **The Hon'ble Sir Gangadhar Chitnavis:**—"My Lord, I beg to support this Resolution. Among the many measures and acts designed for the good government of India and for the contentment and encouragement of the people, none can lead to better results than the historic Proclamation of His Most Excellent Majesty, ushering in a substantial measure of constitutional reforms, having for their objective the gradual evolution of self-government in India. Like the Pronouncements of Queen Victoria and King Edward of blessed memory, His Majesty's Proclamation is marked not only by sympathy and love for the people, but by an active desire to help on their political development. British Indian history has been noted throughout by a benevolence on the part of the administrators, but the noblest part has always been played by the Monarchs of England. If I may be allowed to say so, this Proclamation of His Majesty expresses the Sovereign will and desire for generosity in British Indian Administration and self-respect in national policy. This country has always been a sacred trust to our Sovereigns; our interests have uniformly been a matter of personal concern with them. They have never lacked the will to adjust the Indian constitutional machinery to changed conditions. The Royal Proclamation under discussion is a welcome development of His Majesty's message of hope and sympathy of 1910. It will now be for us to justify His Majesty's hopes by a grateful appreciation of his motives, by the wisdom of our action, by mutual forbearance, and by the adjustment of conflicting interests of the different communities; to fulfil the high expectations of His Majesty's Ministers; and to fit ourselves by restraint, moderation, sacrifice, efficient discharge of duty and foresight for complete self-government within the next few years—a consummation so near the heart of His Majesty.

"My Lord, speaking on this Resolution, a reference cannot honestly be omitted to the authors and initiators of the Reforms with which it is associated. We must gratefully recall and appreciate the great and important services of Mr. Montagu, and, as has been well said by Lord Sinha in his speech in Bombay, the equally great and important part your Excellency played in the initial stages, especially the part you took in inviting Mr. Montagu to India, and in making him discuss these reforms with the people and enabling him to see for himself, how eager the people, the educated among them were for some advance in the constitutional development of the country. The King-Emperor has appealed for harmony and co-operation in actual working. Mr. Banerjea has, in the very excellent language at the end of his speech, appealed through this Council to his countrymen to give effect to this Sovereign desire of the King-Emperor. I beg to endorse every word he has said, and I hope that his powerful words will have the desired effect, and all parties and communities will join together to make the Reforms a great success."

The Hon'ble Mr. Jaffer :—"My Lord, we, in this country, have always hailed, with the highest reverence, and cherished with the deepest loyalty, the utterances and pronouncements of the British Sovereign with respect to the policy of His Majesty's Government, in connection with the status and progress of the People of India. With their traditional attachment to the Throne the Indian People have combined a reasoned conviction about the beneficence of their Sovereign, whose words have ever worked as a charm upon the minds of all classes and creeds in this country. The Proclamation of 1858, issued by the Queen Victoria of blessed memory, was held in India as a great Charter, in fact, as their Magna Charta. The gracious assurances, conveyed through that Charter, buoyed up the people with hopes, through favourable and unfavourable circumstances, and through reverses and disappointments. The Proclamation was issued at a time when the country had just emerged from a national calamity of a serious character, and the machinery of administration had been adopted to the changing surrounding conditions. It not only assuaged sore public feelings, but opened to the people new paths of racial equality and political opportunity, for national progress. For about two generations the Charter of 1858 was appealed to as a sacred source from which the rights of people flowed and popular faith in its promises seldom dimmed, though, in practice, it had become ineffective. 2-18 P.M.

"My Lord, the gracious Proclamation of His Majesty the King-Emperor, has a still greater significance, and will find an abiding place in the hearts of His Majesty's loyal subjects, of every class and creed. That Proclamation, coming, as it does, at a momentous stage in the history of this ancient land, breathes the spirit of generous appreciation for the aspirations of the Indian people, is instinct with sentiments of Imperial good-will and benevolence, and is full of inspiration for officials and non-officials, who have loyally and wholeheartedly to carry out the policy laid down for their guidance. That Proclamation has announced the inauguration of a new era, and interpreted, to Indian officials, the duty which devolves upon them in making the Reforms a success My Lord, the Royal Proclamation heralds a new epoch in the development of India's destinies, and, therefore, very opportunely indicates the lines along which His Majesty's officials and

Indians must work, if that epoch is to bring progress and happiness to the country. Opinions may differ as to the length to which the Reform Act will take us in the path of constitutional freedom, and of elevation of national status. But there is a general agreement that the Reforms constitute a substantial advance; and are calculated to give India full responsible government, and an equal status in the Empire, at an early date. In order that this consummation, should be successfully accomplished, His Majesty the King-Emperor has sent us an inspiring message, directing us officials and non-officials to work in harmony and to the best of our ability to make the most of the Reforms. On behalf of the people and especially of the Mahomedan community, whom I have the honour to represent in this Council, I beg leave to give the humble but strong assurance that the Royal Proclamation has evoked a loyal and hearty response, and I trust similar sentiments will prevail on the official side. The country is profoundly grateful to His Majesty for the gracious, inspiring, and encouraging Proclamation and this Council will only be doing a plain duty in giving expression to its own, and the people's abiding devotion to the Throne, in conveying the Nation's heartfelt gratitude to the King-Emperor for the generous and stimulating message. With these words, my Lord, I support the Resolution"

2-24 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi:**—"My Lord, I rise to accord my whole-hearted support to the Resolution which has just been placed before this Council and which, I am sure, will meet with its cordial and enthusiastic acceptance. The Proclamation of His Gracious Majesty the King-Emperor, issued on the eve of the last anniversary of the nativity of the Prince of Peace, marks an important landmark in the annals of British India, and is a unique event in the history of my land. It has been hailed with abounding gratitude by the people in all parts of the country and a profound impression, wholesome and inspiring in its effects, has been produced upon the public mind which augurs well for the success of the great constitutional experiment upon which the country is about to be embarked.

"Truly, it may be said that the Royal Proclamation of the 23rd December 1919, constitutes the greatest of our political and constitutional Charters. It has, therefore, been received with an outburst of loyalty from the people and a demonstration of good-will, the like of which has seldom, if ever, been witnessed in any generation. For the first time, it is felt that a Charter has been granted by the Sovereign, not of promises but of deeds, which, in the fulness of time, are destined to be fruitful of glorious results. Not many years ago, His Majesty the King-Emperor delivered to his people in India a message of 'Hope.' That message now stands vindicated by the Charter of living deeds which has recently been vouchsafed to us, and which will be generally regarded as one of the most precious milestones in our road to Progress.

"The Proclamation announced to us the Royal assent given to the most momentous measure ever introduced in the British Parliament for the governance of India, and definitely sets seal to the purpose of British policy in leading India to take her due share in the progressive march of Nations. For the first time in the history of this ancient land, India is now being made safe for democracy, and the first step towards this goal has now been definitely taken. England has done her duty by us now, and her august Sovereign has announced her new policy in this country in the most gracious Proclamation which is just now under our consideration, and it is our beholden duty to thank His Majesty for this Proclamation and to justify the trust and responsibility reposed on us.

"Then, again, my Lord, I must say that this Proclamation has cleared the air to a very gratifying extent in another direction. The amnesty granted to a very large number of detenues and political prisoners all over the country has taken a load of anxiety from the mind of the people. I have no doubt that most of these men will now prove themselves very useful members of society and worthy citizens of a new Empire, and justify the hopes of our King-Emperor.

'A new era is opening before us,' observes His Majesty. 'Let it begin with a common determination among my people and my officers to work together for a common people.' I hope we shall all be inspired by this Royal sentiment and succeed in creating a new and puissant state in the heart of Asia.

"Let us go forward to our new destiny with hope and confidence The terms in which the Proclamation has been couched betoken statesmanship of a high order, and show how the heart of the Sovereign beats in unison with the aspirations and feelings of his loyal subjects in this country. No more appropriate and graceful terms could be conceived to bring the Royal message right into the heart of the people, and impress them with the good-will and sympathy of the Sovereign. No more fitting prelude could be imagined to herald the new era with the best and most hopeful promises of success. From the hearts of millions of our people, therefore, goes forth the prayer to the footstool of the Almighty for the long life of His Majesty the King-Emperor who has enthroned himself in their love, esteem, and gratitude, and also for the prosperity of the great Empire to which it is our high privilege to belong. In conclusion, I desire to associate myself with what Mr. Banerjea has said about your Excellency's part in the introduction of the Reforms. Posterity will remember it. The same observations will apply to Mr. Montagu and to Lord Sinha also. In the name of the Zamindars and Landholders of Bengal, I, therefore, heartily support the Resolution and wish its unanimous acceptance and anxiously welcome the arrival of our Royal guest the Prince of Wales in India in November next"

The Hon'ble Sir Fazulbhoy Currimbhoy :—"My Lord, as a representative of the Indian commercial community I have pleasure in supporting the Resolution. The All-India Industrial and Commercial Conference, which held its session last week in Bombay, unanimously passed resolutions which I had the honour of putting from the Chair, expressing their heartfelt gratitude for the Royal Proclamation and also welcoming the Reforms. I have little to add to what I said on that occasion. I fully endorse the views expressed by my revered friend Mr. Banerjea in support of the Resolution, and I have great pleasure in supporting it." 2-30 P.M.

The Hon'ble Raja Sir Rampal Singh :—"My Lord, I desire to associate myself with my friend the Hon'ble Mr. Sinha and to extend my cordial support to the Resolution that has been moved by him. The Royal Proclamation which has been issued by His Majesty is a new Charter of liberty to the Indian people, and we cannot too highly appreciate its contents. Its liberal and generous terms, the noble and lofty policy which it lays down, and the wise and far-reaching principles which it embodies, and above all the counsel of co-operation which it embraces, are all worthy of our Sovereign, and have gone deep into the hearts of the people. It is a matter of very great gratification to India that her beloved Sovereign is ever so watchful of the progress and advancement of his Indian subjects, and that India occupies so prominent and high a position in the heart of His Majesty. It now rests with India to prove worthy of the attainment of the goal that has been set before her. The full realisation of that goal is now in our hands and lies in the manner in which we may discharge the duties and responsibilities that have been thrown upon our shoulders by the Reforms Act. His Majesty, out of love and affection for the Indian people and the deep interest that he feels in their welfare, has not failed to point out the easiest and shortest route to reach that goal It is by co-operation not only between officials and non-officials, but also between the different communities inhabiting this land. His Majesty's gracious advice is that co-operation should be the keynote in the administration of this country. We Indians, as in duty bound, readily and whole-heartedly respond to the bidding. That advice shall be our guiding-star, and let us hope that no racial prejudices or uncalled-for patriotism or bureaucratic tendencies shall be allowed to mar the even progressive course of Reforms towards the desired goal." 2-31 P.M.

2-35 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan :**—"My Lord, on behalf of the Muhammadans of the Punjab I cordially support the Resolution. They have fought in every theatre of the war with distinction and it was one of their class who earned the first Victoria Cross among the Indians. They have extensively contributed to the Forces of the Crown before and in the war, and have always stood the test even when asked to fight with their own co-religionists.

"As they were instrumental in achieving the victory for the Allied Arms and the fame and name for India whose services have been amply recognised by His Gracious Majesty's Government by the Proclamation as well as various other recognitions namely allowing her a separate representation at the Peace Conference, etc., they should take the foremost place in offering their respectful thanks.

"It will not be out of place to put in a word on behalf of the martial classes of India in general, and the Punjabis in particular, that their representation on the Provincial as well as the Imperial Council should be properly vouchsafed to them. I have seen a large number of them lately and some of the leading representatives of these classes who are under the impression that their interests would not be adequately represented. But, I think, your Lordship's pronouncement this morning will cheer them up and we may safely hope that they will get their due share.

"I would strongly urge that some provision should be made that the business of the Councils, particularly in the Provinces at least for a time, may be carried in vernacular, so as to admit such members as are in close touch with the masses to be able to come forward to voice their feelings. These classes should be represented by their own men.

"If the above-mentioned classes which form the bulk of the population are given to understand that Government will not forget them even if they do not agitate but live as peace-loving subjects of His Majesty's Government, they will remain satisfied.

"In the end I would urge that rules should be so framed that when the boon of Reforms is bestowed upon the country, which is meant for the whole population, it may not go to any one class. In conclusion, I once again cordially support the Resolution."

2-38 P.M. **The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia :**—"My Lord, I rise to support the motion of my friend the Hon'ble Mr. Sinha and join with him in tendering on behalf on His Majesty's loyal subjects of the Punjab their dutiful thanks for the passing of this great historic measure which entrusts to the elected representatives of the people a definite share in the government of the country and points the way to full responsible government hereafter. Indians are proud to belong to the Empire of an Emperor whose house has always kept the welfare of its subjects at heart. In 1858 when the British possessions in the East passed under the direct sway of the Crown, the venerable Queen Empress, known as Queen Victoria the Good, issued a memorable Proclamation—the first Magna Charter of India by which Her Majesty assured to her Indian subjects full religious freedom and equal and impartial protection of the law and the maintenance, unimpared, of the principles of humane and equitable administration. The present epoch-making Proclamation is an event which will go down to posterity as a land-mark in the history of the Country, and will be remembered by the people with deep gratitude, thereby granting to them the right of directing and safeguarding of her interests and the control of her domestic affairs This is the highest gift that a civilised Government could give to a people under its control.

"We know, my Lord, that it is a high responsibility which is being placed upon the shoulders of the people, and England can well be proud that she will see her charge performing these duties successfully. Her work in the past must eventually fit us for this. During the first stages, however, there may be mistakes made, but these are inevitable, as no child can learn to walk and stand upon its legs unless it has had the experience of a fall. Experience thus gained breeds confidence and future pitfalls are thereby avoided.

"In the advancement of a country time must necessarily elapse before the complicated machinery of government works smoothly and without any hitch or mishap in new hands. I am not one of those who will be disappointed at delays which in political advancement are inevitable. Everything will depend, my Lord, upon the spirit in which these Reforms are worked, and the devotion and perseverance that are brought to bear upon them. We, therefore, realise the necessity of full harmony, kindness and co-operation between the officers of Government and the representatives of the people. It is necessary that this should exist.

"I am, however, sorry to make one remark, but I would be failing in my duty to my community, to which I have the honour to belong, if I were to omit doing so. The Sikhs have felt very great disappointment at the share allotted to them under these Reforms in the various Councils, both Imperial and Provincial. There would have been no ground for complaint if the representation of all the communities had been based on numerical strength, but once the claims of important minorities for special representations having been conceded and recognised, my community feel very keenly that similar principles of representation have not been applied in their case as have been applied in the case of the Mohamedans where that community numerically forms a minority. Let me hope that something will still be done when rules are made under the Act to meet the claims of the community which has been foremost in their service to the Empire ever since their connection with the British.

"How I wish that the time may come when the people are able to rise higher above petty class differences, which unfortunately do exist at present in some form or other, and reach that ideal stage of advancement when the interests of the country will be equally dear to all communities, and all bear in mind in the words of the Proclamation that true patriotism transcends party and communal boundaries and that common good demands the sinking of unessential differences, not only in words but in deeds, and in the maintenance of essential standards of just and generous government; and that all, whether representatives of the people or the officers of the Government, work hand in hand for the common good of the country.

"I sincerely join my venerable friend the Hon'ble Mr. Banerjea in his ideas and sentiments expressed to-day and in offering your Excellency and Lord Sinha our hearty and most sincere thanks for the memorable Act of Parliament.

"In offering my humble duty to His Majesty the King-Emperor and in extending our most sincere and cordial welcome to His Royal Highness the Prince of Wales, the heir apparent to the throne, I heartily join in the prayer to the Almighty that by His Grace and Guidance India may follow the paths of wisdom and righteousness, and that this great and generous boon may lead to greater prosperity and contentment of the people, and that India may become a worthy member of the British Commonwealth."

The Hon'ble Khan Bahadur Mir Asad Ali:—"My Lord, I have much pleasure in associating myself with those who support the Resolution which is before the Council. In doing so, I may be permitted to say that the King-Emperor's Proclamation has been cordially received by the Indian communities of all shades of opinion. We are deeply grateful to His Imperial Majesty the King-Emperor for the Royal Proclamation, and this Proclamation is, in my opinion, largely due to your Excellency's initiative in the matter of Indian reforms. I think, my Lord, it is my duty to support the Resolution both on my own behalf and on behalf of my community, and I, therefore, tender 2-44 P.M.

our sincere and loyal devotion to His Majesty the King-Emperor. As far as I know the Muhammadans of the Madras Presidency are quite satisfied with this Act, and they hope the Madras Government will have due regard to the safeguarding of their interests."

2-46 P.M. **The Hon'ble Mr. W. E. Crum**:—"My Lord, while discussions on the Government of India Bill were in progress we opposed many of its principles and we criticised certain of its details; but now a new scene has come. The Bill has become an Act and has received the Royal assent.

"I can assure Mr. Surendranath Banerjea and every other member of this Council that my community will do everything in its power to make the Act a real success; and I go further and I say that should our doubts prove unfounded and should this period of trial be a success, as we all hope it will be, India will not find us backward in agreeing to such further advancement as may be found advisable. My Lord, I have great pleasure in supporting this Resolution, because, I think, we must all agree that the future ofIndia must lie in eventual responsible government and political freedom as an equal member of the British Commonwealth."

2-47 P.M. **The Hon'ble Mr. Nigel F. Paton**:—"My Lord, although in the very fullest sympathy with the Resolution before the Council I had not intended to say anything in regard to it. But after the stirring speech of Mr. Surendranath Banerjea I feel it to be my duty to say how whole-heartedly and unreservedly I respond to the appeal which he has made to our community for cooperation and unity. I endorse all that Mr. Crum has just said, and I think I can confidently assure the Council that nothing will be wanting on the part of the non-official European community to give reality and success to the far-reaching principles and intentions of the Reforms which have just been passed."

2-48 P.M. **The Hon'ble Raja of Kanika**:—"My Lord, I rise to give my most loyal and cordial support to the Resolution. The momentous Proclamation recently issued by His Gracious Majesty the King-Emperor of India has come to us as a new Charter of our rights and all India is deeply grateful for it. The deep and earnest sentiments of affection and the highest statesmanship which run through every line of the Proclamation could not fail to appeal to the hearts of the Indian people, and we, as members of this Council, would be failing in our duty if we did not take the earliest opportunity to record our sense of dutiful homage and loyal devotion to His Imperial Majesty for His gracious Proclamation. The felicitous language, my Lord, in which the Proclamation is couched is such as only a King could write, and the unique occasion of the Proclamation which marks a new epoch in the history of India has been most fittingly crowned by His Majesty's gracious Proclamation.

"My Lord, His Majesty, by his Proclamation has just made history and a very glorious chapter of Indian History has just now been ushered in. God grant that the earnest hopes expressed by His Majesty in the Proclamation might be realised in full so that the future history of India may be nobly written. A new epoch has just been reached in the Government of India for which let me add, all India is deeply grateful to your Excellency for the considerable share you had in formulating the new policy and in carrying it through. The new Government of India Act is, as His Majesty rightly points out, one of the greatest historic measures passed by the British Parliament. The Reform Act represents the first distinct and definite stage towards the progressive realisation of responsible government in India, and in the conception of this noble measure of government His Majesty had a very great share. It is therefore only meet and proper that this Council should convey to His Majesty its profound homage and its sense of deep and loyal gratitude for the Royal Proclamation of the 23rd December, 1919, which brings into existence a new era in the history of British rule in India by inaugurating the early stages of responsible government in the country.

" 'Ever since the welfare of India' His Majesty said 'was confided to us, it has been held as a sacred trust by our Royal House and Line.' All India will rise up, my Lord, to testify that that trust His Majesty has discharged in full, and has done even much more than that. The political amnesty which His Majesty has been pleased to grant, the message which His Majesty has been pleased to send to announce the impending visit of His Royal Highness the Prince of Wales to this country in order to inaugurate the Reforms, the establishment of a Chamber of Princes to promote the common interests of British India and the Native States, and lastly, the Royal invitation to a new era of confidence, co-operation and mutual respect between the Government and the people of India are some of the essential features of His Majesty's gracious proclamation. Clemency, sympathy and Royal confidence in the people are the most prominent traits in the Proclamation. My Lord, India had even before abundant proofs of the sympathy of our Royal House for India. The words of His Majesty more than eight years ago in reply to the loyal address of the Calcutta University are still ringing in our ears. 'Six years ago,' said His Majesty, 'I sent to you from England a message of sympathy. To-day in India I give to India the watchword of Hope'.

"In less than a decade from that date, His Majesty has himself by His Royal assent to the Government of India Act, sent to India the first instalment of a concrete realisation of India's hopes and aspirations. We had been waiting these eight years for the realisation of our hopes, and now our hour of triumph has come. Our hopes have been crowned and they have been rightly crowned by a King. The faith that is in us has now been vindicated and India has now taken her proper place in the British Empire.

"My Lord, on behalf of the landholders of Bihar and Orissa I cordially support the Resolution."

The Hon'ble Saiyed Nawab Ali Chaudhri:—"On behalf of the Muhammadans of Bengal I cordially support the Resolution." 2-52 P.M.

The Hon'ble Sir William Marris:—"My Lord, it is apparent from the discussion that the Resolution which the Hon'ble Member has put forward and which has been supported by the Hon'ble Mr. Surendranath Banerjea in a speech of such moving eloquence, expresses feelings which every member of the Council, official as well as non-official, will share. It tenders, in the first place, due homage and loyal devotion to His Majesty the King-Emperor, which, if I may venture to say so with deference to the Hon'ble Mover, is on an occasion like this as real and sincere a thing on the lips of every official member of this Council as it is in the mouths of those for whom he spoke himself. The Resolution goes on to convey our humble thanks for the Royal Proclamation concerning the reforms, and for what another Hon'ble Member has rightly called the gracious and inspiring message embodied in it. It is, therefore, my Lord, a recommendation to Council which your Excellency's Government entirely welcome, and have no hesitation in accepting; and if I may say so it seems of the best augury that this discussion should have produced the very definite and unmistakeable offer of co-operation expressed by the Hon'ble Mr. Surendranath Banerjea and the spontaneous and speedy acceptance of that offer by the two representatives in this Council of the British Commercial community. 2-53 P.M.

"Therefore, my Lord, I am in the fortunate position of having no material to-day of a controversial nature to deal with. But although no breath of controversy has ruffled the discussion, the occasion on which the elected representatives in this Council take the first opportunity of expressing their gratitude for the reforms is an occasion the importance of which justifies and indeed requires that any one speaking on behalf of Government should do more than merely give utterance to a bare and curt formula of acceptance. For the Government of India too have their share in the satisfaction that has been expressed to-day. The Royal Proclamation marks, not indeed the attainment of the goal, but a perfectly definite stage in long and strenuous process. As His Majesty has himself reminded us, that process began 150 years ago with the Regulating Act; but in a very definite sense it entered upon a new and nearer stage nearly four years ago when your Excellency assumed office. It was your Lordship who gave a new seriousness and a new precision to this question, and it was the deliberations of your Excellency's Government in the year 1916 that laid the foundation upon which the new structure has been built. I need not, my Lord, review all the various stages of the building, nor recall and assess the part played in it by the various architects and masons who have from time to time been called in, some of them from afar afield. But at a time like this, when Council is expressing its gratitude and satisfaction at the prospect of speedily being merged in a newer and ampler constitution, it is no more than right and just that member after member should have risen to-day to recognise the part which the President of this Council has personally taken in the work, to remember, apart from anything else, how much the reforms owes their inception and their first strong impulse to the President of this Council.

"My Lord, critics who have encountered the new constitution in its later stages cannot be altogether expected to realise the labours that have gone to its making. The problem before the Government of this country was, so far as I know—and nothing that I have heard or read has convinced me to the contrary—unprecedented in political history. There was no practical experience to guide the makers of the new constitution They could, therefore, only follow the lines which they believed would secure the two distinct and equally necessary elements for which they were looking in their work—the permanence and security of the official system, for such period and to such extent as would enable the new material to form and harden and acquire the strength to carry the new weight imposed upon it, consistently at the same time with the freest and most generous opening of the door, within wide and at the same time definite limits, to the principle of responsibility. These were the dual aims before the builders; and now we have the verdict of Parliament given to the effect that no better scheme than theirs could have been devised.

"There remain, my Lord, complexities which are natural to a scheme which seeks to do so much, and these have given many people thought; and if I may venture to say so, it is at this point that His Majesty's Royal message conveys to all concerned a wise and timely message of caution and encouragement. It tells us in effect that the King-Emperor looks to us to make this new constitution a success by our joint efforts, and by our joint determination that it shall succeed. And after so much that has been said by non-official members to explain their attitude towards the reforms, I think the Council will perhaps expect me to say a word as to the spirit in which the officials approach the same task. So far as the Government of India is concerned, your Excellency has already made that clear. On the earliest possible occasion a message was sent that the Government of India were heartily glad that a decision had been reached and were absolutely ready to carry out loyalty the decision of Parliament. As regards the services as a whole, it seems to me that their attitude was put graphically and accurately by an official speaker the other day in another place, who said that the position of the official on the eve of this new development was that of a man who heard a rustling in the brush-wood about him and listened with expectancy to see what would come out, and whether it was a friend or foe who would emerge.

"Well, my Lord, after the re-assuring speeches we have heard from Mr. Banerjea and other non-officials, I do not think we need feel too much apprehension. They have promised us that the emerging figure shall be that of a friend. Nor, my Lord, are such doubts and anxieties as have been present in men's minds lately been all upon the one side I have had evidence personally in the course of the last few weeks that thoughtful Indian gentlemen also are beginning to conjecture in advance something of the difficulties and responsibilities of Government, and to realise what it means to be called upon to weigh conflicting reasons, and to take difficult decisions, and to stand up to the criticism that inevitably follows in such cases. Well, it is good that that should be so, and that none of us should go into this great adventure too confidently or with too complete assurance, for it is going to make demands on all of us, and we have to see that we can rise to the occasion. The present Resolution, naturally enough, has been formulated by the Hon'ble Mover in a way that lays stress upon one special element in the situation, namely, the obligation laid upon the public services; but it is clear, I take it, from the fact that the Hon'ble Member read to us paragraph 5 of the Royal Proclamation that he attaches no particular significance to the way-in which his Resolution is expressed; and that, though he has formally dwelt upon the future policy enjoined on His Majesty's officers, he has no intention of disregarding the other and equally important element of the situation. I am glad that he has made that clear that other non-official members have addressed themselves to the same point. For of course the two elements are there: and as to their relative importance I have no doubt as to what the considered judgment of the future historian will be. One speaker referred to the verdict that will be passed ten years hence : I do not know, my Lord, whether it will be then or later. But whenever it is that the cool constitutional historian, sympathetic but detached,—the Freeman, or a Bryce or Stubbs at some later day sits down to deliver judgment upon the development and working of this new constitution, I do not think that there is much doubt to which of the two elements in the scheme he will attach the greater importance. It will not be to the gradually receding principle of officialism, to what is occasionally called bureaucracy, and what ought to be called the administration of this country by agents under the control and guidance of Parliament ; it will be to the new principle of growing responsibility judged both by its wider ideals and purposes, but also by the transformation of these into practical everyday decisions upon the hard facts of life.. It is on this element of the new scheme that the future historical critic will mainly pronounce his verdict. Therefore, I think, it is of importance that Hon'ble Members should make it clear, as indeed they have done, that, in spite of the formula chosen by the Hon'ble Mover for his Resolution, they are by no means turning a blind eye to one of the two signals that have been flown to us from the Royal Flagship.

"After all, my Lord, we can none of us add to or detract from His Imperial Majesty's words We both have a serious and difficult part to play, and our business is to go into it believing that we shall succeed. We stand at the threshold of a great undertaking, and the best way in which we can prepare ourselves to lay hands to it, is to search out our own hearts and resolve earnestly that so far as lies in us it shall not fail."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, we are grateful to the Hon'ble Sir William Marris for the assurance he has given us on behalf of the officials. I am glad that Mr. Sinha has given us an opportunity of expressing to His Majesty our feelings of loyal devotion and an assurance on behalf of the people and the officials that mutual co-operation and good-will would be forthcoming in launching the new Scheme of Reforms and in trying to make it a success. We are prepared to let by-gones be by-gones as far as may be, and we shall try to realise the necessity for practising the precepts which have been set out so graciously in the Proclamation for our guidance. If in this country we had parties and party leaders it would not have been necessary to make more than one or two speeches, but under the present circumstances every presidency, every community, is expected to voice its feelings, to say what it understands to be the underlying spirit of this Proclamation, in order that the message may go forth to the throne, a united message from officials and non-officials alike of promise of good-will, unity and harmony. It is for this reason that I crave your indulgence when I speak for a few minutes on behalf of Madras and on behalf of the Andhra community. I associate myself heartily with the Resolution and why do I do so? Because for the first time has been laid down the principle that the people of India have a right to direct their own affairs and to safeguard their own interests. That is the noble message of this Proclamation, and it has been for the first time recognised by Statute as well as by Royal Proclamation. We have now an authoritative exposition of what the King understands by the Reform 3-6 P.M.

Act which has been placed on the Statute-book; we have an authoritative exposition of the principles underlying the British Parliament's attitude towards and relations with India. We have read the Royal assurance that the Act is meant to confer upon the people as a first step a definite share in the government of this country. Whatever the critics of the Act may tell me, I shall tell them that any other interpretation conflicting with the devolution of a definite power would be wrong, unmeaning and *ultra vires* and that the bright future of the enjoying of the benefits of full responsible government is assured to us. We are grateful for the assurance that India's security against foreign aggression will be a matter of Imperial concern and pride. We appreciate fully the spirit of that passage, the underlying meaning of it and we may assure His Majesty that India will be equally forward in considering that the safety of the British Empire will be the foremost concern of the Indian people also. There is one other matter to which I desire to allude. We are grateful that a machinery has been set up by which the Indian Native States and the British Empire in India can work together in the consideration of questions of common concern. It is in that light that we the people of India welcome the formation of the Chamber of Princes. Now, my Lord, after what has been said here, it is unnecessary on my part to assure His Majesty that when the Prince of Wales sets his foot on India's soil, from every part of the country there will go forth to him a welcome unparalleled in its past history, a welcome not less sincere and not less grateful than was or may be accorded to him by any other Dominion in the British Empire. Something has been said in the course of this debate with regard to the Reform Act. I would ask your Excellency and the Government of India to bear with the people if in the midst of turmoil and trouble and in the absence of full information they are unable to appreciate fully the share of your Excellency and the Government in the passing of the Reform Act. I am sure that when the days of controversy are over satisfactory rules are framed and the machinery is in full working order, India will be in a position to accord to your Excellency and the Government their due share, their due meed of praise in placing this reform measure of legislation on the Statute-book. Meanwhile, let me express my firm conviction that but for the attitude taken up by the Government of India and you, my Lord, in particular, the Reform Act of 1919 would not have come about for sometime to come, in whatever shape it may have emerged then, I therefore whole-heartedly associate myself with the Resolution."

3-14 P.M. **The Hon'ble Dr. Tej Bahadur Sapru**:—"My Lord, I desire to thank my Hon'ble friend Mr. Sinha for having given this Council an opportunity of expressing their thanks on such a momentous question as this. I contend that Mr. Sinha never intended to minimise the importance or significance of the Royal Proclamation, by omitting any reference to the amnesty or the other important features. Knowing Mr. Sinha as I do, I know that his object was to lay particular stress upon one or two items, I hope I am not misquoting him, that he intended to devote his attention to the more prominent features of the Proclamation. There is no doubt that every member of this Council, every politician in this country has been speaking of this Proclamation as a State document of the highest possible importance. This is not for the first time in the British rule in India that the King has chosen to address the people. We well remember the Proclamation of the year 1858 which has been always associated and will continue to be associated with the honoured name of Queen Victoria. That message was given to the people of this country after they had emerged from a terrible struggle. Now, my Lord, the message which has now been sent to the people of this country comes at a supreme moment in our history. We all know that during the last three or four years we have been passing through a phase of agitation which has been characterised as being sometimes bitter and disingenuous. Now it is at a juncture like this that the Royal word has been uttered. My Lord, I should think, if you consider the inherited tendencies of the people of this country, you will find that for one man who talks of the Government of India Act of 1833 or of 1858, there are 99 men who still talk of the Proclamation of 1858. Similarly, it seems to me that twenty-five years hence, while the average man will not be able at once to point to the year when the recent Reform Act was passed by Parliament, every man will be able to point back with pride and gratification to the Proclamation which has been issued recently by His Majesty the King. The thread of devotion and loyalty to the Crown has always been running right through our history, and it seems to me that whoever was responsible for making this suggestion, he must be congratulated, for the Royal Proclamation seems to me to be a stroke of genius. You may find fault with the Reform Act. It may be that there are some politicians in this country to whom the Reform Act is what the red rag is to the bull. It may be that the Reform Act is disappointing, unsatisfactory or unacceptable, you may find fault with the Act, but, my Lord, I have yet to know whether there is a single individual among the 315 millions of the people of this country who will venture to treat the Royal Proclamation in the spirit in which it is possible to treat the Act, even though it may happen to have been passed by Parliament. It is on these grounds that I particularly welcome the Royal Proclamation, for let us not forget as one very great constitutional writer has said that 'it is the happiness and glory of British Constitution that the Crown stands above and beyond foreign politics.' Therefore, the principle of self-government has now been conceded not merely by an Act of Parliament, but also by the Royal word, and the Sovereign's word stands applied to it, and howsoever democratic we may be now, howsoever democratic we may be in future, we cannot get over our faith, our implicit faith, in the sanctity of the Royal word. It is for that reason that I, as an Indian, attach particular importance to this Royal Proclamation.

"Now, my Lord, I do not wish to enter into any discussion of the merits or demerits of the Reform Act. So far as I am concerned, every one knows that I have been a strong supporter of the Montagu-Chelmsford Scheme and also a strong supporter of the Bill as it has been passed by Parliament. I think, therefore, it would be perfectly useless for me to refer to that. I will only content myself by saying to those who think that the Reform Act is disappointing, that although it may not give us everything that they wanted or we wanted, yet it gives us a substantial measure of self-government in the living present, and a very earnest promise and pledge of the remainder to follow in course of time. My Lord, if I may be permitted to say so, it took us nearly thirty years to formulate our political ideal. For twenty-five years what were we doing? We wanted individual reforms in the administration of the country, or we wanted the introduction and expansion of representative institutions in the country, but it was during the period of the war that the national ambition and aspiration of the country found a concrete expression in the demand for responsible self-government for the country. That demand has been most authoritatively met not merely by the famous announcement of 20th August 1917, not merely by the Act of Parliament, but also by the Royal word of the Sovereign to which we Indians attach so much importance. It may be that we are not still in the promised land, but we are very near it, at any rate That is my belief and that is my faith, and we may not have to wait as long as some people think before we actually enter the promised land. But, meanwhile, my Lord, I am not one of those who believe that once the Statute has been passed or the Proclamation has been issued our difficulties are over. Personally, I am one of those who think that we are at the commencement of our difficulties now. So far, we, the educated classes in this country, have been indulging in criticism, I believe honest criticism, of the bureaucracy in this country. But now the time has come when we must be prepared to share the criticism with the bureaucracy, and those of us who thought that if we were in power we could have ushered into existence the millenium in no time when a sun-dried bureaucrat had failed in spite of his efforts, will now realise the seriousness of the situation when they are face to face with concrete problems of administration. This does not mean that I am hopeless or that I have not faith in the capacity of my countrymen. My Lord, if this country has produced during the last thirty years men like the late Mr. Justice Ranade, like one of the most distinguished members of this Council—I refer to the late Mr. Gokhale, if this country has produced men like Lord Sinha of whom we are genuinely proud, I see no reason to despair that the future has in store for us men of the same type and probably with greater and higher ideals. But, my Lord, I also realise fully the significance of the message which His Majesty has been pleased to send out to us, and I do not think that it is possible for any one of us, speaking on an occasion like this, to light-heartedly treat that word 'co-operation'. Well, as my friend Mr. Sinha said, 'co-operation' was a word frequently used before the Reform Act was passed and before the Royal Proclamation was issued. But I believe with my friend Mr. Sinha that in the past 'co-operation' did not bear the same meaning to the non-official mind as it did to the official mind What we want now is real, genuine and honest co-operation between one section of the community and another, between the officials and non-officials. We have had this afternoon an illustration of the spirit which is now going to permeate this country. The Hon'ble Mr. Crum and the Hon'ble Mr. Paton, representing their communities, have extended to us the hand of good fellowship, and let me assure them on behalf of the Indian community that they will not find us wanting or slow in grasping their hand, for although my claim to be a nationalist may be contested in certain quarters, I do believe, my Lord, that the basis of true nationalism in this country must be the recognition of the fact that the India of the future is not going to be the India of the Hindu or the India of the Muhammedan or of the European, but the India of all of them taken together. Now, my Lord, it is in that sense that I should like to approach the whole question of co-operation. Co-operation, however, does not mean that all criticism should be stifled. Probably criticism will be there and will be keener in future, but it is the underlying spirit which matters; it is not the criticism really which so much matters; we may criticise to destroy, we may criticise to construct, but it all depends upon how and in what spirit we criticise Therefore, my Lord, we have no doubt that the sentiments which have been expressed this afternoon are very encouraging. It has been said with regard to the Civil Service, 'Oh, well, but the Civil Service is not going to co-operate with us' My Lord, if I may be permitted to say so, when I was working on the Reforms Committee, I happened to be associated with three or four sun-dried civilians. We started with a great deal of suspicion against each of them in the beginning. But, my Lord, as month passed after month, I began to realise that the civilian was after all not so bad, and probably he began to realise that the so-called Indian agitator was not so foolish or so dangerous as he had been supposed to be, and in the end what did we find? We found that there was a free, honest exchange of views between one member and another, and although it is not true to say that we were agreed on all possible questions, yet, whenever we disagreed, we thought it was possible that there might be something in the opposite view. My Lord, it is because we have kept aloof from each other so far that we have been in the habit of misunderstanding each other. My Lord, I venture to think that when we come near each other and when we begin to work with each other, we shall find that a new spirit will pervade the entire administration, and that the civilian will consider it as much his pride and privilege to render an account of his conduct to the electorate in this country, and it will be our pride and privilege to render a true and faithful account to the electorate. But after all if responsible government has any true meaning about it, it will not be the government of any oligarchy, howsoever able or distinguished it might be, but it must be the government of the people at large, and I believe that it will be recognised on all hands that the true test of our success will be to what extent we are able to give satisfaction to the people whose interests will be in our charge and to what extent we earn their good-will. On these grounds, my Lord, I strongly support the Resolution of my friend Mr. Sinha."

3-30 P.M. **The Hon'ble Mr. K. V. Rangaswami Ayyangar**:—"My Lord, speaking on behalf of the Zamindars and Ryotwari Landholders of the

Madras Presidency, I heartily join in tendering grateful thanks to His Imperial Majesty. His Majesty's gracious words, pregnant with genuine solicitude for the hapless people of India, have come not a moment too soon as a balm for the afflicted hearts. The House of the late Queen of revered memory has always shown generous affection and consideration for the Princes and peoples of India, and His present Majesty has maintained the traditions of his House in a manner which will entitle him to the gratitude of posterity in no ordinary measure.

"We have noted with grateful satisfaction the instantaneous change consequent upon the Royal Proclamation, in the surcharged atmosphere of the country which has reassured us that we are not left in the lurch. For some years past there was growing a feeling in India which was akin to unredeemed pessimism, and each was saying to the other 'Is our poor country beneath Royal notice? Is this a no-man's land?' It is a fact subject to no doubt that in a country, bereft of the fostering care of the King, the happiness of the people is nobody's special concern. However, we are now rejoiced to discover that we are not a forlorn people.

"The love effect of the Proclamation can be appraised only by comparing the general state of the country immediately before and after its publication. Who can fail to recall the dark pessimism of the people, which was turned, as if by a magic wand, to a revival of hope, dignified cheerfulness, and gratitude. The Proclamation came like gentle rain from heaven to slake the thirst of parched up fields to make the seedling shoot up and look upwards instead of being downcast.

"Let me not dwell on the dismal chapter of events preceding the Royal Proclamation. I have adverted to it with the object of emphasising the effect of His Imperial Majesty's gracious action. It undoubtedly is the dawn of a new, and let us devoutly hope, a happy Era.

"Your Excellency has, in the universal demonstrations of grateful rejoicings in the country, a sure proof that we, Indians, who have been described as irreconcileables are not wholly so. We have not abandoned our genuinely oriental traits; a modest display of kindness and the conferment of insignificant favours can bow us with a load of gratitude. We seem truculent, when despair goads us into sullenness, but really we are a great deal more susceptible to kindness than most people not fully familiar with us can imagine. But I am sure your Excellency has no longer any doubt that nothing is easier than satisfying the Indian politician and his followers. Many have attempted to probe into the psychology of the Indian temperament for the universal rejoicings, but I may be permitted to observe that we are not like creditors of an insolvent firm who are satisfied with one anna in the rupee, and it would also be unkind to conclude that the spirit of the village Bazarman of over-rating wares and demanding a big price with the object of successful huckstering permeates the Indian politicians and that they always overstate their case. Our irreducible minimum remains unaffected. We reiterate the demand formulated by the nineteen members of this Council as our demand has all the moral sanction on its side, and we feel that it cannot be legitimately withheld. But now we have ample reasons for our present attitude feeling highly grateful to our Sovereign for our status has been recognised, and the goal of British policy has been announced, for which our thanks are due to your Excellency and we are made to feel that we are no longer a forlorn people. More than all, the gracious grant of clemency to political offenders has given us a genuine outburst of joy. But I have to say that the exercise of Royal clemency must be on a Royal scale to satisfy the hopes raised by the Proclamation Let the land overflow with gratitude, and let all bitterness be submerged in kindness. It is a golden opportunity for statesmanship to sweep off all political blunders and misunderstandings with a view to let the new Era be a reality and not a mere phrase. Various parts of India are still agitated over certain people's detention whose release must be a definite source of pacification.

"My Lord, it is a matter of profound satisfaction to us all to find that the Punjab happenings of April last have at last engaged the attention of the

British public. My Hon'ble friend Mr. Surendra Nath Banerjea has taken the Hon'ble Mr. Sinha to task for not including certain items, and I have to blame him for not thanking the British public and the British press for ventilating the Punjab occurrences and for showing a great solicitude in our welfare. It is a matter which has strengthened our faith in British fairness and justice, and has saved us from what threatened to be a disappointment. We can now hope to see justice done in due course.

"The Proclamation has not merely served to strengthen the bonds between Great Britain and India, but has deepened the people's affection for the Sovereign. Staunch loyalty to the Crown is an inherited virtue of the oriental, and is so deeply ingrained in his nature that Indians are shocked at the behaviour of our late enemies to sign away the sacredness of their Emperor's person. Our affection to the person of the Sovereign is never of this time-serving type and is characteristic of the mighty nation.

"Coming to the question of co-operation, I feel that it is our duty to obey His Majesty's injunction loyally to its fullest extent without allowing the plastic rules of interpretation to alter the spirit of the King's pronouncement.

"His Imperial Majesty has offered us all another opportunity to retrieve all past errors and to begin the work of Indian re-generation in a spirit of cordial co-operation, and I have no hesitation in saying that whosoever, whether an official or otherwise, is guilty of disrespect to the Royal word is guilty of a very grave infraction, little short of treason. Let us all join in promoting reciprocal amity and good-will for the benefit of India which feeds and maintains us and to which we owe an inviolable duty."

3-39 P.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I think I have every reason to congratulate myself on the trend of the discussion on the Resolution I have had the honour to move to-day. Barring a few trifling criticisms, the tone of the debate has been in approval of the lines on which I placed the Resolution before this Council. I shall, therefore, be very brief in these my final observations. My thanks are particularly due to the Hon'ble Sir William Marris, who spoke on behalf of your Lordship's Government, for the view he took alike of the Resolution and the speech I made in explaining it. He was certainly right in thinking that my intention in reading the whole of paragraph 5 of His Majesty's Proclamation was to show that the responsibility created was not at all one-sided. I certainly accept the position that the responsibility cast upon non-official Indians is now as much, if not greater, than that on the officials, and I am grateful to Sir William for taking that sympathetic and correct view in regard to my submissions on this particular point.

"Next, I desire to thank my esteemed colleagues the Hon'ble Mr. Crum and the Hon'ble Mr. Paton for the assurance they have given, that whatever their attitude may have been in the past towards Indian reforms and Indian problems, whatever their view of the Government of India Act when it was a Bill, now that the measure has received the Royal assent, they, as the representatives of the most influential section of the British non-officials in the country, will do all that lies in their power to make the Act a success by co-operating with the Indians, as His Majesty expects them to do. This assurance, my Lord, will certainly go a long way towards improving matters, and in the light of it we are prepared to forgive our Indo-British fellow-subjects for their regrettable attitude in the past in keeping themselves aloof from Indian public affairs.

"I have now a word to say about the criticisms which have been made upon my Resolution by my esteemed friend and leader, the Hon'ble Mr. Surendra Nath Banerjea. I think—if I may say so—that the Hon'ble Mr. Banerjea was a trifle hypercritical in the attitude he adopted towards my Resolution. But I make no grievance of that. I have sat at his feet for the last thirty years, and it is his privilege as my political *guru* to take me to task for my real or alleged omissions. I find, however, that the Hon'ble Mr. Rangaswami Ayyangar also has found fault with me for my alleged omission in not having complimented the British press on its attitude in exposing matters connected with the Punjab embroglio. Well, then, all I can say is that when the Hon'ble Mr. Banerjea and the Hon'ble Mr. Ayyangar see eye to eye on any particular question,—even on my omissions—there is hope for Mother India.

"Coming specifically to Mr. Banerjea's criticisms, I must frankly state that I was guilty of a serious omission in not saying anything in my opening speech in regard to the visit of His Royal Highness the Prince of Wales. My explanation, which I am sure the Council will accept, is this. I had brought with me a cutting of His Royal Highness' speech at the Mansion House to show what a sympathetic interest he was taking in the affairs of this country, and I was going to say that India will accord him a right royal welcome when he comes here. It was only because I found my time was up that I did not refer to the matter. If in your Excellency's discretion as President any clause on the subject may be added to the Resolution, I shall be the first person to accept it. But in regard to the two other points on which Mr. Banerjea found fault with me, I have, after a careful consideration, to state that I cannot see my way to yield to his contentions on them. The first was about the amnesty. Although as I said, the amnesty, is at present a very important matter, yet I did not feel justified in bringing it up as a part of my Resolution, because, after all, it is a matter of ephemeral interest. Mr. Banerjea's other criticism that I did not thank certain gentlemen, including your Excellency, for the part taken by your Excellency and those others in the framing of the Reform Scheme, seems to me even more untenable. I must frankly state that your Excellency being in the chair, it is placing me at some disadvantage by raising personal issues. But I may say at once that it never occurred to me, nor does it occur to me now even after hearing Mr. Banerjea, that I have been guilty of any impropriety in not thanking certain gentlemen.—His Majesty's subjects—when I am bringing up a Resolution thanking His Majesty himself . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"My Lord, I rise to a point of order. I did not use the word impropriety. I should be very sorry to use that word in regard to Mr. Sinha's Resolution. I used the word omission, and I think it is an exceedingly mild word to use in connection with any Resolution or statement." 3-14 P.M.

The Hon'ble Mr. Sachchidananda Sinha:—"The Members of this Council are quite aware of the mildness of Mr. Banerjea's criticism, but after his explanation I make no grievance of it. My submission is that I yield to none in my admiration for the gentlemen who have been instrumental in bringing about the reforms, but I submit that there is a time and place for everything, and it did not and does not strike me that this was the right time to do so. If Mr. Banerjea will care to bring up a Resolution on the subject I shall be as willing as he is to render unto Caesar the things that are Caesar's. I do not think I shall be justified in detaining the Council any longer, and with these few observations, I shall ask the Council to accept this Resolution".

The Resolution was put and adopted.

The Council adjourned to Wednesday, the 4th February 1920, at 11 A.M.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 5th February, 1920.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 4th February, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 59 Members, of whom 51 were Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation of allegiance to the Crown :— 11-5 A.M.

The Hon'ble Sir Thomas Holland, K.C.S.I., K.C.I.E.

„ Mr. Phillip James Griffiths Pipon, C.I.E., M.C.

„ Haji Chaudhuri Muhammad Ismail Khan.

QUESTIONS AND ANSWERS.

The Hon'ble Rai Sita Nath Ray Bahadur asked :— 11-8 A.M.

The establishment of the Indian Trade Commissioner in London.

1. "What is the annual cost of maintaining the establishment of the Indian Trade Commissioner in London ?"

The Hon'ble Sir George Barnes replied :—

"The cost of maintaining the establishment of the Indian Trade Commissioner in London during the year 1918-19 amounted to £4,853-13-3."

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

Settlement of Indians in British Guiana.

2. "(*a*) Have any proposals been made by the authorities of British Guiana to attract Indians to settle in that country temporarily or permanently with a view to develop it?

(*b*) If so, what are the proposals and what do Government propose doing in the matter?"

The Hon'ble Sir George Barnes replied:—

"His Excellency has dealt with the subject-matter of this question in his opening speech. He proposes, as the Hon'ble Member will have learnt, that the scheme put forward by the authorities in British Guiana to attract Indians to settle in that country should be considered by a Committee of this Council and their conclusions reported to this Council. A Resolution will be proposed later to-day by the Hon'ble Mr. Surendra Nath Banerjea.",

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

Safeguarding interests of Indians in East Africa.

3. "(*a*) Have Government any information about the proposed Undesirables Ordinance of the East African Protectorate?

(*b*) Do Government propose to take necessary steps to safeguard the interests of Indians in the Protectorate?"

The Hon'ble Sir George Barnes replied:—

"The Government of India have not received official information about the proposed removal of Undesirables Ordinance of the East African Protectorate, and we have no right to assume that the word undesirables connotes and is limited to Indian subjects.

They have, however, already addressed the Secretaiy of State for India on the subject, and have expressed the hope that in the absence of the Governor of the East African Protectorate, no anti-Indian legislation will be passed through the Legislative Council, and that no action detrimental,to Indian interests will be taken pending the discussion with Lord Milner in London."

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

Enhancement of parcels rate at several important stations on the Eastern Bengal Railway.

4. "(*a*) Is it a fact that the rate for parcels to several important stations on the Eastern Bengal Railway has recently been considerably advanced causing great inconvenience to the general public?

(*b*) If the enhancement is due to the connected steamer companies having introduced a separate higher scale of charges over their steamer services, do Government propose to take necessary steps to bring the rates down to the previous level?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) There has been no alteration in the parcels rates on the Eastern Bengal Railway.

(*b*) The steamer companies having through-booking arrangements with the Eastern Bengal Railway enhanced their charges with effect from the 1st June, 1919. Government have no control over the rates charged by the steamer companies, and the reply to the second part of the Hon'ble Member's question is accordingly in the negative."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

The Provincial Judicial Service in Bengal.

5. "(*a*) Have Government received all the recommendations of the Government of Bengal on the scheme of reorganisation of the Provincial Judicial Service in Bengal?

(*b*) Have any orders been passed on the said recommendations or are Government still considering them?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The views of the Government of Bengal on the recommendations of the Public Services Commission relating to the Provincial Judicial Service have been received.

(*b*) No orders have yet been passed, but proposals in regard to pay of the Provincial Civil and Judicial Services of Bengal and of other Provinces also were submitted to the Secretary of State on the 9th December last. Other questions connected with these Services have recently been referred to him. The Bengal Government's proposal for an increase of their judicial cadre has been deferred pending decision on the general question of reorganisation."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Treatment of Indians in South Africa.

6. "Do Government propose to lay on the table the correspondence, if any, with authorities in England and South Africa in regard to the appointment of members of, terms of reference to, and procedure of, the Commission concerning the treatment of Indians in South Africa?"

The Hon'ble Sir George Barnes replied :—

"Such correspondence as has taken place is of a confidential nature, and the Government therefore do not propose to lay it upon the table."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Unification of the laws of the Empire re Patents, Merchandise, etc.

7. "(*a*) Has the attention of Government been drawn to the Resolution of the British Imperial Council of Commerce urging the unification of the laws of the Empire regarding Patents, Merchandise marks, etc.?

(*b*) Have Government had any correspondence with the Secretary of State about this matter?

(*c*) If so, will it be placed on the table?"

The Hon'ble Sir George Barnes replied :—

"The attention of the Government of India has been drawn to a Resolution passed at a special Business Conference of the British Imperial Council of Commerce on June 4th, 1919. The Resolution ran as follows :—

> 'That considerable economies in time and expense would be acomplished if various laws of the Empire were unified, especially in regard to—
>
> (*a*) the constitution and registration of firms and companies;
> (*b*) the liquidation and winding up of companies;
> (*c*) bankruptcy of private firms;
> (*d*) merchandise marks;
> (*e*) patents, trade marks and designs;
> (*f*) copyright;
> (*g*) the description and labelling of foodstuffs and drugs;

and that representations be addressed to His Majesty's Government and the Governments of the Dominions urging that the subject of the unification of commercial laws be considered by the Imperial Conference.'

The Government of India have had no correspondence with the Secretary of State relating to this Resolution."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The Arms Act.

8. "(*a*) Is it the policy of the revised Arms Act Rules to remove all racial distinctions in the matter of exemption under the Act?

(*b*) In the revised rules published in the Gazette of India - Extraordinary of the 1st January, 1920, does not clause 9 of Schedule I exempt every officer holding a commission from His Majesty, every Officer of His Majesty's Forces, every person who has been registered under the Registration Ordinance, 1917 (I of 1917), and every Warrant Officer or Staff Sergeant of a British Unit of His Majesty's Army (including a Staff Sergeant or Warrant Officer who is an instructor of an Indian Defence Force Corps) from all prohibitions under the Arms Act ?

(*c*) Does such exemption extend to the Indian ranks of the Army and the Indian sections of the Indian Defence Force, and can any Indian come under the class of persons registered under the Registration Ordinance of 1917 ? If not, will Government consider the propriety of removing the racial distinctions involved ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes.

(*b*) The Hon'ble Member has apparently misunderstood the purport of entry (9) of Schedule I of the Indian Arms Rules, 1920. The classes mentioned in that entry are exempted only in respect of single-barrel rifles of ·303 bore required for match-shooting purposes, and the exemption is subject to the provisos and restrictions specified in column 3 of the Schedule. The intention of the entry was merely to protect from confiscation the present possessors of match-shooting rifles. There has been no match-shooting since 1914, and it is improbable that match-shooting rifles will be permitted in future rifle competitions. When this question has been decided, the necessity of amending the entry will be considered.

(*c*) The exemption extends equally to all members of the classes named in the entry, irrespective of their race. It does not extend to the Indian section of the Indian Defence Force. The Registration Ordinance of 1917 does not apply to Indians; only European British subjects were required to register themselves under that Ordinance."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Memorial of Telephone Operators, Eastern Circle.

9. "(*a*) Have the Government telephone operators of the Eastern Circle submitted a memorial to His Excellency the Viceroy setting forth certain grievances ?

(*b*) Is it a fact, as stated in this memorial—

(*i*) that they have to work for 56 hours during the week, including Telegraph office holidays and Sundays and have also to perform night duties without any overtime allowance ;

(*ii*) that the increase in their pay lately sanctioned under the revised scheme has immediately been curtailed ;

(*iii*) that promotion is not made in accordance with seniority among all the operators in the Circle but according to a system of grading the operators of each Exchange by themselves—with the result that a junior operator of one Exchange is promoted to a higher grade in supersession of a senior operator of another Exchange in the same Circle ; and

(*iv*) that their service has been made non-pensionable ?

(*c*) Do Government propose to consider these grievances and direct that the service of the present operators at any rate should continue to be pensionable and to sanction pay at the same time-scale rate (Rs. 35—5—130) as that of the signal room clerks ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The first memorials from Government telephone operators of the Eastern Circle reached the Director General, Posts and Telegraphs, on January 10th, 1920.

(*b*) (*i*) In small Exchanges, open always, where only three operators are employed owing to the lightness of the work, the average weekly duty throughout the year is 56 hours. In the more heavily worked Exchanges where a larger staff is necessary the hours are less. Ordinary night duties without overtime are required from operators as part of the conditions of their service. Government have recently authorised the Director General to grant overtime and a standard period of duty is now being considered.

(*ii*) The rates of pay were in a few cases modified subsequent to the introduction of the revised scale to meet the local requirements of the different Exchanges. In every case the rates finally sanctioned were higher than those originally in force.

(*iii*) The staff of each telephone system is retained on a separate cadre at varying local rates of pay because conditions of work vary considerably in different Exchanges.

(*iv*) The service was made non-pensionable with effect from March 1st, 1919, but the pension rates of men already in the service were safeguarded.

(*c*) The Government of India will consider any recommendations which the Director General, Posts and Telegraphs, may make as the result of these memorials."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Venereal diseases

10. " Have any Local Governments taken action on the lines recommended by the Royal Commission on venereal diseases which, as was stated by Sir Sankaran Nair in reply to a question by the Hon'ble Sir Fazulbhoy Currimbhoy on the 20th September, 1917, were commended to the Local Governments ? "

The Hon'ble Mr. Shafi replied :—

" The Hon'ble Member's attention is invited to the reply given by the Hon'ble Sir Sankaran Nair to the Hon'ble Sir Fazulbhoy Currimbhoy's question on the same subject on the 20th September, 1917. Information regarding the action which Local Governments might take was not called for and hence is not available. Certain alterations in the statistical tables of the working of Hospitals and Dispensaries are under consideration, so as to elucidate more clearly the incidence of venereal diseases throughout British India. The Hon'ble Member will be interested to learn that a league for combating venereal diseases was formed in the city of Bombay in March 1917, and, through the generosity of the Western India Turf Club, which gave a donation of R30,000, has established a dispensary in the city. The dispensary is reported to be doing exceptionally good work. The expenditure of the League is between R20,000 and R25,000. The Bombay Municipal Corporation gives an annual grant of R7,500 and the Local Government an annual grant of R15,000. Action for coping with these diseases has also been taken by the Dufferin Fund Association and, it is understood, by other authorities."

The Hon'ble Sir Gangadhar Chitnavis asked :—

The Russian Bolshevik Forces.

11. "In view of several telegrams appearing in the papers about Russian Bolshevik forces trying to make their head-quarters in mid-Asia and the influence they are thus likely to have on Indian politics, will Government be pleased to state their policy in that connection, and what steps Government intended to take to meet that contingency ? "

The Hon'ble Mr. H. R. C. Dobbs replied :—

" The Government of India are fully alive to the importance of excluding Bolshevik influence from India and have for some time been engaged in measures for that purpose. It would not be in the public interest to state what those measures are."

INDIAN CENSUS BILL.

11-16 A.M. **The Hon'ble Mr. Shafi** :—"My Lord, I beg to move that the Bill to provide for certain matters in connection with the taking of the Census be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mr. Sharp, the Hon'ble Sardar Sunder Singh, the Hon'ble Nawab Nawab Ali Chaudhuri, the Hon'ble Mr. Sinha, the Hon'ble Mr. Allen and myself."

The motion was put and agreed to.

INLAND STEAM VESSELS (AMENDMENT) BILL.

11-17 A.M. **The Hon'ble Sir George Barnes** :—"My Lord, I beg to move for leave to introduce a Bill to amend the Inland Steam-vessels Act, 1917.

"The reason for this Bill is the introduction by the Board of Trade of a new formula for determining the nominal horse-power of marine engines. This new formula expresses the power of engines with more accuracy than the old formula, and we think that it ought to be made applicable to inland steam-vessels in India.

"The result of adopting the new formula will be to raise the nominal horse-power of engines. As an example, the engine of 80 horse-power under the old formula becomes, under the new formula, an engine of about 100 horse-power.

"Thus the result of adopting the new formula without amending the Act would be to preclude masters and engineers, who have held charge of vessels for years and who are fully competent, from holding charge any longer. This would obviously be unwise and unjust, and it is consequently proposed to amend the figures of nominal horse-power given in sections 25, 26 and 27 of the Inland Steam-vessels Act, 1917.

"At the same time, the Bill proposes to give Local Governments power to relax to some extent the stringency of the conditions laid down in the Act so as to enable persons holding second-class masters' certificates or first-class engine-drivers' certificates granted under the Inland Steam-vessels Act, or engine-drivers' certificates granted under the Indian Steam-ships Act, 1884 (VII of 1884), to be licensed, in certain circumstances, as masters or engineers of vessels having engines of a somewhat higher nominal horse-power than the existing law allows. The conditions under which such licenses are to be granted are stated in clause 2 of the Bill.

"The amendments in clauses 3 and 4 are purely consequential. Clauses 5, 6 and 7 make the necessary amendments which are consequent on adopting the new formula. Clause 8 gives a rule-making power with regard to the grant of licenses under clause 2, and clause 9 contains nothing but small consequential amendments."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—"My Lord, I beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

INDIAN SECURITIES BILL.

11-20 A.M. **The Hon'ble Mr. W. M. Hailey** :—"My Lord, I beg to move that the Bill to consolidate and amend the law relating to Government Securities be referred to a Select Committee consisting of the Hon'ble Sir

George Lowndes, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Sarma, the Hon'ble Mr. Moncrieff Smith, the Hon'ble Mr. Paton, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks and myself.

"I do not think, my Lord, that I need detain the Council with remarks at any great length on the proposed Bill. It was published in October last, and a letter which fully explained its objects was issued to Local Governments and to public bodies and a copy was also sent to each Member of this Council. Briefly, I may say that the existing Act of 1886 has now become obsolete in modern conditions. It served its purpose well enough when the only contributors to our loans were banks or large financial houses, but our policy of late years has been to endeavour to extend the sphere of our subscribers as far as possible; to bring small subscribers on to our loan lists wherever we can. In the loan of 1917 there were 157,000 subscribers, in the list of 1918, 230,000 It is obvious that we must provide greater facilities for these small subscribers than were necessary when the loans were confined to the banks or large financial houses.

"There are two other points for notice. We have decided to take powers to enable persons occupying public or *quasi*-public positions to hold securities, without such securities being entered in their own names, and also desire to provide in the Bill some summary procedure for settling disputed claims to promissory notes. In a technical matter of this nature, it is necessary that there should be a some wide rule-making power and we have, therefore, drawn up rules in advance which we propose to place before the Select Committee for their information."

The motion was put and agreed to.

CHARITABLE AND RELIGIOUS TRUSTS BILL.

The Hon'ble Sir William Vincent:—"My Lord, the Bill on which I am about to address the Council is one that I introduced last September, and I then explained its provisions in some detail. In my judgment it is a measure which is much overdue and has been long demanded by educated opinion in this country. I believe also that, even if it goes a small way to assist those who are anxious to prevent the misappropriation of public trust funds, it will serve a very beneficent purpose. My Lord, I think I am right in saying that, when I introduced this Bill, there was not a single dissentient voice here; and from conversations and discussions outside the Council, I had reason to believe that the measure commended itself to many Hon'ble Members. It has now been circulated for examination by Local Governments, and I may say that general opinion is strongly in favour of our proposals. I think I ought perhaps on a subject of this importance to give the Council some of the leading opinions. The Central Provinces Administration say that the Bill was welcomed with hardly a dissenting note. The Bengal Government report practically no objection from any of those consulted, and further that the view was expressed that there was nothing in the Bill which was repugnant to religious sentiment. Assam supports the Bill. Bihar and Orissa also approve it and say that it has been very well received there; Burma approves of it. Bombay reports that well-informed Indian opinion is in favour of it. There are, however, some Local Governments that do not take this view. The Government of the Punjab thinks that the Bill is in advance of public opinion. I doubt if that is correct myself, but if that is so, it would be possible to arrange that the Punjab should be excluded from the area in which the Bill applies *proprio vigore*, and it may be extended to that province later, if necessary. The Chief Commissioner of Delhi also is not in favour of the Bill. The Government of the United Provinces suggests that the matter should be deferred until there is a larger and more representative Council, and Madras is anxious to deal with the subject entirely by local legislation. But even in these provinces from which this note of dissent has come there are many authorities and associations which 11-24 A.M.

have approved of the provisions of the Bill. Indeed, there is amongst some an idea that the Bill does not go far enough. When I introduced the Bill in Council, I explained that it was by no means intended that this should be a comprehensive measure for dealing with these Trusts. We have left to Local Governments and Provincial Councils complete latitude to deal further with these Trusts in any manner they think fit, subject at present to certain limitations which the Secretary of State has imposed, and I hope, in view of the hostile opinions to which I have drawn attention, that Members of this Council will realise the difficulties in the way of introducing a more comprehensive All-India measure, one that would give us stricter powers of control. It is, however, open to any Member now to promote a Bill which gives additional powers of control, but with the existing form of government, I suggest to the Council that the present Bill goes far enough. It is not the intention of Government to force this Bill through the Council. If there is a decided majority of non-officials against it, then I shall make no further motion in respect of it. Official Additional Members in this Council also have complete freedom in the matter of speaking and voting on this Bill as they like. My own hope is that it will commend itself to the Council, for though it is a very simple measure it will, I hope, have far-reaching effects for good in many ways. I sympathise very much with the view of those who would go further. I should like, my Lord, to explain the position of Government in this matter, and why we do not go further. When I took up the question I found that the scheme of the present Bill had been threshed out after very careful and prolonged consultation, both with non-officials in this Council and with the Secretary of State. I was, therefore, left in this dilemma that if I wanted to introduce a more comprehensive Bill I should have had first of all to convince my Colleagues that it was safe to do so without again consulting the non-officials, and then I should have had to convince the Secretary of State. The India Office has been at times, as Members of this Council are aware, very conservative in dealing with these Trusts. I should also have to meet a certain amount of opposition from the conservative section of the people In these circumstances, and bearing in mind the fact that Provincial Councils are left free to deal more completely with this matter, I thought it was advisable to introduce the Bill in its present form. My Lord, I do not propose to discuss the details of the measure at this juncture; the views put forward will be very carefully examined in the Select Committee.

"Many of these criticisms are indeed of great weight. I have now only to say that, though I have left this matter to an open vote, I sincerely hope that this Bill which goes some way to prevent the really scandalous misappropriation of public trust money which goes on at the present moment, that this Bill which has been supported by the educated opinion throughout the country, will commend itself to Members of this Council.

"I move, my Lord, that the Bill to provide more effectual control over the administration of Charitable and Religious Trusts be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mir Asad Ali, the Hon'ble Mr. Muddiman, the Hon'ble Mr. Khaparde, the Hon'ble Mr. Banerjea, the Hon'ble Pandit Malaviya, the Hon'ble Mr Marjoribanks, the Hon'ble Mr. Sinha, the Hon'ble Mr. Kincaid, the Hon'ble Mr. Casson and myself."

11-31 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"My Lord, I beg to move the amendment which stands in my name and which is as follows:—

'That the motion to refer the Bill to a Select Committee do stand over till 1921.'

"My Lord, I may tell the Council at once that I move this amendment because I feel that the Bill does not go far enough. We want control, real control, over the administration of religious and charitable trusts, and power to prevent waste and maladministration and misappropriation of trust funds which now goes on very largely. We want means for the removal of dishonest and unscrupulous trustees, managers, mahants of temples and the like who are now disgracefully, shamefully squandering or misappropriating the funds of such religious endowments and doing wicked things in the name of religion. Of course, my remarks apply to Hindu shrines as I have no knowledge of the shrines of other communities. This is what is wanted, but I do not think that the remedies proposed in this Bill will be of very great use to us. Speaking broadly, there are two remedies proposed by this Bill. One is, that any one interested in any Trust may move the Judge and through him obtain some information, and secondly, the Trustees of these Trusts may apply to the Judge for direction, advice and opinion. As regards the second remedy, I do not know if it is not of doubtful utility, it may even be mischievous. As regards the first, the mere fact that there will be in the Statute-book a provision enabling any one interested in any Trust to apply to the Judge and obtain information will be something but it will not go far enough. All the same, in spite of this information a suit will have to be filed against the trustees. This can be done even at present with a certificate from the Advocate General. At the same time, I do not feel that I should be justified in asking for a more drastic measure, for the incorporation of more stringent provisions in this Bill if this Bill is to be passed by the Council as at present constituted. It will not be expedient. That will be exposing the Government unnecessarily to public odium, and the unscrupulous trustees and managers will take advantage of the ignorance of the masses and the mohants and the managers have immense hold upon them being considered *tirtha-gurus* or religious preceptors at the shrines, and these trustees and managers will work on and exploit the superstitions and ignorance of the masses against the Government. I do not think it will be fair. The matter is really very urgent, no doubt, but we have allowed more than half a century to go by without taking any action. There has been non-intervention for 57 years, and I do not think it will do much harm if we would wait only one year more. A year hence there will be a more popular form of government in the Provinces, the Councils will be more representative of the opinions of the country. Therefore, my Lord, why not leave those people to take action in the matter and to propose what remedies they think necessary in each Province. That is my ground for moving my amendment, my Lord, and I am fortified in this by the weighty opinions of His Honour the Lieutenant-Governor of the United Provinces. The Council is aware that the United Provinces has got the largest number of Hindu shrines in Benares, Allahabad, Bindhachall, Hardwar, Rishikesh, Lachmanjhoola, Muttra and Bindraban. I think the opinion of His Honour the Lieutenant-Governor that the matter might be postponed and that it might be dangerous to let the Bill pass by this Council ought to carry weight. I also find that my Hon'ble friend Mr. Barron is of the same opinion. Speaking as Chief Commissioner of Delhi he supports it, and the Punjab Government goes further. On these grounds, my Lord, I submit that it will be wiser to let the matter stand over for one year. Subject to this amendment, I would like to make one or two observations on some of the provisions of the Bill. In the first place, I do not find the word 'Trustees' defined. I think it will be advisable to define 'Trustees'. . . .

The Hon'ble Sir William Vincent :—"May I rise to a point of order, my Lord? The Hon'ble Member is speaking on the provisions of the Bill, while he is actually moving an amendment that consideration of the Bill should be postponed. He will have an opportunity of speaking on the details of the Bill later and ought to do so then." 11-38 A.M.

The Hon'ble Mr. Kamini Kumar Chanda :—"I do not think I shall have an opportunity of discussing this matter in the Select Committee, so I thought I might submit one or two observations relating to the provisions of the Bill."

The President :—"The Hon'ble Member will have an opportunity, when his amendment is disposed of, of discussing this question on the motion that the Bill be passed."

The Hon'ble Mr. Kamini Kumar Chanda :—"Very well, my Lord. With these remarks, I submit my amendment to the Council."

11-39 A.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—"My Lord, I support the amendment moved by my Hon'ble friend Mr. Chanda. I am entirely at one with those who want that Religious Trusts and Charitable Trusts should be better administered. There has been a great deal of complaint and just complaint, that the noble objects of those who endowed these Trusts have in too many instances not been satisfactorily achieved, and there is a just complaint that there should be some better provision made to bring those who are responsible for the management of those Trusts to account. But, while I am heartily in sympathy with the principle of the Bill, while I wish that no unnecessary delay should take place in providing effective means for having the objects of the Trusts rightly carried out, I feel there is a great deal of force in the opinion expressed by His Honour the Lieutenant-Governor of the United Provinces wherein he points out for the consideration of the Government of India that the consideration of this Bill might be left over until the new Councils are re-constituted. Now, my Lord, the Government of Madras also said that 'the Governor in Council is of opinion that, if local legislatures are to be allowed to revise Act XX of 1863, the provisions of the present Bill might well have been left for consideration in connection with local Bills.' There is a great deal in support of this view. The Religious and Charitable Trusts are particularly matters which can best be dealt with by local Councils on which there will be representatives of various districts in the Provinces. I do not think that this is a matter which can be dealt with satisfactorily by the present Council. The conditions of these Charitable and Religious Trusts in the different Provinces vary, and the need for interference and the measures necessary to make the interference more effective will also probably vary. Therefore, I think that this is a matter which should be left over not merely till the representative Legislative Assemblies are constituted, but it might be left over to the Provincial Councils as they will be constituted under the Reform Act. No doubt there will be some delay, and it is regrettable, but as has been pointed out by several gentlemen who were consulted, this Bill proposes to make the procedure more easy and simple, but at the same time it has also been pointed out by some of those who were consulted, the Bill does not go far enough in the interests of several persons. If, therefore, as some people think, the measure should not be passed by this Council, and if, on the other hand, as some people think, the measure does not go far enough, that shows that this is a measure which might well stand over and considered by the re-constituted Provincial Councils, and one might expect that with the full knowledge which the local representatives will possess, they will be able to provide for a more effective measure for the honest administration of both Religious and Charitable Trusts. With these observations, I second the proposal of Mr. Chanda that the matter might well stand over until the re-constituted Councils, at least until the Legislative Assembly has been re-constructed As I have indicated, personally I think that this is a matter properly for local legislatures and it will be better if the consideration of this matter were left over for another year."

11-43 A.M. **The Hon'ble Mr. Sachchidananda Sinha:**—"My Lord, I have listened very carefully to the speeches of my Hon'ble friends, Mr. Chanda and Pandit Malaviya, and I am sorry to say that I have not been able to appreciate their point of view. I rise, therefore, to support the motion before the Council, and to oppose my friend Mr. Chanda's amendment. Mr. Chanda concedes that the Bill does not go far enough. That is also the view, I understand, of my esteemed friend Pandit Malaviya, but Mr. Chanda suggests that, in view of the fact that there will be a new Council sitting next year, this matter might be postponed till then. My Lord, I feel very strongly on this question of Religious and Charitable Endowments, and if I did not express my opinion in September last at Simla when the Bill was introduced by my Hon'ble friend Sir William Vincent, it was only because I thought that the matter did not require any tangible support from a member of the educated Indian community. The mismanagement of these Endowments by mahants, mutawalis and others throughout the whole country, has been a great scandal for the last fifty or sixty years, and I am very glad that the Government have at last made up their mind to move even partially in the matter. I do not think, therefore, it is desirable that this Bill should be postponed for those who will come into this Council hereafter. That Council will no doubt be a representative one, but I doubt personally whether it would be quite as good as this Council is to consider this matter. A representative Council does not necessarily mean that it will be more cultured and enlightened than we are, and, I think, we are quite—if not more—as capable, as cultured and as enlightened to deal with a non-controversial matter of this character as the Council to come.

"My friend Pandit Malaviya says that this matter should be left over for the Provincial Councils to decide. I agree; but it does not strike me that there will be the least harm done if the Government of India will give a certain amount of lead in this matter to the Provincial Councils. As my Hon'ble friend Sir William Vincent has pointed out, it is always open to the Provincial Councils to adopt the provisions of this Bill by such judicial adaptation as they may think necessary, regard being had to local conditions. I, therefore, strongly feel we shall be making a great mistake if in deference to the considerations urged by my two friends, Mr. Chanda and Pandit Malaviya, the passage of this Bill be postponed. It may be that in a matter like this the Local Government of Agra and Oudh are erring on the side of caution, but there is no reason why we should not be taking but one step in advance; and I think the attitude of the Hon'ble the Home Member is this, that in this particular matter, even if we cannot go far, we shall take one step in advance rather than leave the matter stand where it is. With these words, my Lord, I support the motion before the Council."

The Hon'ble Mr. Surendra Nath Banerjea:—" My Lord, I desire to accord my support to the Bill. I quite agree with my friends the Hon'ble Pandit Madan Mohan Malaviya and the Hon'ble Mr. Chanda in thinking that the Bill does not go far enough, and also I am of opinion that it is a matter for local Legislatures to deal with. The conditions of these charitable endowments in the various Provinces differ and local Legislatures should deal with them. But, my Lord, this scandal has been allowed to last for more than the lifetime of a generation and it has gone on, and the Government of India has been very slow to move in the matter, but it has at last moved, and I think we ought to welcome the opportunity and accord to the Government of India the full measure of support which the Indian Members of this Council can accord to a measure of such far-reaching importance. My Lord, in my own Province the waste of charitable funds has been simply scandalous, and the same cry comes from all parts of India. Nothing has been done but something is going to be done now. It is a small instalment, a very small instalment, but let us accept it thankfully. And there is another consideration to be borne in mind, namely, that the Government of India gives a lead to the Provincial Governments. The Provincial Governments will be spurred on to do their duty in this matter after this Bill has been passed into law by the Supreme Legislative Council. And, my Lord, there is another aspect of the question which is not to be ignored. The *mahants*—I am again speaking of my own Province because I am most familiar with the conditions of my own Province—the *mahants* are beginning to be alarmed. I was approached by a *mahant* who shall be nameless for the present, and I was asked to interest myself in procuring the postponement of this Bill. To that I gave an emphatic negative. I said to him that it was my duty, it was my interest as a patriotic citizen, to support this Bill and to prevent the scandalous waste of charitable funds. They are, therefore, if I may use a very strong word, in a state of somewhat nervous trepidation. If we give up the Bill, they will be encouraged in this scandalous waste which is now going on. They will say, with some show of reason, 'The Government of India threatens, but they do nothing and we can go on in our old, accustomed ways'. Therefore, the immediate moral effect of the enactment of this Bill into 11-46 A.M.

law will be to restrain the unholy activities of these *mahants* in the direction of the waste of the temple funds. I think, therefore, having regard to all these conditions, my non-official Indian friends will accord the Bill their whole-hearted support. If they can expand it and make it more progressive than it really is—and I hope my Hon'ble friend the Home Member will listen to the voice of sweet reasonableness that may prevail in the Select Committee—if they can do that, and enlarge it, so much the better; but let us not refuse to accept what is offered to us in such a generous way by the Hon'ble the Home Member. I, therefore, accord my entire support to the Bill."

11-50 A.M. **The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia:**—"My Lord, I am sorry to find that the Punjab Government has not seen its way to support this Bill. The feeling in the Punjab and particularly of the Sikh community is to welcome the measure. Many charitable institutions are being mismanaged and they have been allowed to be mismanaged for a long time, and this should not be allowed to go on as it has been going on in the past. It has been found that when the public call for the accounts of charitable institutions it is very difficult to obtain them, and cases which have been instituted have been thrown out even on some technical grounds of law. So from my point of view I think that this Bill should not be delayed any more, and I heartily support the motion of the Home Member."

11-51 A.M. **The Hon'ble Sir William Vincent:**—"My Lord, I have explained the position of Government quite clearly in this matter. We do not want to force this Bill through, or even to press it unduly on the Council. If the majority of the Members approve it, we shall proceed with it. If it is not approved, Government is prepared, though speaking for myself I should do so with very great reluctance, to drop it. The only reason for suggesting the postponement of this measure, as I understand the Hon'ble Member, is that it does not go far enough. The Hon'ble Mr. Chanda says he approves the Bill so far as it goes, except in one respect, and his real objection is, that he thinks it does not go far enough. At the same time he himself admitted that it would not be right to introduce a more drastic measure now. My Lord, if the Hon'ble Member wishes to go any further than this Bill does, it is open to him at the next Session to give us notice of a new Bill. All I wish to do now, is to take one step forward in a matter of great importance by a very simple measure. I believe the step will do good, and I am grateful to Hon'ble Members who have supported me in that view. The Bill is the result of very long deliberation, and non-official Members of this Council were consulted in great detail over the provisions. There is a real need—that is quite clear—to facilitate the prevention of these breaches of trust in regard to charitable funds, and I hope that the Council will see that it would be fatal to delay a measure of this kind merely because it does not go as far as some would like. The decided consensus of educated opinion is in favour of the Bill. Incidentally I may say that the Province of Assam, from which my Hon'ble friend comes, supported the Bill. There is no indication of any dissent from any person there, and I can only infer that in opposing the Bill and proposing a delaying amendment the Hon'ble Member is acting under some other influence, some influence outside Assam I mean. The result of the amendment would be, I put it to the Council, to delay indefinitely this measure. When you have your new Councils, your new Legislative Assembly, your new constitution, the Council may take it, I think from me, that their time will be fully occupied with other business for a long time, and that this subject will not be taken up for many years, at any rate for two or three years. In these circumstances, I hope the Council will not approve of an amendment which really will indefinitely delay a proposal so strongly supported by public opinion. If they do, the responsibility is upon the Members of this Council and not on the Government of India."

The amendment was put and the Hon'ble Sir William Vincent called for a division.

The Hon'ble Khan Bahadur Mir Asad Ali :—"May officials vote according to their discretion?"

The President :—"Certainly, that is what Sir William Vincent said."

The Council then divided as follows:—

AYES—2.

The Hon'ble Pandit Madan Mohan Malaviya.
,, Mr. K. K. Chanda.

NOES—55.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
,, Sir George Lowndes.
,, Sir George Barnes.
,, Sir William Vincent.
,, Mr. Shafi.
,, Mr. W. M. Hailey.
,, Sir Arthur Anderson.
,, Sir Thomas Holland.
,, Sir Gangadhar Chitnavis.
,, Mr. W. E Crum.
,, Babu S. N. Banerjea
,, Mr. C. F. de la Fossé.
,, Mr. E. M. Cook.
,, Mr. H. Sharp.
,, Mr. H. McPherson
,, Mr. A. H Ley.
,, Sir William Marris.
,, Mr. R. A. Mant.
,, Major-General Sir Alfred Bingley.
,, Mr E. Burdon.
,, Sir Sydney Crookshank.
,, Mr. H. R. C. Dobbs.
,, Sir John Wood.
,, Surgeon-General W. R. Edwards
,, R. B. L. M. Chatterjee.
,, Mr. H. Moncrieff Smith
,, Mr. A. P. Muddiman.
,, Mr. C. A. Barron
,, Mr. S. Sastri
,, Mr. B. N. Sarma.
,, Mir Asad Ali, Khan Bahadur.
,, Mr. N. E. Marjoribanks.
,, Mr. N. F. Paton.
,, Sir Fazulbhoy Currimbhoy.
,, Mr. K. C. De.
,, Rai Sitanath Ray Bahadur.
,, Maharaja Sir M. C. Nandi.
,, Nawab Ali Chaudhuri, Khan Bahadur.
,, Mr. L. F. Morshead.
,, Mr. S. Sinha.
,, Chaudhri Mohamed Ismail Khan.
,, Khan Sahib Shah Nawaz Bhutto.
,, Mr. C. A. Kincaid
,, Mr. P. J. G. Pipon.
,, Sir Umar Hayat Khan.
,, Sir Zulfikar Ali Khan.
,, Sardar Sundar Singh.
,, Mr. H. A. Casson.
,, Mr. G. S. Khaparde.
,, Mr. A. E. Nelson
,, Rai Sahib Seth Nath Mal.
,, Mr. B C. Allen.
,, Mr. G F. S. Christie.
,, Maung Bah Too.

The amendment was therefore rejected.

The President :—"Mr. Chanda, do you wish to proceed with the discussion on the Bill?"

The Hon'ble Mr. Kamini Kumar Chanda :—"No, my Lord."

The motion that the Bill be referred to a Select Committee was then put and agreed to.

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

12-3 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, this is another Bill the provisions of which I explained very fully last September. It is intended to relax in favour of the labourer the provisions of the Workman's Breach of Contract Act, 1859. I am glad to say that, when I introduced the Bill, it met with general approval in this Council, though some Members thought that the Government of India had not gone far enough. It has now been circulated to all the Local Governments for opinion and has again met with general approval. In particular, I should like to draw the attention of Council to the opinions of the Punjab and Assam which are particularly affected. The Bombay Government considers that all the amendments proposed in the law are improvements, and the Bengal Government also supports the Bill.

"There is, however, a certain volume of opinion in favour of total repeal. On the other hand, some authorities are averse from any change, thinking that the proposed amendments will render the law useless for the purpose for which it is intended; but these opinions are the opinions of private individuals and firms possibly of those who have a considerable interest in maintaining the present law as it stands; and the Local Governments do not support them in their views. The Bill as it stands is in favour of the workman or labourer, and it certainly is in accordance with the spirit of modern times so far as it goes.

"There are many suggestions which I have received as to detailed modifications, which, again, I do not wish to waste the time of the Council now. They can only be considered with any care and advantage in Select Committee.

"On this Bill again official Members will be allowed to vote and speak as they like. I know that there are individual members who think the Bill does not go far enough; but I would ask them to remember that it is not only the conditions of one province that have to be considered in a matter of this kind, but the conditions all over India. Further, there is no measure before the Council at present for the total repeal of this Bill. In these circumstances, even those who would go a little further may, I think, and should, safely support the provisions of the present measure. My Lord, I move that the Bill further to amend the Workman's Breach of Contract Act, 1859, be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Mr. Muddiman, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Sarma, the Hon'ble Mr. Crum, the Hon'ble Mr Nathmal, the Hon'ble Mr. Sinha, the Hon'ble Sir Sydney Crookshank, the Hon'ble Mr. Allan, the Hon'ble Mr. De and myself."

12-7 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"With your Lordship's leave I should like to suggest the addition of a name to this Committee, that of an official Member."

The Hon'ble Sir William Vincent :—"May I know the name?"

The Hon'ble Mr. Sachchidananda Sinha :—"I would like to suggest the name of the Hon'ble Mr. Christie of Burma."

The Hon'ble Sir William Vincent :—" I am quite prepared to accept the proposal."

The Hon'ble Mr. Sachchidananda Sinha :—" My Lord, I propose that the Hon'ble Mr. Christie be taken on this Committee "

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I once more draw the attention of Council to the necessity of repealing this Act. I am strengthened in this view by the opinions which have been now received At the time the measure was last taken up; I mentioned this view, but I am glad now that the opinions since received lend much support to that view. I would first draw attention to the opinion of Sir Benjamin Robertson. He points out in paragraph 3 of his letter that,— 12-8 P M

> 'There is some judicial authority for holding the view that such contracts (that is, contracts between employer and workman which fall within the purview of the Act), include only a definite contract for a definite amount of work. This view would appear to have been followed to a certain extent by the drafters of the Bill since the explanation to the proposed new section 2, sub-section (*1*), clearly contemplates that the work is such that the time required for the performance thereof is capable of being easily estimated. On the other hand, there is also judicial authority to uphold the view that the present Act covers the case where a workman is engaged to work for an indefinite period, and is thereupon given an advance which he agrees to pay off by deductions from his earnings. This case is undoubtedly the normal case in these Provinces and should be clearly provided for. If it is contemplated, however, that it should be excluded from the scope of the Act, then the Chief Commissioner would mention that, as far as these Provinces are concerned, the whole of the Act might as well be repealed, as the exclusion would render the Act virtually inoperative.'

"So far as the Central Provinces are concerned, in order that the Act should be of any value, he says that cases where a workman is engaged to work for an indefinite period and is thereupon given an advance which he agrees to pay off by deductions from his earnings should be included. If these cases are included, I submit a great deal of injustice will be done; and if they are not included, as the Chief Commissioner points out, the Act will virtually be inoperative.

" Now, my Lord, there are two classes of contracts which will come within the purview of the Act. One is contracts of individuals to perform a definite kind of work; the other is a contract by an individual who undertakes to get some work done by others. In the case of persons who agree to perform a certain contract themselves one can understand the contract being enforced against them under certain circumstances; but where a man undertakes to get the work done by some others it becomes more difficult; there is greater hardship involved in getting him to perform a contract which depends not entirely upon his volition, but upon the volition of others; and in such cases the difficulty at once arises. All the evils of the system of cooly recruitment are likely to be revived. Sir Benjamin Robertson points this out in his letter to the Government of India. He says—'The Act seems to cover the case where a large contractor gives an advance of money to a petty contractor for work which he has to get performed by any other artificers, workmen or labourers.' Sir Benjamin Robertson is of opinion that the time is now come to exclude this class of advance entirely from the operation of the Act. In his opinion its retention will only serve to encourage the notorious abuses connected with the unregulated recruiting of labour. He considers that the large employer should either use his own servants to recruit his labour (they will be criminally liable for any malversation of money advances), or should employ only petty contractors whom he can trust or who can furnish reasonable security for advances made to them. If the class of man with whom he makes sub-contracts is such as would require the *quasi*-criminal provisions of this Act to keep them to their contracts, then that class of man is an undesirable class, and likely to practise the evil devices resorted to by unregulated cooly-recruiters. The Chief Commissioner is of opinion that it should be made clear that the Act is not intended to apply to such cases.

"If that is made clear, then, as he says, the whole Act might as well be repealed. That is the view of an administrator who has had much to do with questions relating to employers and employed.

"There are other opinions in support of this view. I may refer to one from the Chamber of Commerce, Bombay. They say that they know of no Act in England under which a workman can be compelled to work under penalty of imprisonment. The Secretary of the Indian Merchants' Chamber and Bureau says—'whilst the Committee note that the Bill under consideration makes certain improvements on the present Act, they very strongly feel that it is high time that the Government of India should consider the advisability of repealing the Act altogether.' They point out that—'the State has no right to give an artificial and a special support to a particular industry, at the expense of the employee of that industry. Labour must get its due, if the best economic interests of the country are to be safeguarded. Given reasonable conditions of wages, housing, hours of work, etc, labour will remain contented. The existing Statute, as a coercive measure, only tends to deprive labour of those just and reasonable conditions; and the State thereby directly encourages deficient and unfair conditions of labour. If the planters need to create and retain a permanent labour population, it will not be difficult for them to do so provided they give suitable conditions, as other industries have to, if they want to keep their labour. Labour has its price, and a fair price is all it wants. The State ought certainly to refrain from forcing down that price by imposing harsh and iniquitous conditions on labour contracts.'

"In another place in the same communication they say—'Referring to the special necessity in India of guarding the interests and increasing the efficiency of labour the Secretary of State observes: 'I would here only remark in regard to labour that if the efficiency of labour be increased even to a moderate extent, India could probably hold her own.' They therefore recommend the total repeal of this Act.

"There are several other opinions in which the same view has been urged. I will refer to one, that of the Advocate General of Madras, the Hon'ble Mr. Srinivasa Iyengar. He says—'In my opinion the Workman's Breach of Contract Act, 1859, is mediæval in outlook, and modern conditions require its total repeal and not merely an amendment Bill like the one proposed . . . . . . The principle underlying the Act of 1859 is not that there should be exceptional sanctions to compel the performance of services absolutely essential to helpless sections of the community which may not be performed without such sanctions, but that a master who advances money to a servant should be enabled, through a criminal Court, to get his work done by his servant, or should get repayment of the money, and that in default the servant should be put in prison. This is quite opposed to all principles of modern jurisprudence. And the Act of 1859, even if it is not obsolescent, is not really necessary.' He therefore urges the total repeal of this enactment. I submit, my Lord, that in view of these and many other opinions which I need not read out here (I am sure Hon'ble Members have looked into them), it is very desirable that the Government should review its decision, and now that it has received this large volume of opinion, should consider whether the Act should not be repealed.

"There is no doubt that there is a certain amount of opinion in favour of retaining measure, with the modifications that have been suggested. I submit that at this era of the world's history, when, Government have sent representatives to the Washington Labour Conference, the representatives should urge that the condition of labour should be improved. It seems to me very undesirable that Government should retain this Act upon the Statute-book even in a modified form. I do not know that in a modified form it is an improvement upon the Act it is desired to amend. I submit that it should not be within the power of a Magistrate to sentence a man to imprisonment simply because he refuses to perform a contract. In other walks of life contracts are entered into and it is not regarded as a criminal offence if they are not executed. I think that what is required is to place labour on a healthy footing, and that the Act even in its amended form, is a handicap on labour. For these reasons I once more press the Government to consider the advisability of dropping the Bill altogether, or to substitute a simple measure saying that the Act has been repealed"

The Hon'ble Mr. W. E. Crum:—"My Lord, I am not quite clear whether the Hon'ble Pandit is opposing the motion now before the Council, or whether he is simply making a request to Government." 12-18 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"The latter."

The Hon'ble Mr. W. E. Crum:—"Then I have nothing to say."

The Hon'ble Sir William Vincent:—"My Lord, I am glad to find that the Hon'ble Mr. Malaviya is not opposing this motion, but not surprised, for when I introduced the Bill in September, I understood him to say that he welcomed it as an improvement on the existing law He then also raised this question of repealing the Act and I made what was, I think, a very fair suggestion to the Hon'ble Member Members of this Council will remember that I said that if the Hon'ble Mr. Malaviya would then send me a copy of his proposed Bill to repeal the Act, I would have it circulated at once with the present Bill so that opinion in this country might be invited on both measures. My Lord, from that day to this I have not heard one word from the Hon'ble Member. Surely, if he sought to repeal the Act, it would have been reasonable for him to have accepted the offer which was made in perfectly good faith and ascertain the opinion of the country upon the particular proposal he had in view. The effect of the Hon'ble Member not accepting the present Bill would, however, be merely to leave the labourer or workman under disabilities which, we think, are unfair and to leave untouched the provisions of the present law which, we think, are capable of misuse. The whole of the Bill now before the Council is for the benefit of the labourer, and it has been our sole object throughout to make the provisions of the law less drastic Having regard, however, to the opinions received from Local Governments we thought that it would be unwise to go further at the present moment. The Hon'ble Member quoted to the Council certain opinions in support of total repeal, but, I think, those who have read the voluminous correspondence will agree that the majority of opinions are in favour of retaining the Act on the Statute-book. I have only one word more to say, and that is in regard to the allegation of the Hon'ble Mr. Malaviya that the Act penalises ordinary breaches of contract. This is incorrect as was pointed out last Session. What the Act does is to penalise particular fraudulent breaches of contract. To repeat his suggestion after being corrected last Session is a little misleading. I do not say that is the Hon'ble Member's intention. My Lord, the only effect of refusing to accept the motion which I have put before Council would be to leave persons who fall within the 'mischief' of the Act in a worse position than they would otherwise be. 12-19 P.M.

"May I, with your Excellency's permission, add Mr. Christie's name to the names proposed for the Select Committee."

The motion was put and agreed to.

RESOLUTION *re* COLONIZATION IN BRITISH GUIANA.

The Hon'ble Mr. Surendra Nath Banerjea:—"My Lord, the terms of my Resolution are these:— 12-21 P.M.

'That this Council recommends to the Governor General in Council that he may be pleased to appoint a Committee consisting of the Hon'ble Mr. Srinivasa Sastri, the Hon'ble Sir

Dinshaw Edulјee Wacha, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Dr. Tej Bahadur Sapru the Hon'ble Mr. B. N. Sarma, the Hon'ble Mir Asad Ali, Khan Bahadur, the Hon'ble Mr. W. E Crum, the Hon'ble Mr. Marjoribanks and myself (*a*) to examine the scheme of colonization which the Deputation from British Guiana desire to put forward, and to report thereon and make recommendations to the Government of India, and (*b*) to meet the Deputation from Fiji which has arrived in this country and to examine any proposals which they may put forward, and to report thereon and make recommendations to the Government of India.'

' "With your Excellency's permission I desire to put one name on the Committee, and that is the name of Mr. Chanda. My Resolution is a non-committal one, it does not bind this Council or the Committee which we are about to appoint to any definite course of action. All that this Resolution proposes is the appointment of a Committee of this Council to examine certain proposals which may be put forward by the Deputations, one from British Guiana and the other from Fiji, on the subject of colonization and emigration to those parts of the Empire and to report thereon. My Lord, the question which we have to consider, which this Council has to decide, is whether such an inquiry is necessary, and if there are sufficient materials to justify it. If the answer is in the affirmative the Resolution must be accepted, if it is in the negative the Resolution may be dropped. My Lord, I use the word ' may ' advisedly for I go a step further and I would like to urge that even if there were not sufficient grounds or adequate materials for us to go upon, it would be desirable to appoint a Committee authorised by this Council, to meet the Deputations to discuss matters with them. My Lord, these Deputations have come from distant lands to put forward points which they consider to be of vital interest to the communities whom they represent, and it seems to me and it must seem to this Council also, to be an act of courtesy and even of fairness that we should meet them, hear their views and formulate our own conclusions on the materials that they may place before us. Here I desire to guard against a misapprehension which the adoption of this Resolution might give rise to, I take it that there is not the slightest disposition on the part of this Council or any section of it or of the Government to revive in any form or shape, or under any guise the system of indentured labour which has been definitely abandoned. Educated Indian opinion regards it as a form of *quasi*-slavery and has unequivocally condemned it Its revival in any shape or form is unthinkable. I desire to enter a caveat on this point. There is another consideration which I am sure will guide this Committee in the deliberations before it, and it is this that we cannot consent to any form of colonization or emigration to any British Colony or any part of the Empire except upon the basis of civic self-respect, involving the recognition of British Indians in these Colonies, in these distant lands as equal subjects of the Crown with other British subjects. My Lord, we are very sensitive about this matter, we are anxious that the point should be cleared up, we are anxious that sufficient guarantees should be given in that behalf, and furthermore guarantees should be forthcoming for the protection of the interests of those who would emigrate to those Colonies. I find that in the view which I have put forward I am supported by an Indian authority, the greatest on this question. 'I have the authority of Mr. Gandhi on this matter. I will quote from a statement he has made. He says :—

' Once assured that equal rights for Indians existed in regard to political, municipal, legal, commercial and industrial matters in British Guiana and that they were not alone receiving fair treatment from the administration and the general community but would be guaranteed the continuance of such fair treatment, he would not oppose any scheme of free colonization by Indian agricultural families He was satisfied that the Colony had a liberal constitution and Indians could be and were elected to membership of the legislature and to municipal office. He was satisfied that they had equality of rights with other races, and that there were opportunities of acquiring land for settlement. He was in favour of allowing a test of the scheme subject to a report at the end of six months on its working by Mr C. F. Andrews or some other representative of the Indian popular leaders The Deputation (which is now before us for consideration) accepted this proposal of a report by a popular representative independently of any supervising officer nominated by the Indian Government and offered to pay all expenses.

Mr. Gandhi agreed that all necessary guarantees for the continuance of equal treatment could be furnished by the Colonial Office and British Guiana through the Government of India to the Indian people and its popular leaders.'

"I find this view corroborated by another distinguished authority whose opinion, I am sure, will carry weight with non-official Indian members, namely, Mr. Andrews. This is what he says :—

'He stated that he had no objection to any scheme of free colonization and that he had always understood that equality of all races rested in British Guiana under a blessed constitution ; that the Indians were fairly treated there and that the evils of the lately-abolished indenture system so far as they existed did not prevail in that Colony to the same extent as elsewhere. While however he had no objection to the principle of free colonization and even welcomed it, until he had had an opportunity of going into the details as set out in the printed and typed documents he would postpone public support as to the details.'

"These details will have to be considered by the Committee which is about to be appointed. My Lord, what the position of the Indians is in this Colony has been set forth in a statement by Dr. Nunan, I think that is his name, Attorney-General of British Guiana, who introduced a Deputation to the Hon'ble Member for Commerce and Industry, and in introducing this Deputation he made a statement which set forth in clear lines the status, the position and the prospects of the Indians emigrating to that part of the British Empire. This is what he said :—

'We provide free passages, guarantee employment at the locally current rates which are now about Rs. 2 a day (the cost of living amounting to a little over one-third of the average earnings). We provide free repatriation at any stage whenever required by the officers of the Indian Government and free repatriation at the option of the individual or family after a short period of years. Those who engage in agricultural work either for an employer or on their own behalf for three years will receive reward grants of five acres of land on nominal terms. This land is prepared by an expensive process for immediate utilisation at the cost of the Colony, in the immediate neighbourhood of markets and factories. Other lands can be bought or leased on easy terms. No contracts of any kind are required. There is to be no trace of the old indenture system. There is no compulsory residence or service or other element of compulsion. Settlers can choose their own employees.'

"There is still another statement which places the matter upon a higher footing, and that is by Mr. Lukhoo, who is a member of the Deputation I read an extract from a speech which he delivered at a meeting of the Indian Association. I am sure the extract will interest my friends in this Council. He says :—

'Through the recommendations made in the Montagu-Chelmsford Report on Indian Constitutional Reforms, India can look forward to a large measure of self-government and greater freedom in determining her own affairs. We, in British Guiana, feel it incumbent on us to rise to the occasion and make ourselves worthy of the great race to which we belong. We feel the time has arrived when we must collect our forces together in our great effort to achieve the high and noble destiny to which we feel we are now called.

'The only remedy I could suggest is the voluntary emigration of the higher classes, gentlemen in learned professions, merchants, skilled artisans and others whose social position will entitle them to respect.'

"In conclusion, he says :—

'Let us appeal to the Motherland to recognise and keep in touch with her sons who have emigrated to this Colony, so that she might look across the oceans with pride at the chances that lie open to her sons and the greatest destiny that it is their lot to fulfil in the ordered progress of true light and civilization.'

"Well, my Lord, this represents the bright side of the picture. But there is also another side to the shield which it is my duty to lay before this Council. British Guiana, as the Council is aware, is situated on the north-east corner of South America. It is sparsely populated. It has an area of 90 thousand square miles, the population is only 310 thousand Of the 310 thousand, 134 thousand are Indians. The climate is said to be favourable. Sugar is the staple industry of the country, and rice is also largely cultivated. Sixty thousand Indians are employed in the cultivation of rice and thirty thousand more are needed.

Wages are said to be high, and I have just read to you Dr. Nunan's statement which shows that there is a substantial saving after the cost of living has been provided for. But, my Lord, as I have said, there is also another side to the shield. From the Emigration Report of 1916, I find that there were so many as 16 suicides among the Indian population. Some explanation is given of these cases, but I cannot say that I am satisfied with it. The number dwindled down to seven in the following year. But, in 1917, we find that there were so many as 65 cases of death due to accidents, and it is extraordinary that out of these 65 cases, 40 were by drowning. I am unable to understand it altogether, because Indians are expert swimmers How 45 people were drowned is one of those things which I should like the Deputation to explain.

" Then there are certain other matters which my Hon'ble friend the Member for Commerce and Industry Department suggested to the Deputation. Answers to those questions have been given I need not trouble this Council with these questions and answers. One of them was, whether it would be necessary to employ recruiters. The Hon'ble Member for Commerce and Industry naturally does not want that any recruiters should be employed, because the recruitment by professional recruiters is always liable to abuse. He also suggested several other questions to the Deputation, such as the rate of wages, the cost of living and so forth. All these matters will have to be considered by the Committee I do submit, my Lord, that, having regard to the fact that there are these Deputations and that they have come with the amplest materials for our information, it is our duty to appoint a Committee, and the Committee that I have suggested is largely Indian in its personnel, because the matter concerns the Indian population. The Hon'ble Mr. Crum and the Hon'ble Mr. Marjoribanks have very kindly consented to serve on the Committee, and we are grateful to them. The Hon'ble Mr. Marjoribanks has unique experience in regard to the question of emigration. Two years ago he was sent to Ceylon and to the Malay States in connection with a question of a kindred nature. I am sure his advice will be of the greatest possible use to us. I have said nothing about Fiji or about emigration to that Island. I am sure the Deputation will supply the necessary information in regard to this matter. My Lord, these are the grounds upon which I beg leave to move the Resolution. I feel that no harm can accrue from the appointment of a Committee, and I hope and trust that the Council will agree to the acceptance of my Resolution and appoint the Committee which I have suggested."

12-40 P.M. **The Hon'ble Mr. Sachidananda Sinha** :—" My Lord, I rise to move the amendment of which I have given notice, and which runs as follows:—

'(1) That after the word 'mover' in Mr. Banerjea's Resolution the following be added :—'

(*a*) to examine and report generally on the status and position of His Majesty's Indian subjects in all the British Colonies and',

(2) That clauses (*a*) and (*b*, be re-lettered (*b*) and (*c*), and

(3) That in clause (*b*) as re-lettered after the words 'to examine' the word 'specially' be inserted.'

" My Lord, in the course of the speech with which your Lordship inaugurated the present Session of this Council on Friday last, your Lordship was pleased to say that 'there are now two Deputations in India, one from British Guiana and one from Fiji, who have come here to persuade us to re-open emigration to those Colonies on a new basis. We propose that a Committee of this Council should meet the Deputations, discuss the different conditions on which it would be possible to re-open emigration and report their conclusions to Government. Sir George Barnes will move a Resolution to that effect.'

"The Council will realise my surprise when yesterday, on receiving the agenda paper for to-day's Council meeting, I found that in the course of the last three or four days, Sir George Barnes had been metamorphosed into Mr. Banerjea. If Sir George Barnes had moved the Resolution on behalf of the Government as an official Resolution, I would not perhaps have been justified in trying to tack my amendment to the Resolution. But when our leader, Mr. Surendranath Banerjea, brings up before this Council a Resolution affecting the status, the position and the rights of Indians in two Colonies, British Guiana and Fiji, I feel justified in trying to induce him to accept my amendment, so that the whole question of the position of Indians in the British Colonies might be, so far as possible, determined by the same Committee which my Hon'ble friend has asked the Council to appoint.

"Now, before I make my submissions, as briefly as I can, I desire to say one thing and it is this. I think I shall be expressing the unanimous opinion of all the non-official Members of this Council, when I say that we are all profoundly grateful to the Government of India, to your Lordship's Government and the Government of your Lordship's predecessors also, for the very strong attitude they have always taken in the matter of the rights and status of Indians in the British Colonies. Your Lordship's predecessor, Lord Hardinge, incurred great odium for having delivered a very sympathetic speech at Madras, in which he took up a very strong attitude on this question, and I am convinced that your Lordship also will be prepared to incur odium, if necessary, for the sake of standing up for the rights of His Majesty's subjects in the British Colonies. But the question, my Lord, in my humble opinion cannot be disposed of piecemeal. It has been for many years now a crying evil and the burning question for the people of this country. It is about ten years since my late lamented leader, Mr. Gokhale, moved in Calcutta a very important Resolution on this very subject so far as it concerned South Africa, and Mr. Valentine Chirol, now Sir Valentine Chirol, who sat in the gallery wrote to the 'Times' that for the first time in the history of British India a Native of India had sat in judgment on the policy of His Majesty's Government and the 'Government of India had to sit silent' as they could not make an effective reply. It is ten years since then, my Lord, but the question of the rights of Indians in British Colonies remains exactly, I think, where it was Every six months we hear of trouble now in South Africa, now in Canada, now in East Africa, now here and now there. So far as Canada is concerned, we know that the laws there are so stringent and are so designed against keeping out Indians that some years back there was great trouble in regard to the Sikh emigrants who returned by the 'Komagata Maru,' which led to disastrous occurrences, which were investigated into by my Hon'ble friend Sir William Vincent. So far as Australia is concerned, there is no Indian problem there, for the very simple reason that no Indian is allowed to go there. The laws in Australia are so strict that not even enlightened Indian gentlemen can go there for the purpose of travelling, but, I understand, these have been modified since the war, or are going to be modified in so far as to enable educated Indians to travel in that country. I confess this relaxation or concession in our favour is not one which I am prepared to be enthusiastic about. Leaving these two Colonies aside, the position in South Africa is always causing a stir. I have got here with me the letters which the Hon'ble Sir George Barnes recently wrote on the subject to Mr. Gandhi, and which have been published in the papers. In these letters Sir George Barnes exhibits all that sympathy which we have learnt to associate with him in the matter of the position of Indians in the British Colonies, and he concedes frankly that the position in South Africa is again very difficult and very critical, and though the Government of India and your Lordship are making every possible effort to relieve the situation, things are at such a pass that nobody can really say how they would ultimately be solved Sir Benjamin Robertson is, I believe, on his way to settle the difficulties. Personally I would have wished that some non-official Indian Member of this Council, some one like my esteemed friend, Mr Sastri, had been associated with Sir Benjamin Robertson in that mission. I would have liked that a public man of the position of Mr. Sastri would have been deputed to South Africa to help Sir Benjamin Robertson, instead of detained here shivering as he does every day in the cold of Delhi.

"The situation brought out in the Hon'ble Sir George Barnes' letters to Mr. Gandhi really unfolds a tale of woe and misery which passes comprehension. But, my Lord, there are even more difficult questions facing us at the present moment as to the position of the Indians in British East Africa. Some reference was made by your Lordship to that aspect of the case in the course of your observations on Friday last, but I find that Mr. Andrews, of whom Mr. Banerjea in moving his Resolution, deservedly spoke in terms of high appreciation, which I fully endorse, has sent communications from East Africa, where he now is, to Sir Rabindra Nath Tagore and to various papers, which unfold before us a situation which will cause great pain to every Indian who can appreciate the position aright Mr. Andrews has summarised in the papers the East African Economic Commission's report, about which your Lordship was pleased to say that it does not necessarily represent the views of the Government of that Colony. That may be, but even assuming it to be so, there is not the least doubt that this report, which Mr. Andrews says has been published with the Royal coat of arms prominently displayed, does represent the views of a most important and influential section of the public in that Colony. I also find from Mr. Andrews' letter that the gathering of the Colonists, which is called the 'British Parliament' of East Africa, has passed a number of very important Resolutions on Indian policy. The matter being of great importance, I shall with your Lordship's leave read out these Resolutions to indicate how the matter stands:—

'That whereas our Nation has assumed responsibility for the future of the indigenous East African peoples and of the countries they inhabit;

And whereas our national ideals of enlightenment and progress are crystallised in our Christian Western Civilisation and it is our duty to make sure that the best contained therein is readily available for the needs of awakening Africa;

And whereas the maintenance of this country depends entirely on the prestige and force of character of the white man;

And whereas certain Indians have entered this country as traders, clerks and artisans;

And whereas these people follow in all things a civilization which is Eastern and in many respects repugnant to ours;

And whereas their social status brings them more frequently into contact with the African, and thus subjects him to intimate personal influences antagonistic to the ideals of the West;

And whereas the African has shown that he possesses latent qualities which under Western guidance hold promise of material development;

And whereas Indian competition denies him all incentives to ambition and opportunities of advancement;

And whereas the Indian community in this country are agitating for adult suffrage and by this means seek to gain control over the destinies of this country;

We, therefore, representing the whole community, ask the Secretary of State to rule that no system of franchise be given to the Asiatics, nor should they be allowed to acquire land except in townships on short leases, nor be employed in Government works, and that steps be taken at once to restrict Asiatic immigration in order that this stronghold of European colonisation in Central Africa may stand beside her sister Colonies in their Asiatic policy.'

"Now, that declaration, my Lord, should satisfy every member of this Council that the Indians are in a bad way in this East African Colony. Then in the report, to which I have made reference, there are various passages couched in language calculated to give great offence to any impartial subject of His Majesty, be he European or Indian. I shall not inflict on this Council any long passages from this report, but I shall read out one passage to indicate the trend of it, and the value to be attached to a document of this character. After describing the Indians as a 'crafty race' and using about them other such opprobrious terms, they say :—

'The moral depravity of the Indian is equally damaging to the African, who, in his natural state, is at least innocent of the worst vices of the East. The Indian is the inciter to crime as well as vice, since it is the opportunity afforded by the ever ready Indian receiver which makes thieving easy. If the Indian were eliminated, the number of offences against property, now high, would be reduced to measurable proportions.

'The Empire is faced with a serious dilemma, which cannot be evaded. The choice lies between the vital interest of the African and the ambition of the Indian. The presence of the Indian in this country is quite obviously inimical to the moral and physical welfare and the economic advancement of the natives. The matter is one of the highest Imperial importance, and we regard it as imperative that the Empire should definitely decide, and that without delay, whether the welfare of the African is to be subordinated in his own country to political considerations and the pretensions of the more restless elements of the Indians. Upon the decision as to East Africa the future of the whole Continent will largely depend, for if Indians are to be allowed to stream in at any one entrance in unlimited numbers, it will scarcely be possible to localise them indefinitely in any particular territory.'

"My Lord, I could read out many more similar passages, but my time is limited and I shall not do so, therefore. I shall now read out one short passage from Mr. Andrews' review of the situation which he has sent to Sir Rabindranath Tagore. He says :—

'I cannot tell you the misery this situation means to the Indians who have settled here. Many of them have settled for generations and were here long before the Europeans They are practically told now that they are to clear bag and baggage out of the country. And all the while the truth is as plain as can be that it is their *moral* qualities themselves of thrift and sobriety which are the cause of offence in a large number of cases and this cry of 'Christian Western civilisation' is a hypocrisy which is as base as it is cowardly and mean.'

"Without endorsing the strong language of Mr. Andrews, who is on the spot, who sees what is going on and feels strongly, I think it will be apparent to every Member of this Council, Indian or European, that things in East Africa are in a bad way, indeed. This being the condition in Canada, in Australia, in South Africa and in East Africa; surely it is time that the Government of India, either *suo moto* or as Mr Banerjea suggests, should appoint a Committee to go into the whole question, as it cannot be disposed of piecemeal by sending Sir Benjamin Robertson here or a Deputation there, or a telegram to somebody else. I submit what is really required, is a settlement of the whole thing once for all by a definite declaration as to the policy of His Majesty's Government. My Lord, I am not unaware that these Colonies, or many of them, have got self-government, and I quite realise that the British Parliament cannot force them. I am not disposed to take a hypercritical view or take my stand on the theory that because they are parts of the British Empire, therefore the British Parliament should coerce them. At the same time, I must stand up for the just and legitimate rights of my own people. The Empire has to us, my Lord, no meaning whatsoever if our Indian fellow-subjects cannot obtain even the elementary rights of the British citizens in the British Colonies. I have no need to enlarge upon that part of my contention, as Mr. Banerjea has himself referred in most eloquent words to the indefeasible rights of the Indians in the British Colonies. I, therefore, without trespassing further on the patience of the Council, ask that my amendment be accepted, and the Committee proposed by Mr. Banerjea be appointed to go into the whole question exhaustively."

The Hon'ble Mr. W. E. Crum :—"My Lord, I find myself very much in sympathy with what Mr. Sinha has said, and I am perfectly certain that he has in his sentiments the sympathy of every Member of this Council; but I must say that from a business gentleman like Mr. Sinha I expected a somewhat more businesslike proposition. The Committee that is to be appointed is for two specific objects; to go into the question of the British Guiana emigration and the Fiji emigration, and I understand that we have here Deputations from both these Colonies with whom we can discuss the whole question. Now Mr. Sinha proposes that we should also examine and report generally on the status and the position of His Majesty's Indian subjects in all the British Colonies; and he does not tell us in the very least how we should do it. I submit, my Lord, that that is a matter quite outside the scope of a Committee appointed for the special object which this Committee has been appointed, and 12-55 P.M.

I hope that, if Hon'ble Members wish to couple Mr. Sinha's amendment with the original proposition, I will be left out of the Committee which is going to examine it, because I foresee visits to Canada, Australia, South Africa and every other Colony, and a matter of a year or perhaps more before we have got to the end of it. I beg therefore to oppose Mr. Sinha's amendment."

12.57 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"My Lord, although I agree with the feelings which the Hon'ble Mr. Sinha has expressed regarding emigration to South Africa, I do not think it is judicious that we should bring in this question at present, because the question is pending and Sir Benjamin Robertson has gone to South Africa, and about East Africa your Excellency has assured us that you are following the same policy as Lord Hardinge. My Lord, I think I can speak on the Resolution too?"

The President:—"Certainly."

The Hon'ble Sir Fazulbhoy Currimbhoy:—"My Lord, I agree only with my friend the Hon'ble Mr. Banerjea and I beg to support his Resolution. I am very anxious that our relations with the other parts of the Empire should always remain very cordial as we are now one of the parts, and a very important part, of the Empire, and I do not wish that we should have the same friction with the other parts of the Empire when we enter into an agreement with them in regard to emigration as we have had with South Africa. We must make it clear to them that we must have equal political status as regards franchise and election; we should have the same right of citizenship as other people in the Colony have. If we want our Reform Scheme to be successful and if we are to reach the position of the self-governing Dominions, we ought to protect the rights of the Indians in other parts of the Empire so that we can get equal status and position with the self-governing Dominions.

"With these few remarks, your Excellency, I support the Resolution."

The Hon'ble Mr. G. S. Khaparde:—"I desire to speak on this Resolution in the hope that my Hon'ble friend Mr. Surendra Nath Banerjea will see his way to accepting what little I have to propose by way of amendment. It is not really an amendment . . . .

12.59 P.M. **The President**:—"Mr. Khaparde, you are out of order in moving an amendment as you are out of time, and you must make your remarks not by way of an amendment but by way of suggestion."

The Hon'ble Mr. G. S. Khaparde:—"I thank your Excellency, but unfortunately the Resolution came very late and it was a very rainy day and it was not possible to send in an amendment, and it was blowing very hard too. However I shall make it as a suggestion as your Excellency has proposed and it is this. When I was in England there was a Deputation from British Guiana there, and we had various consultations with them and I made some inquiries from people who had gone into that question, and one gentleman whose name I am not at liberty to mention to-day, had gone very considerably into that matter and had a great deal of correspondence to show, and my suggestion is that the credentials of this Deputation should be examined. When I heard your Excellency saying that Sir George Barnes intended to move the Resolution I was sure that he would look into the credentials of these people and see that they are really deputed either by the Government or by some public body or some people whom they actually represent I do not think this point has attracted the attention of the Hon'ble Mr. Surendra Nath Banerjea.

"And if your Excellency permits, I would add one clause to this

The President:—"No. The Hon'ble Member is out of order there. By way of a suggestion he can put it to Mr. Banerjea; he cannot move it as an amendment."

The Hon'ble Mr. G. S. Khaparde:—"No, I am not moving it as an amendment. I suggest it to him if he will see his way to add that clause here, namely, to examine the credentials of these Deputations first. If they are from the Government of British Guiana or from the Government of Fiji, I would like to get an assurance from those Governments that equality of status and rights with other settlers there will be guaranteed. If they are from the people generally, I would like to take time and be addressed through your Excellency and be assured that they will be treated as they ought to be treated. The reason why I move this, why I speak about it, is that I am looking forward to a great industrial regeneration in India. There is a Commerce Department and we will require as many people as we can have here to man our new industries and our new factories. I am not anxious that many of our people should go away altogether from India. There is a great field for them here, a good deal of work to be done here.

"There is also a further consideration in this matter, and that further consideration is, that these people go away to these distant places—and they are very distant places—and it will not be possible to be constantly in touch with them and we might lose sight of them altogether and nobody will know what may happen to them. My friend mentioned a few cases of suicide; there may be many more than that, I do not know. So for these reasons, though I do not wish to oppose this Resolution, I make a suggestion that the credentials of this Commission should be looked into. If they are from the Government of British Guiana . . . .

The President:—"I have just been informed by Mr. Moncrieff Smith that fifteen days' notice was waived in this case, and therefore Hon'ble Members have not had the time at their disposal to bring forward amendments which they would otherwise have had. Of course, in these circumstances, if the Hon'ble Member wishes to move an amendment I shall certainly not disallow it."

The Hon'ble Mr. G. S. Khaparde:—"I thank your Excellency. I had that thing in my mind, but I did not like to mention it. It was acting on my mind. My amendment then, since it has been kindly permitted, would, I think, be to add one more clause to this Resolution, to the effect that the credentials of these Deputations, both from Fiji and British Guiana, should be examined. If they are properly accredited by their Governments, then of course our proposals would be different. If they are from public bodies there, that would make our proposals and our submissions different; and if they are from nobody at all, or if they only represent certain capitalist interests or any particular kind of interests, then our proposals will have to be of a third kind. These are the reasons why I ask for an examination of the credentials of these gentlemen. There is nothing further that I wish to add because I do not like the idea of my countrymen going out when, I believe, they can get ample employment here. There is a good deal of capital coming from England and many industries are going to be started, and many of our people will have a good means of getting larger wages possibly if they will easily qualify themselves. I believe there is a scheme of technical education going on, and with this Industrial Commission's Report we shall require more men here. At present our advantage is that we have cheap labour and this attracts capital from outside; and if our people go away and labour becomes expensive here as it is elsewhere capital will run away; and we are poor people and we are anxious to get capital out of foreign countries if they will send it here. These are my reasons for being a little bit stringent in this matter and saying that the credentials of these Deputations should be carefully looked into. I hope Mr. Banerjea will see his way to adopt it."

1-5 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, I think I owe one word of explanation. Mr. Sinha alluded to the fact that your Excellency in your opening speech said that I would move a Resolution on the lines of the Resolution which has just been moved by Mr. Banerjea That is quite accurate. The reason why the Resolution has not been moved by me is because the form of the Resolution is a recommendation to the Governor General in Council, and it was pointed out to me that one Member of the Council could hardly make his recommendation to his colleagues. Consequently, I asked Mr. Surendra Nath Banerjea to move the Resolution which I would otherwise have moved.

"I think, my Lord, I need only say that of course we accept the Resolution; but I cannot accept the amendment of Mr Sinha. As Mr. Crum has pointed out it would involve a number of our most valued members journeying round the world, for a year or possibly two years, visiting the various Colonies, and I hope that my friend, Mr. Sinha, will not press that.

"With regard to Mr. Khaparde's amendment I would suggest to Mr. Banerjea that there is no objection to the addition of the words which Mr. Khaparde has suggested, or perhaps it would suit Mr. Khaparde better if he were added as a member of the committee, and then he would have an opportunity of examining the credentials of these Deputations himself. I leave that to Mr. Banerjea."

The Hon'ble Mr. Surendranath Banerjea:—"I do not think there has really been any serious opposition to this Resolution."

The President:—"You are talking on the amendment, I presume?"

The Hon'ble Mr. Surendranath Banerjea:—"Yes, my Lord."

The President:—"I think it might perhaps be as well if you sum up the debate as a whole. If the amendment is rejected there will not be any further discussion on the substantive Resolution, and I fancy the Hon'ble Pandit wishes to speak to this."

The Hon'ble Pandit Madan Mohan Malaviya:—"I think the Hon'ble Mr. Sastri wanted to speak. I shall speak after him."

1-7 P.M. **The Hon'ble Mr. Srinivasa Sastri:**—"Your Excellency, my object was merely to say that though the Hon'ble Mr. Sinha's amendment has my heartiest sympathy, I am unable, like Mr. Crum, to support it as I should like to support it. It really involves too great a departure from the rather restricted purpose of the Hon'ble Mr. Banerjea's Resolution I was hoping, however, when the Hon'ble Member for Commerce and Industry stood up to speak, he would embrace the opportunity of making some sort of statement on the subjects to which the Hon'ble Mr. Sinha had referred. That really would have been to meet the Hon'ble Mr. Sinha's purpose. I suppose he would have liked it, and I should have certainly liked it, if on this occasion the Government of India through their official spokesman said something on the matters arising from Mr. Andrews' letters, which would on the one hand afford consolation to the people of India, and on the other by a clear and unequivocal pronouncement prevent further mischief arising in East Africa. I make no doubt whatever that, although the words that I desire so much have not been spoken, the attitude of the Government of India is one of perfect sympathy. It is perhaps now too late to invite the Hon'ble Sir George Barnes to make such a statement, and I am really sorry that he spoke before I did, because I had intended to ask him to refer to the subject in the name of the Government of India. However, it is now too late, I am really sorry.

I can only request the Hon'ble Mr. Sinha, as the Hon'ble Sir George Barnes has himself done, to withdraw his amendment now as his principal object in moving it has been achieved."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I regret, I think, that this Resolution comes at a very inopportune moment. The speech of the Hon'ble Mr. Sinha has reminded us of the situation of Indians in several of the Colonies, and while the question is so acute in several parts of the Empire, it seems rather hard upon us to ask us to hear the proposals of the people from British Guiana and Fiji for continuing in some form or another a system which has been the source of so much suffering, sorrow and shame to our people, a system which the Government and the public have long regarded as an evil system and which the Government have now put an end to. My Lord, I think that before we take up any proposal from any Colony or any part of the Empire by which the Government of this country and the representatives of public opinion in this country would be directly or indirectly a party to any system such as is proposed, I think that it is essential that the question of the status of Indians in these various parts of the Empire should be put on a satisfactory footing. It is true, it may be said, that British Guiana has treated Indians not so badly as some other parts, but that is only a part of the problem. The whole question of the position of Indians in the Colonies is causing intense sorrow and suffering throughout the land, and I submit therefore that this is a very inopportune time to propose that a committee of this Council should be appointed to hear the Deputations that have come and make recommendations for the adoption of some system of labour by which Indians would be sent out, or encouraged to go out to British Guiana. 1-10 P.M.

"There is another reason why I consider that this proposal is inopportune The Hon'ble Mr. Khaparde has raised a doubt as to the credentials of this Deputation. I should like to know from the Hon'ble Member for Commerce and Industry whether this Deputation has been sent out by the Government of British Guiana, whether the Government of British Guiana have informed the Government of India what the conditions are, political and economical, which the Government of British Guiana guarantee would apply to any Indians who would go out under the proposals of this Deputation. I should also like to know whether the Indian public in British Guiana have been consulted about this matter. I should like to know whether Indians generally in British Guiana favour the idea of any more Indians being encouraged to go out to British Guiana. My Lord, political, economic and moral considerations all are involved in any proposal by which the Government of India should help Indians to go out to British Guiana. It has been said that so far as political considerations are concerned the Government of India would put Indians on a footing of equality with our other fellow-subjects there. Well, our experience in the past has been very sad, and I should like the Government of India before asking a committee to be appointed, before approving of the appointment of a committee, to satisfy themselves that this political equality will be guaranteed beyond cavil or dispute, beyond assail, before any more Indian subjects of His Majesty are asked or encouraged to go out to British Guiana.

"Then, with regard to the economic position, these gentlemen who have formed the Deputation come to us with certain statements. Have those statements been verified? Are they supported by the Government of British Guiana? Are they supported by any evidence which the Government of India consider to be satisfactory? If not, what I suggest is, that the first step to be taken in this matter should be first to determine the general question whether the Government of India in the present state of affairs would encourage emigration of Indians from India to other parts of the Empire. That is the first question which arises. I take it that it was in order to secure attention to this general question that the Hon'ble Mr. Sinha moved his amendment. First, the Government and the public should make up their minds on a review of the totality of the circumstances existing in these Colonies, whether the

Government should actively encourage Indians to go out to these Colonies. In order to settle that question, my Lord, what is necessary is not that a committee of this Council should sit to hear the statements of those who have come out to make out a case for Indians going out to these Colonies, but that this Council, the Government and the Council, should depute two men, two members of this Council, to visit British Guiana to investigate the question on the spot, to elicit the opinions of the Government of British Guiana and also to elicit, what is of greater importance to my mind, the opinions of the Indians who are living there.

" My Lord, there are two classes of Indians who are living there ; there are those who have a competence and who it is not necessary should work for wages as daily labourers, and there is also a large population who work as daily labourers. I understand the number in British Guiana is from 60,000 to 70,000. The Government ought to find out from an inquiry of these Indians why it is that they do not supply the labour which the planters and others require in British Guiana? Is it that the planters are not willing to pay the wages that these Indians demand? Is it that the conditions they impose are such, that Indians who are already in Guiana do not want to take up work with them? These are vital questions. There are economic questions involved in the emigration of Indians to Guiana which require investigation. How can two or three gentlemen coming from there give you information from all points of view. My Lord, the economic situation is important, and I submit that this Committee will spend its time fruitlessly if it wishes to hear the Deputation and does not hear the evidence of its own Deputation or Deputations. Before I leave the economic question I should like to remind the Council of the misery and suffering that have been endured by Indians who have gone to these foreign lands by reason of the fact that owing to high prices the necessaries of life have not been supplied to them, and by reason of their never having been informed of the conditions under which they would live, and of how many suicides have taken place. Now, the Government of India should satisfy itself by correspondence and by investigation of the state of the economic question. When the Government of India has got all this information it may well ask a committee of this Council to discuss the matter with the Hon'ble the Commerce and Industry Member, but until that material has been collected and in a manner in which the Government would feel satisfied, that it was dealing with materials it could rely upon, I submit that this inquiry will be premature. I wish, my Lord, to draw attention to certain considerations involved in this matter. Unfortunately my countrymen have not advanced very much in education and are wanting in resourcefulness. Unfortunately owing to the long continued system of government that has prevailed even for a long period before the arrival of the British, owing to their being over-governed, they have lost greatly in resourcefulness. So that when they are encouraged to go long distances to various Colonies they naturally find themselves in strange surroundings in a state of helplessness. My Lord, the evils involved in their being sent to distant Colonies helpless and feeble are very great. I want to remind the Council of the moral evils that are involved in sending day labourers to distant lands without safeguards being provided against their falling into bad hands. The Government of India have not been able so far to provide the moral or political safeguards which are so essential to ensure that justice should be done between Indians and those who employ them. In this state of affairs I beg humbly to suggest that this Resolution should not be accepted by this Council at present, and that the Government should send two competent men, such as my esteemed friends Mr. Sastri and the Hon'ble Mir Asad Ali, or two other members to British Guiana to investigate the matter on the spot and to make a report to them in regard to the political, economic and moral situation, and then appoint a Committee to discuss the whole matter and decide what should be done. I submit that the way in which it is proposed to appoint a Committee will give a wrong impression both here to the public and to the world outside. To the world outside this action will create the impression that, notwithstanding all that has been said by representative public men, the Government really do not feel so acutely the problem of the Indian people in the Colonies. That would create a very unfortunate impression and for this reason I submit that the proper course at this stage would be to depute two Indians to go to Guiana and to Fiji, if the case of Fiji is to be considered, to report whether the Indians who are already there and whether Indians who are free to take up employment in these Colonies desire that any more of their brethren should be sent under some system which the Government may devise. It has been said that there should be no obstacle to Indians going as free men to any part of the British Empire. Most certainly. I should like any Indian who desires to go out to go as a free man. The matter may be put in any form; there are moral dangers involved in Indians being sent to distant lands There are economic and political disabilities involved by reason of the fact that the magistracy is not under the control of the Government of India, that the Government of India cannot ensure justice between Indians who go to these Colonies and those who administer the law there. The situation is one in which I think the Government should not seriously think of adopting any system by which it would be inferred that it had the encouragement or the approval of the Indian Government. Well, if Indians want to go freely there is no bar and there should be no bar, but I submit that the Government should not approve of any system until it is satisfied that it possesses the political and moral safeguards that should be provided. I regret I do not see my way to support the proposal of my Hon'ble friend Mr. Banerjea. I do hope that the suggestions I have made will find some response in this Council. If that is done it will be time for him to move for the appointment of a Committee such as he has suggested."

The Hon'ble Sir George Lowndes :—"My Lord, I think I ought to intervene in this debate because of the words which have fallen from my friend Mr. Sastri. My Hon'ble friend found himself unable to support the Hon'ble Mr. Sinha's amendment, but asked for a pronouncement on the part of Government as to their policy on other parts of India and that demand seems to have been emphasized in an almost offensive form by my Hon'ble friend the Pandit who has just sat down. He said, if I heard him correctly, that the Government did not feel acutely the position of Indians in other parts of the world . . . 1-15 P. M.

The Hon'ble Pandit Madan Mohan Malaviya :—"I said this would give the impression that Government did not feel the position of Indians."

The Hon'ble Sir George Lowndes :—"I am glad I have quoted the Hon'ble Member so correctly.

"I think in this connection that it is only necessary for me to refer to the speech which was delivered by His Excellency at the opening of this Council. There could be no more certain pronouncement of the policy of the Government of India and no more emphatic repudiation of the charge that has been made by the Hon'ble Pandit I trust that I shall not weary the Council if I read again the most important passages from that speech.

"The first is as follows :—

> 'The position of the Government of India is and always will be that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. With the support of the Secretary of State we have steadily pressed this view on the Colonial Office, and we have asked the Secretary of State to see to it that Indian interests are fully represented at the forthcoming discussions in London between Lord Milner and the Governer of East Africa.'

"A little later this passage occurs :—

> 'I wish however to make it clear that the position which was taken up by Lord Hardinge's Government still holds good. It is not the duty of India to provide labour for British labour for British Colonies. But if the Colonies offer Indians a wider and more prosperous career than that which they can look for in their own homes, then we should not stand in the way. Our duty then will be to protect the ignorant Indian emigrant against misrepresentation and to see that such guarantees are given as will safeguard his interests as a free settler in the country to which he goes.'

"Surely the last passage which I have read from His Excellency's speech is an emphatic pronouncement of the policy of the Government of India in these matters and is as emphatic a repudiation of the charge which the Hon'ble Pandit has brought against us as can possibly be made in any Assembly dealing with such matters. I only wish to say in answer to the rest of the Hon'ble Pandit's speech that it is proposed that he should be a member of the Committee, and we hope that he will undertake this responsibility. It will then be for him to make all the proposals he has made in this Council. We have asked the Committee to undertake the consideration of this question, because we believe that these are Indian questions which ought to be considered and ought to be dealt with by Indians. It is surely absurd to suggest that, when a Deputation has come to India to put before Indians conditions under which it may be reasonable for Indians to emigrate to the country from which the Deputation has come, we should refuse to meet them, refuse to consider the proposals they have to make and to say 'go back to the country from which you came, we will send two members of this Council to look at the country first'. After the Committee has considered the proposals of the gentlemen who have come over to India to deal with these matters and has perhaps examined their credentials, as the Hon'ble Mr. Khaparde suggests, it will be open to it to make all the proposals which the Hon'ble Pandit has put to this Council which may be quite reasonable, which will be of great weight and will receive from the Government of India the most careful and anxious consideration. I hope that now when some responsibility is being put on Indian members of this Council to advise the Government on proposals which are to be put before them, they will not shirk the responsibility and say 'we will not meet these people' and so put off the matter for years. This is the first opportunity Hon'ble Members have since the passing of the Reforms of accepting definite responsibility in a matter which concerns India most intimately."

1-30 P.M. **The Hon'ble Mr. Surendra Nath Banerjea.**—"My Lord, I must express my unqualified surprise at the observations which have fallen from my friend the Pandit. My friend says 'Do not appoint a Committee but send two delegates from this Council to visit British Guiana and make their recommendations.' Will my Hon'ble friend be a member of the deputation? I do not think he will . . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"If it became my duty I would."

The Hon'ble Mr. Surendra Nath Banerjea:—"Then I take it that if the Committee recommends such a Deputation my Hon'ble friend will consent to be a member of that Deputation. But a committee being appointed, is it not open to that Committee to make a recommendation to that effect? By appointing a Committee the door is not barred to the way of sending a Deputation later on.

"Then my Hon'ble friend Pandit Malaviya says that it is inopportune to give a hearing to these Deputations. I confess I am unable to understand why it is inopportune to listen to statements and proposals made by responsible persons who have come thousands of miles across the sea in regard to a matter of vital interest to themselves and also to ourselves. It is never inopportune to give a hearing to persons who desire to speak to you upon questions of public importance.

"Then we have heard a great deal about credentials. My Lord, it is to be borne in mind that one of the members of this Deputation is an Indian Barrister; Mr. Luckhoo is, I think, his name. His family has been settled in British Guiana for two generations, and this, I think, is the second time that he is an Indian. A Barrister trained in Oxford or Cambridge comes over to you, solicits an interview with you, desires to make a representation to you; you say 'we do not want to hear you.' He speaks with a sense of responsibility with regard to this matter, and, I think, we ought to give him a hearing. Then again, another member of the Deputation is Dr. Nunan who, if I mistake not, is Attorney-General of British Guiana. Is he not entitled to a hearing? I do think we show scant courtesy to these gentlemen when we say that we are not willing to hear them and that we want to have their credentials. Further, Mr Luckhoo addressed a meeting of the East Indian Association at which the Governor was present and he made a speech from which I have quoted passages. Surely these gentlemen who have come thousands of miles across the sea and with a sense of responsibility are voicing a feeling which is prevalent in British Guiana, and it can do us no possible harm if we lend them a hearing and then act accordingly as we think fit. Therefore, I do hope that this Resolution regarding the appointment of a Committee will be unanimously passed. My friend has observed that it is very hard upon us that we should be called upon to listen to these proposals having regard to the hardships of the system of indentured labour, but that system is dead and gone. It is quite another system that we advocate, namely, free emigration. We must not apply to the system which is about to be inaugurated conditions which are matters of past history. My friend's views are altogether hazy and obscure in regard to this matter. My Lord, I think the Committee will be in a position to look into the question of the credentials. My Hon'ble friend Sir George Barnes suggested that we might add that as one of the matters to which the Committee might address themselves. I am quite prepared to accept that suggestion, but it seems to me that it is open to us as a Committee to ask these gentlemen what their credentials are without making this a part of the Resolution, and I have not the least doubt in my own mind that they will produce them. I am in strong sympathy with my friend Mr. Sinha's proposal, but I am afraid I cannot accept it. This Committee has to look into two questions, one relating to Fiji and the other relating to British Guiana. We cannot go beyond that. I say I am in great sympathy with my friend Mr. Sinha's amendment, but I cannot accept it. My friend may move it as a substantive Resolution if he likes, but I do not think that we ought to mix up the two things together. That is a very large question, and we shall have to sit for months together before we are able to come to a decision about it. I do hope and trust, therefore, under the circumstances, that my Resolution will be accepted by the Council. It is not only an act of courtesy, but an act of justice to the Deputations who have come from a long distance in order to lay their case before us."

The amendment was put and rejected.

The Hon'ble Pandit Madan Mohan Malaviya :—"May I say a word, my Lord? Holding the views that I do, I regret I shall not be able to serve on this Committee, and I beg I may be excused".

The President :—"There is another amendment to be put first".

The Hon'ble Pandit Madan Mohan Malaviya :—"I beg your Excellency's pardon".

The motion that the following words be added at the end of Mr. Banerjea's Resolution :—

'and that the committee be instructed to examine the credentials of both Deputations'

was put and agreed to.

The President :—"I take it that Mr. Banerjea does not wish to include the Hon'ble Pandit's name in the Committee. He withdraws."

The Hon'ble Mr. Surendra Nath Banerjea :—"If my friend is unwilling to serve on the Committee, his name must be withdrawn, and with your Excellency's permission I suggest the name of the Hon'ble Mr. Sinha on it."

The President:—" Is Mr. Sinha willing to serve on this Committee ? "

The Hon'ble Mr. Sachchidananda Sinha:—" I am quite willing to serve on this Committee, my Lord."

The following Resolution was then put:

'That this Council recommends to the Governor General in Council that he may be pleased to appoint a Committee consisting of the Hon'ble Mr. Srinivassa Sastri, the Hon'ble Sir Dinshaw Edulje Wacha, the Hon'ble Mr Sinha, the Hon'ble Dr. Tej Bahadur Sapru, the Hon'ble Mr. B. N. Sarma, the Hon'ble Mir Asad Ali, Khan Bahadur, the Hon'ble Mr. W. E. Crum, the Hon'ble Mr. Marjoribanks, and the mover (*a*) to examine the scheme of colonization which the Deputation from British Guiana desire to put forward, and to report thereon and make recommendations to the Government of India, and (*b*) to meet the Deputation from Fiji which has arrived in this country and to examine any proposals which they may put forward, and to report thereon and make recommendations to the Government of India, and that the Committee be instructed to examine the credentials of both Deputations.'

The Hon'ble Mr. Surendra Nath Banerjea:—" Before your Excellency puts that, with your Excellency's leave I would propose the name of the Hon'ble Mr. Chanda as a member of the Committee."

The President:—"Is Mr. Chanda willing to serve on the Committee?"

The Hon'ble Mr. Kamini Kumar Chanda:—"Yes, my Lord."

The President:—" And Mr. Chanda."

The motion was agreed to.

The Council adjourned to Wednesday, the 11th February 1920, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 12th February, 1920.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 11th February, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 56 Members, of whom 49 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Rai Sita Nath Ray Bahadur asked:— 11-5 A.M.

Reduction in fares and reserve accommodation on railways.

1. "(*a*) Were large profits made by the railways last year?

(*b*) Do Government propose to consider the question of reducing return-ticket fares to the pre-war level and to revive the system of giving reserve accommodation in first and second-class compartments for three and four fares, respectively?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The profits of the railways last financial year have been published in the Administration Report for the period.

(*b*) Consideration has been given to the question of reverting to pre-war passenger fares. In view of the great increase in working expenses which has now to be met, Government are not prepared to consider at present the reduction in return-ticket passenger fares to the pre-war level. Nor, having regard to the great demands for passenger accommodation and the limited room available, is it practicable to relax the conditions for reserved compartments."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Re-construction of railway lines.

2. "When do Government propose to re-construct railway lines which were discontinued for war purposes?"

The Hon'ble Sir Arthur Anderson replied :—

"Government propose to commence the re-construction of dismantled lines during the ensuing year and to carry them to completion with the least possible delay. It is, however, not at present possible to foreceast dates on which work on individual lines will be taken in hand."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

British Empire Exhibition in London.

3. "(*a*) Is it proposed to hold a British Empire Exhibition in London in 1921, with a view to promote the extension of Imperial trade by bringing before buyers from all parts of the world exhibits of the industries, inventions, raw materials, and products of the Empire?

(*b*) Are Government taking necessary steps for the representation of Indian products, especially Indian art products, in the Exhibition?"

The Hon'ble Sir Thomas Holland replied :—

"(*a*) The answer is in the affirmative.

(*b*) I place* on the table copies of a Press Communiqué which was issued on the 3rd January, showing that the Government of India approved of the proposal, and, although unable to participate officially in obtaining representative exhibits of all products, industries and raw materials, they desired to commend the Exhibition to the general public and manufacturing firms. The Communiqué was issued to all Local Governments for publication in the Provincial Gazettes, and the Indian Munitions Board has informally addressed the Provincial Directors of Industries, suggesting that they might be able to utilise the experience gained at the British Industries Fair of this year to organise a larger display of Indian art products at the Empire Exhibition next year."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Waiting room at the railway station at Jhikargacha Ghat.

4. "(*a*) Is it a fact that there is no waiting room at the railway station at Jhikargacha Ghât, a station on the Eastern Bengal Railway?

(*b*) Do Government propose to take up the matter and give effect to the scheme which was considered before the war broke out?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) Jhikargacha Ghât station already has waiting accommodation for 3rd class passengers and Indian ladies.

(*b*) The Eastern Bengal Railway Administration is now examining the scheme framed a few years ago, and, it is hoped, a decision will be arrived at shortly."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Unclaimed deposits.

5. "(*a*) Will Government be pleased to state the total amount of unclaimed lapsed and forfeited money that has been lying with them in all parts of India since 1901 under the following three heads :—

(*i*) Deposits in Boards of Revenue;
(*ii*) Deposits in Presidency Banks; and
(*iii*) Investments in Government Promissory Notes.

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*Not included in these Proceedings.

(*b*) Are these amounts ever shown in any Budgets? If so, under what heads will they be found? Are these absorbed in the ordinary revenues, or is any special use made of them or the interest thereon?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) (*i*) It has not been possible to separate the figures for unclaimed revenue deposits from other items of deposits which have lapsed to Government, for example, lapsed civil and criminal courts deposits, but a statement showing the total amounts credited to Government under the minor head 'Unclaimed Deposits' since the year 1901 is laid on the table.*

(*ii*) The Government are not concerned with unclaimed deposits in the Presidency banks.

(*iii*) The outstanding balance on account of Government promissory notes notified for discharge which have not been claimed and have therefore been written-off to Government is R15,35,990.

(*b*) Outstanding amounts of Government loans written off to revenue are credited in the 'India' books under the head 'XXV—Miscellaneous,' and lapsed deposits under the minor head 'Unclaimed Deposits' under the same major head in both the 'India' and Provincial books. The amounts are included in the Government balances and not devoted to any special purpose."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Allotment made in the Bengal Government's Budget for re-organising the Munsif's service.

6. "(*a*) Is it a fact that in the current financial year, 1919-1920, the Bengal Government have budgetted for a sum of R1,25,000 for giving partial effect to the scheme for re-organisation so far as the class of public servants known as Munsifs are concerned?

(*b*) Is it a fact that, if orders are not passed before the expiry of the present financial year, the greater portion of this sum will lapse, and that this will be detrimental to a large number of officers who have been in expectation of the benefits of the scheme since 1912, when it was first drawn up by the Local Government?"

The Hon'ble Sir William Vincent replied:—

"(*a*) The answer is the affirmative.

(*b*) Pending the issue of orders on the detailed recommendations of the Public Services Commission, relating to the Provincial Judicial Service, the pay of the lowest grade of Munsifs in Bengal was raised in May last from R200 to 250 a month, and a part of the sum provided for in the local Budget has been expended in this connection. As stated in answer to another question, the Secretary of State was addressed on the 9th December in regard to the recommendations of the Public Services Commission relating to the pay of the Provincial Civil and Judicial Services. He has now replied and his orders have been communicated to the Local Governments. The lapse of a Budget provision is a matter of accounts only, and there is no reason why such a lapse should prove detrimental to the service concerned, since the Bengal Government is competent to make fresh Budget provision in the coming year, and will no doubt do so."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Backward tracts of Assam.

7. "(*a*) Will Government be pleased to state what part, if any, of Assam it is proposed to declare to be a 'backward tract' in accordance with the provisions of section 15 (2) of the Government of India Act, 1919?

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*Vide Appendix A.

(*b*) What are the exceptions and modifications, if any, subject to which it is proposed to apply the Government of India Act to such 'backward tract?'

(*c*) What Acts of the Indian Legislature, if any, is it proposed to apply and not to apply, respectively, in such 'backward tract'?"

The Hon'ble Sir William Marris replied :—

"The Hon'ble Member is referred to the Government of India's despatch No. 7 of 1919 to the Secretary of State, dated June 5, 1919. The provisional proposals in this regarding the treatment of the hill districts of Assam are still under consideration between the Government of India and the local Administration, and the Government of India are not at present in a position to make any further announcement as to details."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Number of Indians, Europeans and Anglo-Indians employed in the Government of India Secretariat.

8. "Will Government be pleased to lay on the table a statement showing separately the total number of Indians, Europeans and Anglo-Indians employed on the 1st of January, 1920, in each of the Departments of the Government of India Secretariat, drawing a salary of not less than R25 per mensem, and further showing in the case of the Indian employees the numbers belonging to each province?"

The Hon'ble Sir William Vincent replied :—

"The information will be collected and laid on the table."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Raids committed by the trans-Frontier tribes

9. "(*a*) Will Government be pleased to state :—

(*i*) the number of raids committed by the trans-Frontier tribes in the year 1919 in each of the districts of the North-West Frontier Province;

(*ii*) the nature of the extent of loss, if any, to life and property in each district as a result of such raids?

(*b*) Is it a fact that a number of women were forcibly carried away by the raiders? If so, will Government lay on the table a statement showing their number, specifying the community they belonged to, and also how many of them and under what circumstances were ultimately ransomed or brought back?

(*c*) Is it a fact that many people in the province have been driven, by reasons of the depredations, to give up their village homes and their belongings and take refuge at District Headquarters?

(*d*) What action, if any, have Government taken, or what action do they propose to take, to ensure the safety of life and property of the people of the Frontier Province and to make them immune from such raids in future?"

The Hon'ble Mr. H. R. C. Dobbs replied :—

"The information asked for will take some time to collect. It will be laid on the table when complete and when it is in the public interest that it should be published."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Abolition of recruitment for the Indian Army in Bihar.

10. "(*a*) When was recruitment for the Indian Army finally abolished in Bihar prior to the commencement of the last European War, and what was the reason?

(*b*) Which districts used mainly to supply the recruits?

(*c*) Was recruitment re-commenced in Bihar during the last European War? If so, when? What was the total number of combatants and non-combatants so recruited?

(*d*) Has recruitment in Bihar Districts ceased since the close of the war, or is it still being continued? If the former, will the Government be pleased to state the reasons therefor?

(*e*) Do Government propose to reconsider the question of recruitment in Bihar with a view to maintain and give play to the martial spirit of the people? If not, why not?"

His Excellency the Commander-in-Chief replied:—

"(*a*) Recruitment for the Indian Army in Bihar was not abolished prior to the war.

(*b*) The districts of Shahabad, Saran, and Gaya.

(*c*) Recruitment in Bihar continued throughout the war. The numbers recruited up to the date of the Armistice were—

(*i*) Combatants	8,576
(*ii*) Non-combatants	32,976

(*d*) No. Therefore, the last question (*e*) does not arise."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Divisional and Sessions Judges in the North-West Frontier Province.

11. "Will Government be pleased to state (*a*) the number of Divisional and Sessions Judges in the North-West Frontier Province; (*b*) their respective qualifications; (*c*) whether they are members of the Indian Civil Service, Barristers or Military men; and (*d*) what judicial experience each of them had at the time of his appointment as such Judge?"

The Hon'ble Mr. H. R. C. Dobbs replied:—

"There are three Divisional and Sessions Judges in the North-West Frontier Province:—

(1) Divisional and Sessions Judge, Peshawar.
(2) Additional Divisional and Sessions Judge, Peshawar.
(3) Divisional and Sessions Judge, Derajat.

(1) is held by Mr. T. B. Copeland, M.A., I.C.S. He is a member of the Indian Civil Service and of the Political Department. Before his appointment as a Divisional and Sessions Judge, Peshawar, from January, 1916, he has held the appointments of District Judge, Peshawar, District Judge, Hazara, District Magistrate and Collector, civil and military station Bangalore, etc.

(2) is held by Major R. A. Yule, an officer of the Indian Army and of the Political Department. Before his appointment as Additional Divisional and Sessions Judge, Peshawar, he has held the following appointments:—

(*i*) District Judge, Peshawar.
(*ii*) Additional District and Sessions Judge, Peshawar.
(*iii*) District and Sessions Judge, Derajat.
(*iv*) Divisional and Sessions Judge, Peshawar.

(3) is held by Lieutenant-Colonel C. F. Minchin, D.S.O., an officer of the Indian Army and of the Political Department. He held no judicial appointments before his appointment as Divisional and Sessions Judge, Derajat—an office he has held since 15th November 1911. He, therefore, has at present more than eight years' judicial experience in the post which he holds."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Number of raids committed and value of property looted in the North-West Frontier Province.

12. "Will Government be pleased to lay on the table a comparative statement showing the number of raids committed, the approximate value of the property looted, the number of persons killed or injured, and the number of men, women and children kidnapped and then ransomed in the districts at present constituting the North-West Frontier Province during the years 1898, 1899, 1900 and 1901, and 1916, 1917, 1918 and 1919, respectively?"

The Hon'ble Mr. H. R. C. Dobbs replied :—

"The information for the years 1898—1901 is not available. The information for the years 1916—1919 is placed on the table.* The period of twelve months runs in each case from the 1st April to the 31st March, as the Annual Reports are for that period; and the returns for 1919-1920 are therefore not yet complete.

A definition for statistical purposes of the term 'raid' presents some difficulty, since the local officers who report occurrences of this nature do not always discriminate between a raid proper and an ordinary dakaiti. The statement, therefore, includes all cases in which there is reason to believe that trans-Frontier offenders were concerned.

The figures given as the value of property stolen represent the complainants' estimates of their losses. There is a natural tendency to exaggerate the value of lost property, and it is impossible to secure anything like accuracy in such figures."

The Hon'ble Mr. G. S. Khaparde asked :—

Appointment of railway visitors.

13. "Do Government propose to consider the advisability of appointing railway visitors from among the elected members of the Indian and local Legislative Councils?"

The Hon'ble Sir Arthur Anderson replied :—

"Government do not consider it advisable to appoint railway visitors from among the elected members of the Legislative Councils."

The Hon'ble Mr. G. S. Khaparde asked :—

Indian Settlers in British East Africa.

14. "Will Government be pleased to state the purport of the recommendations of the Economic Committee which is believed to have reported against Indian settlers in British East Africa?"

The Hon'ble Sir George Barnes replied :—

"The Government of India have not yet received from the Secretary of State a copy of the East Africa Economic Commission's Report, but telegraphed some little time ago to the Secretary of State asking that a copy should be sent to the Government of India, and urging that Indian interests should be fully represented at any discussion with regard to it between Lord Milner and the Governor of East Africa, who is at present in London on leave. From another source we received yesterday a copy of Part I of the Final Report of the Economic Commission and I shall be very glad to show this copy to the Hon'ble Member if he so desires."

The Hon'ble Mr. G. S. Khaparde asked :—

Placing of the rules under the new Government of India Act before the Council.

15. "Will Government be pleased to state whether the rules to be framed under the new Government of India Act will be placed before this Council, as was done in the case of the proposals contained in the Montagu-Chelmsford Report, and the opinion of the non-official members taken?"

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* *Vide* Appendix B.

The Hon'ble Sir William Marris replied:—

"The rules to be made under the Government of India Act are too numerous and detailed for the opinion of the Council as a whole to be obtained upon them with advantage, even if time allowed of such a course. The Government of India, however, propose to forward a copy of the suggested rules, as they are ready, to every non-official member requesting him to offer any observation in writing, and also to take the rules and comments into consideration with a Committee largely composed of members of this Council."

PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Hon'ble Sir George Lowndes:—"My Lord, I have the honour to present the Report of the Select Committee on the Bill further to amend the Provincial Insolvency Act, 1907." 11-15 A.M.

INDIAN CENSUS BILL.

The Hon'ble Mr. Shafi:—"My Lord, I have the honour to present the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census. Hon'ble Members will notice that the only principal changes introduced by the Select Committee have been with reference to clauses 4, 5 and 10 of the Bill. In clause 4 the figure 20 has been modified into 10. In clause 5 an addition has been made to the authorities who may be required to give assistance in the taking of the Census, and in sub-clause (*b*) a provision has been made for a penalty for the disclosure of information received by a Census officer in the course of his duty. 11-16 A.M.

The remaining changes are merely drafting amendments and need no discussion in detail."

INDIAN STEAM-SHIPS (AMENDMENT) BILL.

The Hon'ble Sir George Barnes:—"I beg to move, my Lord, that the Bill further to amend the Indian Steam-ships Act, 1884, be taken into consideration. I explained this Bill when I moved for leave to introduce it. Its object is simply to correct a small mistake which was contained in the original Act and which unfortunately has taken some 36 years to find out. 11-17 A.M.

"I beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Barnes:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

INDIAN ARMY (AMENDMENT) BILL.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill further to amend the Indian Army Act, 1911, be taken into consideration. 11-18 A.M.

The object of the Bill, as I explained, is merely to supply a deficiency in regard to the disposal of moveable property of men who are declared to be missing on active service."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

UNITED PROVINCES TOWN IMPROVEMENT (APPEALS) BILL.

11-19 A.M. **The Hon'ble Mr. Shafi**:—"My Lord, I beg to move that the Bill to modify certain provisions of the United Provinces Town Improvement Act, 1919, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. Shafi:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

INDIAN TARIFF (AMENDMENT) BILL.

11-20 A.M. **The Hon'ble Sir William Vincent**:—"My Lord, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894. The reasons for this measure are fully explained in the Statement of Objects and Reasons, and I do not think I need detain the Council for long in respect to it. Under the present law the Government realise from dealers importing certain classes of fire-arms into this country a fixed fee, but when the arms are re-sold to private purchasers a refund is allowed to the dealers of anything in excess of the general 20 per cent *ad valorem* duty. It has been found that this results in inconvenience to the dealers in that it necessitates a certain amount of their capital being locked up, which can only be recovered gradually as the arms are re-sold. It also involves a good deal of account-keeping and inconvenience to them in realising the refund and a good deal of extra work to the Customs officers. It is proposed, therefore, to modify the tariff in the manner suggested in the Bill, the minimum rates for certain articles being still retained, as Hon'ble Members will see if they refer to the Bill before the Council. My intention at present is only to move for leave to introduce the Bill, and it will be published in due course in the Gazette of India."

The motion was put and agreed to.

The Hon'ble Sir William Vincent:—"My Lord, I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

DACCA UNIVERSITY BILL.

11-21 A.M. **The Hon'ble Mr. Shafi**:—"My Lord, I beg to move that the Bill to establish and incorporate a unitary teaching and residential University at Dacca be referred to a Select Committee consisting of the Hon'ble Sir George

Lowndes, the Hon'ble Mr. Sharp, the Hon'ble Maharaja Sir M. C. Nandi, the Hon'ble Nawab Nawab 'Ali Chaudhuri, the Hon'ble Mr. Surendra Nath Banerjea, the Hon'ble Mr. Moncrieff Smith, the Hon'ble Mr. De, the Hon'ble Mr. de la Fosse, the Hon'ble Mr. L. M. Chatterjee, the Hon'ble Chaudhuri Muhammad Ismail Khan, and myself.

" My Lord, in September last when I had the honour to move for leave to introduce the Bill I ventured, in some detail, to trace the history of the origin and subsequent development of the movement for the foundation of a University at Dacca. The Bill, in pursuance of the motion then adopted, was published in the Gazette of India and in the local Provincial Gazettes of Bengal, Assam and Burma. The reception with which this measure has met from all quarters must very naturally be a source of great gratification to your Excellency's Government. Not a single discordant note has been struck anywhere with reference to the desirability, as well as the necessity, of the early establishment of the Dacca University ; and while criticisms have been received with regard to certain details of the measure, some of which I have no doubt will receive careful consideration at the hands of the Select Committee, its main principles have, except perhaps in one instance, received general approval.

" My Lord, since this Bill was last before this Hon'ble Council, I have had the opportunity of making a careful study of the whole problem on the spot. Towards the end of December last, accompanied by the Hon'ble Mr. Sharp, the Hon'ble Mr. Hornell and Mr. Stapleton, officer on special duty in connection with the Dacca University, I paid a visit to Dacca. While there we carefully inspected the proposed University site, came into close personal contact with representatives of public opinion at Dacca, and received two representative deputations, one on behalf of the Hindu and the other on behalf of the Muhammadan community. I was immensely struck with the possibilities of Dacca as an educational centre. Indeed, no one who has not personally visited Dacca can have a really adequate conception of those possibilities. In the University area, which has already been mapped out, we have an ideal University site. In the magnificent edifice which was to have been the Government House of East Bengal, we have a palatial residence for the Vice-Chancellor and halls and rooms suitable for meetings of the Court, the Executive and the Academic Councils and other University bodies. In the vast pile of the Secretariat building with its central hall suitable for holding the annual convocation, in the beautiful building of the Dacca college with its lofty hall and class rooms, in the building at present occupied by the Engineering school and the two hostels at the back of these two buildings, we have already material ready for the reception of the new University. And in the extensive site surrounding these beautiful buildings we have room not only for the erection of the Muhammadan and the Jagannath halls, which will no doubt be taken in hand immediately, but also space for the construction of the Medical, the Engineering and the Agricultural Halls which, I doubt not, will come into existence at no distant date.

" My Lord, at the various gatherings which were arranged by the hospitable citizens of Dacca we had opportunities of exchanging views with representative Hindu, Muhammadan and European gentlemen, and the two representative deputations I have already spoken of placed their views before us. There was complete unanimity of opinion amongst all classes and creeds in Dacca on behalf of the early establishment of the University which your Excellency's Government proposed to establish there. Some misgivings were no doubt expressed by some Dacca gentlemen lest the opposition which they feared in certain quarters in Calcutta might result in the postponement of the realisation of their dream. But I for one was confident that those misgivings were not justified, and I am able to announce, here in this Council, that during my three weeks' residence in Calcutta, having come into close contact with representative public opinion in Bengal, I found that my confidence in the patriotism and broad-mindedness of Calcutta Educational circles was fully justified. My Lord, with these words I beg to move that the Bill be referred to a Select Committee consisting of the gentlemen I have already named."

11-23 A.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"My Lord, as a representative of the Hindu community of Bengal and as one deeply interested in the cause of education in my Province, for I have been nearly forty years a teacher of youth, I desire to extend a cordial welcome to the proposal to establish a University at Dacca. We were not so minded in the early stages of this controversy. There was indeed a time when there was a feeling of opposition to the establishment of this University. My Hon'ble friend, Mr. Sharp, will perhaps remember that when Lord Hardinge visited Calcutta—I think it was soon after the modification of the partition of Bengal, somewhere in August 1912—a deputation waited upon him, led by that prince of Indian benefactors, Sir Rash Behari Ghose, protesting against the establishment of the Dacca University The feeling at that time was that the creation of a rival University might have the effect of interfering with the utility and the expansion of the mother of Bengal Universities, namely, the Calcutta University. That feeling has altogether disappeared. So great is the pressure upon our educational institutions that we find it impossible to provide accommodation for the young men who seek to obtain admission into our colleges and schools. That being so the establishment of the University of Dacca should afford relief, and I hope sensible relief, to the educational institutions connected with the Calcutta University. But though I am prepared to accord this welcome to the University at Dacca, there are certain matters which deserve careful consideration and criticism. My Lord, my friend referred to the note of unanimity which was struck on the occasion of his visit to Dacca in connection with the University. I am sorry to say that I am going to raise a discordant note on this occasion. I object to the principle of communal representation which finds a place in the Bill. My Lord, in this matter I invoke your Excellency's high authority. In the Montagu-Chelmsford scheme report communal representation in the Legislative Councils is emphatically condemned. It was accepted because it was a settled fact and there was no escape from it The principle of communal representation not only finds a place in the Bill, but a very broad and enlarged place. There is to be communal representation in the Senate, or Court as it is called, there is to be communal representation in the Syndicate or Executive Council, as it is termed. There is to be further a Muhammadan Advisory Board. Let me say in this connection that the system of communal representation as outlined in this Bill was objected to by two very distinguished Muhammadan representatives. One of them is among the foremost intellectual men of the Muhammadan community, the Hon'ble Dr. A. Suhrawardy, who was a member of the Committee appointed by the Senate of the Calcutta University. He protested against the acceptance of this principle in the University Bill. Furthermore, Nawab Khwaja Mahammad Yusaf, Khan Bahadur, the Chairman of the Dacca Municipality, a member of the Nawab family long connected with the public life of Dacca, also objected to the introduction of the communal principle in the proposed University. Now, my Lord, I must present the other side of the shield. I find that the Committee in connection with the Dacca University recommended the principle. Therefore, that is a strong point in favour of communal representation finding a place in the Bill. What we fear is that it may be extended to the local institutions of Bengal, and furthermore, that it may be allowed later to determine the question of teachers and professors in the Dacca University. That would be disastrous, because it would interefere with the efficiency of the University. My Lord, I think it is desirable to limit this communal representation at any rate by starting electorates of a mixed character, consisting of Muhammadans and non-Muhammadans. It will be perhaps in the recollection of this Council that Lord Morley in the early stages of the Morley-Minto scheme controversy suggested mixed electorates for the purpose of sending representatives to the local Council. My suggestion is only a repetition of the recommendation made by Lord Morley.

"Then, my Lord, there is another point to which I desire to call attention in connection with this Bill. I am bound to say that the personnel of the University is very largely official. Perhaps to some extent this is inevitable in the circumstances and conditions of Dacca, but there was one suggestion made by the Committee which I find has not been incorporated in the Bill, and I desire to draw the attention of the Council to the suggestion that not more than twenty members shall be nominated by associations to be selected by His Excellency the Chancellor. I hope and trust that this recommendation will find a place in the Bill.

"Then, my Lord, I come to the question of Faculties. I find that only three Faculties are mentioned in the Bill, the Faculties of Arts, Science and Law. My Hon'ble friend the Member in charge of the Bill, in his speech referred to three others if I remember aright. He mentioned the Faculty of Medicine, the Faculty of Engineering and the Faculty of Agriculture, and I should add the Faculty of Technology. These four ought to be specifically mentioned in the Bill. I quite recognise the fact that there is a provision in the Bill which will enable the University to add to the number of its Faculties as circumstances may require, but, I think, it would be a distinct advantage to have all these Faculties definitely and specifically mentioned in the Bill itself. This will appeal to the popular imagination, awaken popular interest and will facilitate the flow of funds. However, when the Select Committee comes to consider this matter, I hope that these Faculties will find a place in the Bill.

"Then, my Lord, there is to be an Islamic Department of studies. I welcome that recommendation, but why not a Sanskrit Board of Studies also? That will complete the Oriental side of the University. We have great respect, I am speaking as a representative of my community, we have great respect for Islam the culture of which is at the root of the great religion which commands the homage of so large a portion of mankind. But we have also got Aryan tradition and an Aryan civilisation which have coloured the thoughts of our race for thousands of years. I think there ought to be Boards of Studies both as regards Islamic and Aryan culture. Then there are one or too little matters to which I desire to call attention. The Local Government as explained in the Bill is the Governor in Council. I would add two or three words 'together with his Ministers.' I think that is very necessary in view of the fact that Education is to be one of the Transferred Subjects, Then, my lord, a very large measure of powers is given to the Visitor; the Visitor happens to be the Governor General himself. The powers given to the Visitor are similar to those given to the Governor General by the Benares University Act. The Calcutta University has made a recommendation, namely, that when the Governor General orders an inspection of the University, or in respect of the manner and method of the working of any department, the University should have a representative on the Board of Inspection. I think, my Lord, that is a very sensible suggestion and one that ought to be accepted.

"I do not think I should detain the Council at greater length. The Dacca University will be a model one and I am sure that it will be so if properly started. May I be permitted to express the hope that His Royal Highness the Prince of Wales will be invited to open this University. It will give it a start which will facilitate the flow of funds, commensurate with the dignity that will thus be bestowed upon the University."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri :— 11-40 A.M.
"My Lord, nearly five months have elapsed since the Dacca University Bill was introduced into the Council at Simla by the Hon'ble Member in charge of Education. At that time, I accorded a cordial and enthusiastic welcome to the Bill; but in the exuberance of my feelings, I could not then discuss its provisions in detail and reserved the same for a future occasion. That occasion has now come when the Bill is going into the Select Committee, and I crave the indulgence of your Excellency to bear with me for a few minutes and permit me to put forward certain definite suggestions which, I hope, will be favourably and sympathetically considered by the Committee in the light of Muslim opinion in Eastern Bengal where the University is going to be established.

"My Lord, I do not like at the present moment to go into the details of the Bill which is going to be referred to the Select Committee for discussion of the details, but I would confine myself to broad principles underlying the Bill. It is very gratifying to find, my Lord, that the Government has taken this opportunity of redeeming its pledges to the Mussalmans, but it has to be regretfully admitted that the present Bill does not go far enough to fully satisfy the reasonable aspirations of the people of Eastern Bengal. It is unfortunate that the Government has thought fit to confine the salutary activities of the Dacca University within the narrow limits of the town of Dacca, and thus denied the East Bengal colleges the privileges of closer association with this more modernised University. As the decision of the Government is based upon the recommendation of the Calcutta University Commission, I may be excused if I take a little of Council's time to examine the grounds underlying this recommendation.

"My Lord, we read in Chapter XXXIII of the Report that the 'affiliating nexus would tend to restrict the natural development of Dacca on its own lines; there would be constant conflict between Dacca, the strongest centre, that it should be allowed to progress, and the equally legitimate claims of weaker Mufassil colleges, that they should not be overpressed.' Difficulties, my Lord, these undoubtedly are, but they are not insurmountable. Recognising the possibilities of such difficulties in the sister University of Calcutta too, the Commission recommends the constitution of a Mufassil College Board as the adequate solution of the problem. For, in the words of the Commission, 'we regard it as essential, therefore, that the organisation set up for the Mufassil Colleges should not be of such a kind as to hamper or retard the work of the Teaching University in Calcutta or limit the range and character of the training which it gives, to those which are attainable for Muffassil colleges.' Such an organisation they find in the establishment of a special Board of the Calcutta University, to be known as the Board of Mufassil colleges. Now, my Lord, if the Board remedies the evils of affiliation, why not have such another Board of Mufassil colleges at Dacca? We are told it would be 'unwise' and 'wasteful.' I regret that the learned Commissioners did not consider it necessary to elaborate their arguments and dismissed such an important and perhaps inconvenient question in a short laconic sentence. 'The affiliating nexus' that was possible in Calcutta, practicable at Patna, curiously enough metamorphosed itself into a wasteful weed at Dacca to hamper the development of the University there. The unwisdom, I presume, consists in the 'wastefulness,' but a distracted world is left to guess whether the latter is financial or an uneconomic diversion of energy from the teaching to the administrative field. My Lord, the disadvantages of the financial wastefulness of duplication bear such a small proportion to the enormous benefit of increased efficiency consequent upon the division of unwieldy territorial jurisdiction of the Calcutta Board, that the proposal deserved some consideration from the point of view of the success of the Board itself. Even now the mammoth size of the Calcutta University hampers the satisfactory performance of mere examining function; and saddled with the same duties it is extremely doubtful whether the infant Board at Calcutta, with rapidly increasing number of students to deal with, can cope sucessfully with the Herculean task. As to the latter supposition, I am unable to subscribe to the view that occasional attendance at the meetings of the Board by the University staff would seriously interfere with the proper discharge of their tutorial duties.

"My Lord, with the sole exception of the authorities of the Calcutta University with whose natural desire to retain and extend the domain of its power and influence I sincerely sympathise; there is little public opposition to the view I advocate. In view of the influential support of the distinguished educationists like Rai Kumudini Kanta Banerjee Bahadur, Dr. Hira Lal Haldar, Professor Hem Chandra Das Gupta, Atul Chandra Sen, Mohamopadhaya Promotha Nath Tarkabhusan in favour of affiliation, 'the grave doubts' of the Commission 'whether affiliation to Dacca would be welcomed by the majority of the colleges' seem rather unwarranted. To a layman it appears that they would rather welcome the connection with the neighbourly Dacca rather than with the distant Calcutta ; for, my Lord, we have as yet no occasion to suspect that the East Bengal colleges would suddenly develop a strong prejudice against Dacca, the intellectual, if unfortunately, not the political, capital of the eastern districts. Besides, the unanimity of the Moslem opinion, my Lord, demanded a more sympathetic consideration than has actually been vouchsafed to it ; for it is not perhaps inopportune to recall once again that it is the Moslem needs and requirements that the University was primarily intended to cater for. Quite apart from the Moslem point of view, I may be permitted, my Lord, to mention the vigorous arguments of the Hon'ble Mr. J. B. Cunningham, of late the Director of Public Instruction, Assam, in support of affiliation. He observes 'if the new University is to be afforded the fullest opportunity of serving the requirements of Assam, and Eastern Bengal and the end of its creation, as they are stated in Hon'ble Mr. Sharp's letter No. 811, dated the 4th April 1912, it should assume the form of a teaching and federal instead of a purely teaching University. To grant it territorial jurisdiction would be to secure to it the wisest charter of liberty and to afford to the University education in India, the largest hope of advancement and reform. To restrict the University to the town of Dacca and to leave the Assam and Mufassil colleges unattached, will be to subject the growth and development of the new venture to all the adverse influence of competition. It would only be secure of those students least necessary to it—the students, resident in Dacca For others, it will have to come to the market. At every point, it will have to vie with Calcutta for students' favour; to offer advantages which are superior or at least equal in the eyes of the public to those offered by the colleges of the older University. And in this competition the advantages for the sake of which the University is brought into existence will either weigh little or weigh in the opposing scale' I am glad to note, my Lord, that the 'Herald' the only English daily in Eastern Bengal also shares my views which further has the distinguished support of Sir Nicholas Beatson-Bell, the Chief Commissioner of Assam. In forwarding the opinions of the Assam administration on the Dacca University Bill, the Hon'ble Mr. Edwards refers to the opinion of the Hon'ble the Chief Commissioner thus—'His chief regret, a regret which he already expressed as Commissioner of Dacca, is that the outlying colleges are primarily debarred from the privileges of the new University. The Chief Commissioner trusts that the time is not far distant when the colleges in Assam will cease to be affiliated to any Corporation outside the Province, but if they are to be so affiliated, he would much prefer that they should be affiliated to the Dacca University, rather than to the University of Calcutta, old or new.' Backed up by the unanimous Muslim opinion and the opinions of the eminent Hindu educationists on the one hand, and those of the high and the responsible officers of the Government on the other, I feel, my Lord, I am voicing the opinion of Eastern Bengal, when I do most respectfully urge upon the Government the necessity of making some provision in the Bill about bringing the East Bengal colleges under the influence of the University of Dacca.

"Leaving aside the geographical, there have further been academic limitations that take much away from the utility of the University itself. In the present economic condition of the country, the need for vocational training cannot be too strongly emphasised, but provisions for such training is almost conspicuous by their absence in the proposed constitution of the Dacca University. At a time, my Lord, when the industrial resources of the country are crying for pioneers in the industrial field; when agriculture is still carried on under primitive conditions; when the demand for medical men far exceeds the present inadequate supply, a miniature University at Dacca, concerned only with literary instructions, scarcely meets the needs of the situation. The Calcutta University Commission has recommended the association of the agricultural study with the University, and one is naturally led to the conclusion that the most convenient place for such an experiment is Dacca, where an Agricultural farm exists and not a crowded city of over ten millions population. Their preferential recommendation in favour of the Calcutta University is all the more surprising in view of the decidedly superior facility that exists in Dacca for Agricultural education. Though Industrial Bengal centres mainly in and around Calcutta, East Bengal is primarily an agricultural province. The Agriculture Department of the Government of Bengal has been transferred from Calcutta to Dacca, with a view to securing a more intimate touch with the local agricultural problems. Besides, the establishment of an Institute of Agriculture is already under contemplation and, an Agricultural Faculty, my Lord, would be a fitting concomitant to the allied institutions designed for the advancement of scientific agriculture in the country.

"The need for medical education, my Lord, is as great as if not even greater than the Agricultural training. The two colleges in the Presidency are quite inadequate to the requirements of the Province. The very large number of students that are refused admission every year for want of accommodation in the Medical colleges, is a clear index to the great demand for higher Medical studies. In Dacca, we have an efficient Medical school which can be developed into the college to serve, to some extent, the needs of Eastern Bengal. Even so far back as 1912, the Dacca University Committee recommended the institution of the Faculties of Medicine, Agriculture and Engineering in the proposed Dacca University. We have no evidence to conclude that circumstances have so materially changed that the *raison d'etre* of such Faculties no longer exists. On the contrary, I firmly believe that the efflux of time has added to, rather than diminished from, the gravity of those needs and requirements which the Faculties were meant to satisfy. The Sadler Commission have emphasised the need for higher Medical studies in Bengal, where 181,000 people are served by one Medical graduate only and have welcomed the establishment of a Medical college at Dacca 'in the interest of the University of Dacca and in the development of Medical work in the Presidency.' They further remark, 'it is good for a University to have represented in it a variety of interests, and a Medical Faculty would strengthen it in many ways.' In spite of the recommendation of the Calcutta University Commission the provision for Medical Faculty has not been made in the Bill. But, my Lord, there is yet time to rectify. I earnestly hope that the Government would earn the gratitude of Eastern Bengal by a greater responsiveness to their unanimous demand.

'At one time it was contemplated to transfer the Civil Engineering section of the Engineering college at Shibpore to Dacca. Such a transfer, my Lord, would strengthen the teaching of Mechanical Engineering at Shibpore, and would help the institution at Dacca of the Faculty of Engineering which has been recommended by the Dacca University Committee and approved by the Government of Lord Carmichael.

"My Lord, I may be permitted to take a few minutes of the Council's time to refer to the question of separate Moslem representation which is most vital to the interests of the Mussalmans of Eastern Bengal. The exclusion of the provisions for separate Mohamedan representation from the main body of the Act, is causing the Mahomedans much anxiety and alarm. The constitution of the different bodies of the University has, of course, been provided for in the Statutes, and it may very pertinently be asked, why should an exception be made in the case of Mahomedan representation? But, my Lord, the case of Mahomedan representation stands on a footing entirely different from, and having nothing in common with, the other categories of interests sought to be represented in the Court. Leaving aside those estimable gentlemen whose high sense of public spirit and patriotism would sooner tolerate the loss of the University rather than allow the Mahomedans to co-operate in its administration, the liberal and impartial element in the educated Hindu community is alert to the necessity of allowing the Mahomedans a voice in the direction and control of the University education. But there is still, I know, considerable opposition. The recognition of the Muslim claim to a separate electorate is a new departure, a novel feature of the present Bill. To the Mohamedans, it has been a hard-earned recognition, long withheld from them, owing to the persistent opposition of powerful interests. The justice of the Mohamedan cause has, after all, received its due recognition from the impartial British educationists of the Calcutta University Commission and the present Bill attempts, to some extent, though not entirely, to remedy the evils that have been greatly responsible for the backwardness of the Mohamedans in the higher education. But, my Lord, even this meagre recognition has been a tocsin of alarm to the vested interests and is being resented as an encroachment upon their undisputed supremacy in the fields of University education. My Lord, in the whole course of history the monopolists have never been known to surrender their privileges without a fight, and in spite of the unanimous recommendations of the Sadler Commission, the opposition to the Moslem electorate has not entirely died down. Prejudice and predilections, my Lord, die hard and the Mohamedans are naturally anxious that their position in the University should be clearly and precisely defined in the Act itself. An Act for the establishment of a University meant as an earnest of Government's effort towards the educational salvation of the Mussalmans, but with no specific provision for the Mohamedan representation seems to me, my Lord, like the Drama of Hamlet with the Prince of Denmark entirely left out. It may be contended that the Statute guarantees Mohamedan representation, but who will guarantee the stability of the Statutes themselves? Depending for their existence on the sweet will of the Court, the Statutes offer but an infirm and insecure foundation to stand upon The Mohamedans are alarmed at the prospect of their legitimate rights being thus made the subject of the caprice of a none-too-sympathetic Court and are anxious that this apprehended forfeiture be securely guarded against by the inclusion of the sections in the Act itself. Nor can the Mussalmans put too much reliance on the safety valve of the Chancellor's prerogative; for the Chancellor's veto is an exceptional power, which is meant to be very sparingly exercised. Its exercise, even in the present days of Governmental Paternalism is fiercely resented and in the coming days of popular control of education, even the judicious use in defiance of the majority, I am afraid, is sure to be misrepresented as an act of high-handed and needless interference. To avoid the risk of exposing the Chancellor to these unnecessary attacks and to allay the Muslim apprehension, I would suggest the transfer of the provisions from the Statute to the Bill.

"Closely related to Moslem representation is the question of Islamic Studies which the Mussalmans all over India were given to understand would be a special feature of the Dacca University. The Dacca University Committee recommended the institution of a special Faculty of Islamic Studies having equal status to the other Faculties of the University. The Calcutta University Commission, for the academic reasons that the holders of the degree in Islamic Studies should get the degree in Arts, *i.e.*, B. A. instead of B. I., included the Islamic Studies as a department of the Faculty of Arts. The provision for Islamic Studies is mentioned neither in the Bill nor in the Statutes, and there are apprehensions in the mind of the Mohamedans that it may be entirely dispensed with. To allay the apprehensions of the Mussalmans and to safeguard the interests of Islamic Studies, I am strongly of opinion that the Department of Islamic Studies should be mentioned in section 23 of the Bill or elsewhere, and a few details may be described in the Statutes. It is a question of so vital importance to Muslim education in Bengal that it should not altogether be allowed to be dealt with by regulations and ordinances only which can be altered or amended without reference to Government. I do not like, my Lord, to go into the details of the subject; but one point in which Muslim feeling is very strong is, that there should be no differentiation in name and privileges between the students of Islamic Studies and students reading other subjects belonging to the Faculty of Arts.

"The Bill has provided that no institution lying within a radius of five miles of the Convocation Hall should be affiliated to any other University. This limit, my Lord, is too narrow. It is intelligible that all the institutions forming the integral part of the Dacca University, with the possible exception of the Agricultural Farm, will lie much nearer than the proposed maximum limit; but, my Lord, we have to consider not only the convenience of the lecturers and the students, but we have also to consider the fact that a fair start should be given to the Dacca University, and unfair competition should be avoided. The Calcutta University Commission have already pronounced that the standard of examination in the Calcutta University is very low, and it will be unfair to the Dacca University if colleges, awarding cheap degrees, are established next door. It will have the additional disadvantage of a possibility of misunderstanding between the Universities of Dacca and Calcutta. I, therefore, suggest that the limit of five miles for non-affiliation to the Calcutta University should be extended to fifteen miles in order to exclude the possibility of creation of cheap colleges at Narayanganj or Tangi. Such provision which Nawab Sir Syed Shams-ul-Huda has also advocated is absolutely necessary in view of the opinions now prevalent about the Dacca University among the leaders of the Calcutta University.

"My Lord, section 31 of the Bill lays down that the Ordinances shall be made by the Executive Council. I am not sure if, like the statutes, this refers only to subsequent addition, alteration or modification, or if the authorisation includes the power of framing the first Ordinances as well. If the latter is also contemplated, I am afraid it is open to serious objection. The duties of the Executive Council to set the whole machinery in motion in the beginning would be tremendous in all conscience, and to impose upon them the additional obligation of framing the Ordinances also is surely not the best way of expediting the business. It will only pave the way for procrastination and delay. I am not convinced, my Lord, of the wisdom of repeating a procedure that proved a failure during the re-constitution of the Calcutta University in 1904, when exasperated by the dilatoriness of the Senators to whom the work was first entrusted, the Government of India was compelled to appoint a small Committee to draw up the new rules and regulations of the University. The experience of the past warns us against the delegation of such duties to an unweildy or overworked body, and to prevent the chequered history of the Calcutta regulations to repeat itself at Dacca, I would suggest that the Government of India be pleased to appoint a small Committee of eminent educationists to draw up the Ordinances of the University of Dacca The inclusion of outside experience would secure to the proceedings of the Committee a weight and authority which can hardly attach to the deliberations even of all the talents locally available at Dacca.

"Before I conclude, my Lord, one more point I want to urge—the one to which I attach the greatest importance—I mean the appointment of Mohamedans to the University Staff. I indulge in no exaggeration, my Lord, when I say that the University will entirely fail in its purpose, so far as the advancement of Mohamedans in the higher education is concerned unless there is a number of Mohamedan teachers on the staff, not a mere sprinkling of them, my Lord, but a staff well saturated with Moslem element. The great, vital and imperative need of Mohamedan professors did not escape the notice of so shrewd a body of observers as the Calcutta University Commission, and they make special mention of it in the Report itself. They observe that the Committee of Selection, as a rule, should 'bear in mind the necessity of appointing an adequate number of Mussalmans to the teaching Staff' and, should the general opinion demand it,' the final appointment should be left to the Chancellor of the University, so as to leave open the possibility of representations if either the Moslem or Hindu community were likely to suffer owing to a disproportionately small number of appointments of members of that community.' My Lord, the Mussalmans realise that all their hopes, all their aspirations, will prove a chimera and illusion without the inspiring presence of a body of Muslim professors to stimulate, to encourage, to guide the Muslim youths in their preparation for the battle of life, to work with the zeal, earnestness and enthusiasm of a missionary for the uplift of their co-religionists from the depth of darkness and ignorance, to which years of apathy and neglect of education have reduced them. Their very presence, I repeat, my Lord, will be electrifying—the living examples of attainable ideals for the youths of our community to emulate and follow.

"My Lord, the cry has often been raised, and, I am sure, will be raised again, that competent Mohamedans are not available. That plea, my Lord, I refuse to admit. From my place here in the Council, my Lord, I take this opportunity of contradicting once again the baseless aspersion cast on our community and assure Government that offer of generous prospects and emoluments is sure to attract the deserving and desirable Mohamedan candidates from different parts of India, and, I hope, financial considerations will not stand in the way of securing the services of competent Mohamedan teachers for the University.

"My Lord, with these observations I beg to support the motion."

The Hon'ble Mr. Kamini Kumar Chanda :—"My Lord, 12-9 P.M. regard being had to the circumstances connected with the origination of the Dacca University scheme, the recognition by the Government of their duty to satisfy the natural and the very legitimate desire of the Moslem community of Eastern Bengal, to stimulate their educational activities and the relations on which that community will necessarily stand towards this University when it is established, I submit, my Lord, that the University ought to possess some distinctive Islamic characteristics, some special features which will at once mark out the degrees and diplomas granted by the University as something apart from the degrees of the existing Universities.

"The Bill in a way recognises this and seeks to give expression to it in the composition of the governing bodies of the University which are to be on a racial basis. My Lord, I shall have something to say about this shortly, but at the present moment I would like to call attention to, to emphasize, the fact that that is not a characteristic feature which in my opinion ought to be conferred on this University. I would like to have a special feature which will at once point to the character and the quality of the training which the University will impart, to the culture which will be acquired therein and to the academic atmosphere, if I may say so, which will be created in the University. When you meet an alumnus, a graduate or a scholar of a University, you do not pause to inquire how the governing bodies, the Senate or the Syndicate or whatever other names they may be called by in this Bill, are constituted. But you look to the studies, to the various branches of learning which the University specialises in; you look to the reputation for scholarship of its professors, you look to the academic environments. These are the features, my Lord, which ought to be kept in mind in having a University created with special reference to the desires of the Moslem community. My Lord, in this view I would recommend that the Faculties ought to comprise new Faculties, Faculties which do not find a place elsewhere in India; and among them I would have a Faculty of Islamic studies in the forefront, or better still a Faculty of Oriental studies to make it more comprehensive. You cannot say that there is no material at hand. There is in Dacca a Madrassah of a very high order, and there are Madrassahs also in the mufassal in Chittagong and elsewhere; and although the Bill does not seem to recognise it, there is a Madrassah of a very superior grade in my district, Sylhet, which has lately been established by my Government. You have in Eastern Bengal a very large and cultured Moslem community which will be able to supply a constant stream of students for this Faculty. I would, therefore, suggest that among the Faculties to be created, there ought to be constituted a Faculty of Oriental Studies. We may have also a Faculty of Sanskrit studies, not as a counterpoise to the one of Islamic studies, but because you have here also ready-made very good material. Bikrampore is a very ancient and very well-known seat of Sanskrit learning; and its Pandits are welcomed and received everywhere for their deep scholarship. You have in the town of Dacca itself a unique Sanskrit institution, the Saraswat Samaj, which has long received recognition at the hands of Government. I think, my Lord, therefore, that there ought to be a Faculty of Oriental Studies, not merely departments of the Faculty of Arts. We must of course have the usual Faculties of Arts and Science, but I am not quite sure about Law. I am prepared to relegate Law to make room for Medicine, if necessary. It is very important, my Lord, that a medical college should be started from the very beginning. It is a matter of greater necessity to have a medical college than to have a college of law. My Lord, it was recognised in the report of the Dacca

University Committee which my Hon'ble Friend Mr. Shafi referred to when introducing the Bill; it is also recommended in the report of the Calcutta University Commission. If you say that you cannot have a full-fledged Medical College at Dacca without in part depending on Calcutta, I may point out that as regards law too you have to depend on Calcutta. You find in clause 48 of the Bill where it is provided as follows:—

> 'Provided further that it shall be lawful for the Faculty of Law to assemble at Calcutta, whenever, in the opinion of the Vice-Chancellor, such a course is necessary.'

"Therefore, my Lord, I think you ought to provide for a medical college from the very beginning In this connection I shall, with the indulgence of the Council, read out a portion from the minority report of the Calcutta University Commission:—

> 'The Government intend the University of Dacca to rank among the more influential modern Universities; but it can hardly expect to attain that rank unless it be entrusted with a Medical Faculty and College. In view of the need for more medical men in India we recommend that, as early as possible, the medical school at Dacca should become a medical college.'

My Lord, we have now at present two medical colleges in Calcutta, including the one which was recently started by non-official agency with a subsidy from Government. The annual output of these two would be a mere drop in the ocean, when you consider that there is no medical college not only in the rest of the Presidency of Bengal, but in Assam, in the Central Provinces and in Bihar and Orissa. My Lord, the utter helplessness of the people as regards medical aid was painfully demonstrated during the late influenza epidemic, and I therefore respectfully urge that a Faculty of Medicine and a medical college should be started from the very beginning.

"My Hon'ble friend the Nawab Ali Chaudhri has referred to the need of a Faculty of Engineering. I think it is a matter for surprise that although sometime ago in the course of a debate on a resolution to transfer the Civil Engineering College from Sibpur to Dacca, it was accepted by Government that this college would be removed to Dacca effect has not been given thereto. Even if you give us these Faculties of Medicine, and Engineering in addition to the Faculties provided for in the Bill, you do not give us anything new. These are the usual Faculties to be found in existing universities. But, my Lord, we must have something more. I urge the establishment of a Faculty of Agriculture and a Faculty of Commerce and Technology. The Calcutta University is preparing to start a Faculty of Agriculture and a Faculty of Commerce. I say, my Lord, it is surprising that this has not been accepted so far as the Dacca University is concernead As regards agriculture, at any rate, Dacca is in a better position than Calcutta. We have a nucleus for that in Dacca; there is a fine Government demonstration farm near Dacca, and what is more the Government Department of Agriculture is now located at Dacca.

"My Lord, if Calcutta can have a Faculty of Agriculture it is reasonable that Dacca should have one, I submit that these Faculties ought to be provided for and not merely referred to in clause 23 as being left to be created hereafter.

"Now, my Lord, coming to the difficult and intricate question of communal representation—well, when I say difficult I mean it is only difficult with reference to Dacca. There is no manner of doubt that such a thing as communal representation ought not to find a place in a seat of learning, one whose motto should be the advancement of learning. This I said when speaking on the motion to introduce the Bill. I adhere to that view generally speaking, but, my Lord, as regards Dacca, there are particular circumstances which require consideration. There is an intense feeling amongst the Moslem community which was referred to by the Hon'ble Nawab Sahib. We have that provided for in the report of the Calcutta University Commission, and I do not think it would be right to brush it aside simply because we consider it unsound in principle. Well, as regards this matter we feel greatly indebted to your Excellency and Mr. Montagu for having condemned this principle in the joint report on Reforms. But as regards the Dacca University we have to give special consideration to this matter in view of the fact that the Moslem community desire it. The conclusion which I have come to after giving the matter the most careful and anxious consideration is that so long as that community demand it we must allow it, I say so deliberately, I have every hope that the cultured leaders of that community will in course of time and with the progress of education come to realise that it is detrimental to their interests and that it is unsound. Having given the matter most serious consideration I find myself in agreement substantially with the recommendations of the Calcutta University, which I will quote and which runs as follows:—

'We are not in favour of the principle of communal representation in connection with academic bodies. Having regard however to the special circumstances connected with the inception of the Dacca University scheme, we agree to the adoption of this principle in a modified form as a temporary measure. Further, the question of communal representation in the Dacca University should be re-considered at the end of ten years in view of the general advancement of education amongst all sections of the country. The temporary provisions for communal representation should lapse at the end of that period.

We recommend combined electorates for the election of Muslim members to the Court and the Executive Councils.'

"I commend this suggestion to the Government of India more especially in view of the fact that this recommendation has been supported, among others, by Mr. Turner, Principal of the Dacca College, Mr. Barrow, Principal of the Presidency College and the Reverend Mr Urquhart, a distinguished educationalist of Calcutta. I may say that these gentlemen were members of the Sub-Committee appointed by the Calcutta University, and that they are impartial and independent men What is more it has the support of the Hon'ble Dr A. Suhrawardy to whom reference has been made by the Hon'ble Mr. Banerjea. My Lord, I do not find his note of dissent from the majority report in the papers which have been circulated. I shall read an extract from what he says:—'It would be a mistake to make communal interests the sole determining factor in purely academic appointments, specially those of a high grade, but such considerations may well be allowed to have weight in the matter of appointments in subjects connected with the advancement of Islamic studies and learning, subordinate teaching appointments and appointments of an administrative character. In the matter of elections where seats are reserved for Muslims, I am in favour of at least a few seats being filled up by election by a mixed electorate. Finally, I wish to emphasize the standpoint that a community which is constrained to seek protection afforded by communal representation is bound in self-interest to make strenuous efforts so to re-organize itself as to be able sooner or later to dispense with such assistance. On this ground I agree to the proposal that the temporary provisions for communal representation should lapse at the end of ten years unless re-enacted at the end of that period.'

"My Lord, it is also a fact that a leader of the Moslem community, Nawab Mahomed Yusuf, the Chairman of the Dacca Municipality, who has been mentioned by the Hon'ble Mr. Banerjea, supports this principle partially. He says that the election of Moslem members to the Court should be by mixed electorates. I do not understand why the Moslem community should object to these provisions.

"Then, my Lord, the next feature of the Bill to which I would call attention is that it is highly officialised. Out of 115 members, it will be found that only 35 are to be elected and the rest are nominated. Contrast with this the composition of the Senate under the Patna University Act which was passed two years ago. Out of a maximum of 73, 50 are elected.

The Hon'ble Mr. Sachchidananda Sinha:—"Out of 95, 65 are elected?"

The Hon'ble Mr. Kamini Kumar Chanda:—"Thanks for the correction. It is still better. We are going back. This is a matter that requires serious consideration. You find in the composition of the non-elected element a large number of officials. On this point I cannot do better than read to the Council the opinion of the Director of Public Instruction, Bombay, expressed in better language than I can employ:—

'In the discussion in Council on the first reading of the Bill, objection was taken to the number of officials who in one way or the other are included on the main organic bodies of the University. According to a statement made by the Hon'ble Mr. Shafi in his introduction of the Bill the University is to be an autonomous and not a Government institution, and it is to have control over its own staff. It is also to have large and independent power in regard to finance and regulation. These things being so, I venture to submit that it is undesirable indirectly to reduce the autonomous and non-official character of the University's organisation by overloading its organic bodies with a number of officials appointed *ex-officio*. If the University is really to express and to carry out after due consideration public feeling, it seems rather inconsistent with this object to insist upon a large representation of officials, more particularly so if official members are to be required merely to support Government's views on the various matters that come before them and are to be prohibited from taking any independent line of their own. It does not follow that officials should not be appointed or elected, but it would seem preferable that they should sit on the University bodies concerned rather in virtue of their personal, educational or scientific or other special qualifications than *ex-officio*. Further, I am disposed to think that, in view of the facts that the Visitor is to be the Viceroy, the Chanceller is to be the Governor of Bengal and the Treasurer is to be appointed by the Governor of Bengal, it would be preferable that the Vice-Chancellor should be elected by the University from among its own members rather than appointed by the Chancellor. It also seems to me that there is a danger of the Court becoming a somewhat unwieldy body and that the proportion of elected members is unduly restricted especially when it is remembered that in other Universities the demand is for a much higher proportion of such members.'

"My Lord, with these views I am in entire agreement. I trust that this matter will receive consideration at the hands of the Select Committee.

"There is one other matter, my Lord, to which I desire to call the attention of Council, and that is regarding the position of my Province of Assam as regards this University. This Bill no doubt recognises that we have some claim and the Chief Commissioner of Assam has been given the right to nominate certain Fellows and the Director of Public Instruction is also to be a member of the Court *ex-officio*. But it will be found that the Calcutta University has taken exception to that. My Lord, I ought to mention this fact. Hon'ble Members may find some difficulty in understanding why the Government of another Province should have anything to do in connection with the Dacca University. Assam was formerly a part of Eastern Bengal when the first conception of this University was made, and if Assam was not cut off from East Bengal, it would automatically take its share in the University, and we are geographically and in other respects closely connected with Dacca, and I hope the claims of my Province will receive due consideration at the hands of the Select Committee. With these remarks, my Lord, I support the motion."

12-33 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan:—** "My Lord, when I came here I thought there was not going to be so much discussion because all the arguments that we have so far heard could have been urged in the Select Committee and threshed out there. But now as the discussion has been started, I feel that the Punjab Mohammedans should also take part in it. I do know that Mohammedans are backward, and I think if we have any such special Universities it will help us greatly, and we will be able to impart proper religious education, because we are now finding a great deal of difficulty as the boys do not understand their religion and they do not think of religion at all. We are also frightened that Bolshevism may come in, and I think that if people only know their religion they will not catch the contagion, so I hope that our Hindu brothers who have shown us that they are our great friends will not object if we have something of this sort."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 12-35 P.M. "My Lord, I had no desire to say anything to-day on the proposal placed before the Council by the Hon'ble Mr. Shafi, but after hearing my Hon'ble friend Mr. Surendranath Banerjea, I consider it my duty to my constituency to sound a note of warning to the attempt which certain of our friends are making to deprive us of certain hard-earned rights, the most valuable of which is the communal representation. Government have recognised it in the case of Legislative Councils and local self-government, but it is much more imperative in the case of Universities which prepare the groundwork for national progress. My Lord, I fully associate myself with the weighty words of my Hon'ble friend Nawab Ali Chaudhri and make an earnest appeal to our Hindu friends not to interfere with our cherished rights of communal representation in the University."

The Hon'ble Mr. Srinivasa Sastri:—"Your Excellency, 12-36 P.M. some of us who were on this Council two years ago may remember an animated debate when the Hon'ble Nawab Ali Chaudhri brought forward a Resolution about the Dacca University. At that time we witnessed a most interesting duel between him and the Hon'ble Mr. Basu in which, as far as I could recall the event, there was neither victor nor vanquished as has happened in many other generous encounters before. I had hoped that the animosity then slightly exhibited would have died out. As far as I could see at present, the movement for the Dacca University has received unanimous support from all sections of the community, and I heard with special pleasure the testimony borne to that fact by the Hon'ble the present Member for Education. It is, therefore, somewhat disappointing to find that the Hon'ble Nawab Ali Chaudhri still makes references to the enemies of the Mohammedan movement, references which find some emphatic echo in a representation made by the Mohammedans of East Bengal to this Council. I am not able to see in the published papers any justification for the continuance of this complaint. The one shadow of justification is the attitude assumed by the Calcutta University towards one of the cardinal features of the scheme, namely, that of communal representation. Now, my Lord, those that refer to this principle must always do so with a very heavy sense of responsibility, and I wish on this occasion to allude to this principle and make clear what, in my judgment, it carries with it I am afraid too many are under the impression that this is a good and sound principle *per se*, that it would be well to welcome it on all occasions and in all matters, whereas the fact is that we all admit it into constitutions as a necessary evil, as a deduction from the principle of efficiency and national spirit which it is expedient in the present condition of Indian society to make. An undue extension of this principle, a desire to perpetuate it and to safeguard it against future inroads, these seem to me to be entirely wrong as an attitude to take up. We ought to recognise, whenever we admit this principle, that it is a lamentable necessity that compels us to do so, and we ought to look forward to the time when we should discard it in the interests of the general community. If possible, we should in admitting it make such provision for such discarding in course of time. I am very sorry, more sorry than I can tell, that in the constitution of the present Legislative Councils, these two necessary safeguards were at first ignored. We have admitted this principle without qualification. It has had the evil effects which might have been anticipated. It has led the favoured community from time to time to demand its extension in aggravated forms into departments where it is not only illegitimate, but bound to be pernicious in its results. We have had demands made that it should be introduced into the constitution of local boards and municipalities. We have had demands, emphasized to-day all too strongly, that it should be admitted as a righteous, as a sound principle even in education. My Lord, I know of no department of human activity which should be kept sacred from the infection of this principle as education. I will admit it in the case of the Dacca University as an inevitable necessity, and I would ask the Council whether the limitations recommended by the Calcutta

University are not reasonable in themselves. They submit to the necessity; they would admit the principle of communal representation, but they ask that the necessity should be examined at the end of ten years; if it is considered still a matter of expediency, continue it. If, however, as we all hope and trust, the Mohamedan community have shaken off their diffidence in the meantime, this principle should be abandoned altogether in the future composition of the Dacca University. I think, your Excellency, that that is a consideration which should be borne in mind. Besides, they recommend that if communal representatives should be chosen, it is best that they should be chosen by mixed electorates and not merely by separate electorates. That, again, is a principle worthy of consideration. Your Excellency, I feel rather strongly on this subject. I feel that much mischief has been done, which if we had only observed these two safeguards in the beginning, would have been avoided, and I cannot but recall with sadness to this Council a Resolution passed by a non-Brahmin federation in Madras some years ago in solemn meeting assembled, to the effect that the principle of communal separation should be carried to this extent, that educational establishments, all colleges and schools of every grade, from the collegiate to the elementary, should be communal: separate schools for Brahmins, separate schools for non-Brahmins, each community to be taught by teachers of their own community. That is the kind of thing to which this leads, and want of timely precautions is likely to land us in similar difficulties. I would, therefore, solemnly entreat the Members of the Government of India and their official advisers, you who know the difference between the national and the sectarian spirit, you who know how to work a constitution and will realise how the sectarian spirit, if allowed to roam unchecked, will choke off and kill the national spirit, you ought to help us in putting these safeguards on an admittedly evil principle which is to be introduced into the education of this country.

"Now there is a second point of capital importance to be borne in mind in considering the Dacca University scheme. That is the principle of what is called academic freedom, the liberty of the University authorities to arrange their own affairs, to establish curricula, to promote students from stage to stage and in fact govern the internal affairs of the University according to their own convictions. This principle is recognised everywhere. In India, however, its recognition has been very slow and fitful. We seemed in the case of the Patna University to have shaken off this principle of official subordination of the University to the Government of the Province; we seemed for the moment to have shaken it off. But I am afraid the Dacca University scheme resiles altogether from that advanced position and puts us backward to a situation which I can only recall as having existed before the Universities Act of 1904. We are now face to face with a constitution in which officials and official nominees predominate in every agency of administration of this University. Look at the Court, look at the Executive Council. The Court particularly, which is the supreme authority of the University, is entirely dominated by officials and official nominees. Now that seems to me to be entirely inimical to the principle of academic freedom. No University, your Excellency, can function on the highest plane, yielding benefits of the first quality unless the professors there have perfect freedom to regulate internal affairs as to them may seem fit and proper. It is political considerations, which too often have prevailed in India, which have induced the Governments of the Provinces to control University functions Now these political considerations must be of diminishing importance in this country in educational matters, and, I think, the time has arrived when in instituting a unitary and teaching University for the first time—Patna was only mixed and the Hindu University was sectional—on a national scale, we should recognize also what is the very life-breath of academic independence, namely, the right of the University authorities to regulate their own affairs as they please. You will find not only in the personnel of the Committees, but in the distribution of powers also, the balance always reposes in the officials. The Visitor as supervising authority is empowered to inspect and to have anything which he considers wrong examined. That in itself is a distinct and, if I may say so, a very useful provision, calculated if anything goes seriously wrong, speedily to set it right. But not content with that, we proceed to invest the Chancellor, who is the Governor of the Province, with enormous powers at every stage The Chancellor appoints the Vice-Chancellor, and the Vice-Chancellor is the very pivot of the whole scheme, having in his hands the substance of every conceivable power.

"Putting all this aside, I wish to ask you to examine the way in which professors are to be appointed, professors on whose quality, on whose independence, on whose spirit of free research, the whole efficiency of a University should depend. Now, how are the professors to be appointed? A glance at clause 18 of the Bill ought to fill any one with serious misgivings. Now, what does clause 18 say? It says 'that not less than a third of the professors should be appointed in England by means of a special board to be constituted.' Now I am one of those who believe most sincerely, your Excellency, that Indian education stands to gain at every turn by the infusion of men of first-rate talent from all parts of the world, and not merely from the United Kingdom. We want experts of quality from every country which can afford to spare them for us. We welcome them; we will pay them any terms that may appear proper, but we do not want to be tied down. It is very wrong to tie us down to any particular source of recruitment and to say that a certain proportion shall be recruited in such and such a manner. But that is not all. There is worse and worse to follow in that clause. We are told that to this Advisory Board there should be appointed five people, only two by the Academic Council in Dacca and the remaining three, by the Secretary of State. Then, when the Board so constituted, gives advice as to the appointment of professors, that advice is not to be treated as advice usually is, that is taken or rejected as the appointing authority may please, but in cases where the University authority does not accept it, the matter has got to be referred to the Chancellor who may finally throw the decision on the Secretary of State. That means that the Secretary of State and the Chancellor have the deciding voice as to the choice of all the professors under this clause. I think, your Excellency, it is a principle of exceeding danger. I hope the Select Committee will watch very minutely the wording of this clause when they come to examine it and put it on a proper basis The only basis on which it can rest is that the Unversity authorities must have freedom to choose their professors from all parts of the world and on any terms that they may choose to offer. It will not do to tie them down.

"A word, your Excellency, may not be out of place in connection with the appointment of professors, for I attach the greatest weight to this. Some time ago I remember the late Mr Gokhale complained in this very Council of the recent deterioration in the quality of the professors imported from the West; but Mr. Gokhale might be a prejudiced judge. On the same occasion—it was many years ago and I doubt whether any of the officials were here at the time, I was not but I read a report of the proceedings at the time –a gentleman who had held the office of principal of one of the Government Colleges in Madras and subsequently rose to the high office of Director of Public Instruction for a time, speaking officially in this very Council during the Viceroyalty of Lord Curzon, gave expression to the view that for some years past the choice of the Secretary of State to professorships in India had tended to deteriorate the quality of professors. Now I know as a matter of fact that complaint is very general all over India. You will find it deplored by Indians that when in this Council we determine salaries and tenures and conditions, we do so on the footing that the men imported will be the very first men available and that they will be of the soundest quality, men to whom any terms might be offered and not be excessive. In the event, however, it turns out that we get men not of that quality but of much inferior quality. But we pay them exceedingly high salaries and we make them a burden to the poor Indian taxpayer who does not get a sufficient return for the money which he spends on these costly professorships statutorily provided for in Acts of Incorporation. The matter does require the attention of the Select Committee on the Bill, and I strongly commend this particular aspect of the Bill to their attention."

12-57 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, if I rise to speak on this Bill it is because the community to which I belong, the Andhra community, is particularly interested in a correct solution of the University problem as enunciated in this University Bill. Our condition in Madras is almost analogous to the condition of the Muhammadans in East Bengal. Our population under the Madras University is about 22 or 23 millions, exactly the same as that of the Muhammadans in East Bengal. Our position in the Senate, our position in the Syndicate, is almost exactly the same as that of the Muhammadans in the Calcutta University, almost negligible. Our students find great difficulty in obtaining admission to the Madras Colleges just as the Muhammadan students found difficulty, I suppose, in finding admission to some of the Calcutta Colleges. Therefore, my Lord, we have been pressing for a University for the Andhra districts, and we were referred by the Director of Public Instruction to this Imperial Council for a determination of that problem. I am only mentioning that for the purpose of showing that if I rise to speak, it is because I am particularly interested in the matter and my Moslem friends will forgive me if I differ from them on some fundamental questions, because although I feel that our sectional interests may be temporarily improved by the acceptance of the principle involved in this Bill, still, I think, I should be guilty of dishonesty to myself and to the community if I for one moment give my adherence to principles which would be disastrous to the nationhood of India in the future.

"My Lord, before I proceed to that question, may I be permitted to say one thing with regard to the composition of the Select Committee, and I hope before we rise this afternoon the Hon'ble Mr. Shafi will tell us exactly the principle governing the constitution of this Select Committee. I mention that for this reason, my Lord, that, under the Reform Scheme, University legislation in future is to be with the Government of India, and non-official members from all over India would be responsible for any scheme which may pass through this Council. I know that this particular Bill is one which appertains to Bengal and East Bengal; and it is therefore properly competent for Bengali members to decide in the Select Committee as to what suits them best. Still, when the Bill is passed into law, it will go out with the authority of the whole Council, and we shall have similar difficulties facing us whenever a new University scheme is placed before us.

"That is the reason why, my Lord, I hope that the Hon'ble Member will see his way to put some sound educationists from other Provinces on this Select Committee. I speak with the greater freedom because although I was connected with education many years ago, I cannot profess to be an educationist and consequently I am disinterested in making this suggestion. My Lord, I may submit that it is absolutely necessary that this Bill should be examined from the standpoint of educationists all over India in order that we may have right principles enacted in the Bill, and I allude for one minute to this fact because the Director of Public Instruction from Madras in his note distinctly says that under clause 36 it is possible for the Dacca University not to recognise examinations in other Universities. Sub-clause (4) of that clause runs—

> 'The University shall not, save with the previous sanction of the Governor General in Council, recognise (for the purposes of admission to a course of study for a degree) as equivalent to its own degree any degree conferred by any other University or as equivalent to the Intermediate Examination of an Indian University any examination conducted by any other authority.'

So there are various matters in this Bill in which other Universities are deeply interested, and I hope, therefore, that notwithstanding the fact that Bengal is peculiarly interested in this, other educationists will be put on the committee.

"Then, my Lord, to come to this question of communal representation about which the Hon'ble Nawab Ali Chaudhuri feels so deeply interested, may I be permitted to say that, though I am interested in the principle of communal representation being accepted in the interests of my community, I implore him not to ask for any extension, and, if possible, to see his way to giving up the provision in the Statutes. I know that it is hopeless to indulge in any expectation that the Muhammadans of Eastern Bengal will give up what has been conceded to them in the Statutes and in the Bill, but I think it is my duty to point out that if this matter is to be taken as a peculiarly Bengalee one, we in this Council may draw up a skeleton Bill, approve of it and give the Bengal Government power to adjust matters in any way they choose, make it a peculiarly Bengal matter, but I hope that this Council composed of representatives from all provinces will not take upon themselves the responsibility of enunciating principles of action which would be detrimental to the future interests of the country. I was shocked to find that the mania of communal representation goes so far as to suggest that care should be taken that a proportion should be Muhammadan teachers necessarily. My Lord, I can see the necessity, especially in Dacca and East Bengal, of appointing efficient Muhammadan teachers wherever they can be found. But I am hoping for the dawn of the day when the object of the Indian Universities would be to give their Alumni the best world culture that is possible, to make young men realise that they are not merely Hindus, or Muhammadans, or Indians, but citizens of the world, to feed the humanitarian instinct in them and strengthen it; it is for that that we send boys to Universities for higher education. It is not in the hope that they may emerge therefrom staunch Muhammadans, staunch Bengalies or staunch Indians, but we want there should emerge from these Universities citizens of the world, having world interests at large in their hearts, and I hope therefore that when this, the first teaching and residential University of India is going to be inaugurated under your Excellency's auspices, such a pernicious doctrine will not be allowed to find a place in the Statute-book.

"My Lord, a complaint was made that several Faculties were not included in this Bill. I sympathise deeply because fortunately I am also interested in the subject; but I take it that there is nothing to prevent it if the Bengal Provincial Government has funds to institute these Faculties and develop them; there will be nothing to prevent the institution of the Faculties next year; and I therefore think that that criticism is not of very much force or validity.

"But another remark that was made by my Hon'ble friend Nawab Ali Chaudhuri deeply interests me, and that is, as to whether your Excellency's Government cannot, having regard to the extensive population of Bengal, give Dacca the chance of being not only a teaching University, but also being for some purposes an affiliating University. I say that because we are exactly in the same position, we have a distinct language of our own; we have to make provision for the education of about 20 million people, and we cannot, therefore, be content with a teaching University exclusively located in a particular district or particular area; we are deeply interested in seeing that this problem is solved on right lines in Dacca. I therefore hope that the Select Committee would examine, if possible, as to whether there is any chance of making this University somewhat analogous to the Patna University in its constitution without fundamentally interfering with the essential functions which are to be exercised by a teaching University.

"Then, my Lord, a word about finance would have greatly interested me because I am deeply interested in the Universities of the future which will have to be started throughout India knowing where they would be financially. Of course if this expenditure is to be met from the Provincial Government's revenues and the Government of India are not going to undertake the burden, then certainly I have nothing to say; but I hope to hear something as to whether the Government of India would in some form through the land-revenue head or some other head treat this as a generous gift and, I was hoping that something might be done in order that similar claims might be advanced by us, but I was disappointed. I hope, therefore, that the Hon'ble Member will tell us something about the financing of this scheme; no scheme can be sound unless it is based upon sound finance, and I am sure the Government take it that when they introduced this Bill the necessary financial provision would be made by the Government concerned."

1-8 P.M. **The Hon'ble Sir Dinshaw Wacha:**—"Your Excellency, I heartily agree with the very sound views expressed by my Hon'ble friends Mr. Surendranath Banerjea and Mr. Sastri and also by Mr. Sarma. I think their reasons are very sound. I am afraid my Muhammadan friends here are too narrow-minded. They do not understand what are the true functions of a University. On my part I take it that a University is a great temple of learning, a temple of learning where on its doors is inscribed 'No sectarianism. No one who entertains sectarian views shall enter here.' But what do you find here? You find particularly that the Muhammadan community desire to introduce sectarianism again in the new University. Sectarianism has been partly introduced in political matters for the sake of expediency; but that is no reason why in a temple of learning like a University such a thing should be expedient or essential. I am therefore strongly against any of those denominational matters being introduced in the Bill which is before us, but which have been objected to by Mr. Surendranath Banerjea and Mr. Sarma.

"I take it for granted that a University is a University, a seat of learning where there is freedom of thought; and freedom of thought does not recognise Hinduism or Muhammadanism, or Christianity or Judaism, or any other ism. It is broad-minded, it is unsectarian; it is universal in its scope; the very word 'University' means that there should be imparted universal knowledge which has no reference to either race or creed or any form of belief. Therefore, my Lord, why at this stage, particularly in this twentieth century, when we see Europe herself has in fact completely outgrown the types of mediæval Universities that flourished long ago, should we, Indians, who are now taking models from the greatest of the modern Universities in England and Europe and America try to re-establish principles for our new Universities which are really pernicious. Let us have in India Universities with nothing sectarian about them at all. The Dacca University Bill has a great deal of it and so far as the scheme has been propounded by the Hon'ble Member in charge of Education, I cannot give my adhesion to a University of this character. In fact, I shall oppose it. I think in the interests of India there should be no University with a constitution of this character at all. I appeal to my Muhammadan friends in this matter and urge them earnestly to proscribe sectarianism. I say let them dismiss from their minds all questions of sectarianism. In a seat of learning there should be no Muhammadanism, no Hinduism, no Christianity, no Hebraism, nothing but broad intellectual all-pervading freedom and thought. In fact there should be no questions of race or creed in their minds when they propose to establish a University of the best modern type. With these words I beg to oppose the scheme as it now stands."

[At this stage the Council adjourned for Lunch.]

2-33 P.M. **The Hon'ble Rai Sitanath Ray Bahadur:**—"My Lord, while supporting the principle of the Bill intended to establish a University at Dacca, I beg to associate myself wholeheartedly with what has fallen from the Hon'ble Mr. Sastri about the pernicious effects of communal representation, even in the sacred cause of education. As a resident of Dacca I beg to enter my emphatic protest against the principle Whatever may be urged in favour of communal representation in other spheres of activity and in political matters, there is hardly any room for it—as so aptly expressed by my esteemed friend Sir Dinshaw Wacha—in the temple of education, in matters intended to promote education. I cannot understand why there should be a separate

Advisory Board for Muhammadans, while no such Board should be allowed in the case of Hindus.

"My Muhammadan friends would kindly excuse me if I were to say—it is pernicious that our Muhammadan brethren should continue to advance their rights of communal representation from one sphere to another till they succeed in establishing their rights in all departments and spheres. Clause 26 of the Bill before us lays down that the Muhammadan Advisory Board 'should concern itself with Muhammadan interests in the University.' What special and separate interest, I ask, can our Muhammadan brethren have in a University financed by the people irrespective of caste or creed, and intended, as has been explained in the Bill, for 'all persons of either sex and of whatever race, creed, or class'? In section 5, moreover, it is distinctly laid down :—

> 'It shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.'

The Calcutta University, my Lord, has been in existence for, more than 65 years—the only University in the Province. There is no provision for communal representation in that University, and Hindus and Muhammedans have worked together in it in harmony for the advancement of learning. Can our Muhammadan friends cite a single instance in which that University, standing far above communal representation, has hampered the cause of Muhammadan education in United Bengal? On the contrary, we find everywhere education spreading rapidly amongst our Muhammadan friends. Even before the scheme of the Dacca University had attained maturity, the official reports disclosed the gratifying fact that Muhammadans were leaving Hindus behind them in the race for primary education. From my personal experience I can say that to-day even the poor Muhammadan cultivators in *Char* lands of Eastern Bengal make it a point to give their children a liberal University education.

"Under the circumstances, I fail to understand the gravity of the reasons which could actuate the framers of the Bill to introduce sectarian principles in the scheme for a University at Dacca."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I welcomed the Dacca University Bill when it was introduced and I still consider it a matter of satisfaction that the Bill has been introduced. I then pointed out that there were certain provisions which required liberalising, and I adhere to that view. I should like just briefly to draw attention to a few points which, I think, are of vital importance. The discussion to-day has shown that there is a reasonable anxiety in the minds of, many friends of education that the University should be a model University. The provisions that are contained in the Bill do not exclude the modernising of the University, but probably it will have to be made clearer that it is so. For instance, when it is stated that the Faculties to be constituted shall be those of Arts, Science and Law and such other Faculties as may be prescribed by the Statute, if after science the words 'pure and applied" were put in, and if Agriculture, Commerce and Medicine were added, I think that the object of those friends who desire that the University should be a model one would be achieved. 2-38 P. M.

"I do not think at this era of the world's progress any long argument should be needed to convince the Government, the Member for Education and the Secretary of the Education Department of the justice and the reasonableness of this demand. The whole world has modernised University education and the Universities of Manchester, Sheffield and other places are what are called modern Universities. They have provided in the Charters of the several Universities that education shall be imparted not merely in Arts and Science subjects as used to be the case in the past, but that Engineering and Chemistry, Applied Science, Technology and Agriculture and Music, all these shall have sufficient attention paid to them. I think, my Lord, that we may safely expect that the Select Committee will, in dealing with this Bill, make this point clear. I do not think that I need say more about it because the Report of the Calcutta University Commission has dealt with this aspect of education in detail, and has pointed out the pressing necessity of making provision for such education, even at the Calcutta University. The teaching of pure science which has gone on has not been wasted, but it is time now that teaching should be provided in the application of science in a larger way than has been the case in the past. The need for engineering education is very pressing, and I agree with the Hon'ble Nawab Ali Chaudhri and other speakers that definite provision should be made for it in the Dacca University. It may be said that for these subjects the Calcutta University may be expected to make satisfactory provision, but, my Lord, the country is so large, the number of students who seek education in these various subjects will be so great that not two, but five Universities, will not suffice to meet the needs of the youth of the country in Bengal itself, and for this reason I strongly hope that the Select Committee will see their way to recommend that, as soon as events will permit, the University will be free to constitute, without any let on hindrance, without even a reference to the Chancellor, without even a reference to the Government of India, Faculties in these subjects which are of pressing practical importance. Much complaint has been made in the past against the spread of education in this country. Some people have imagined that there has been too much high education spread in this country. That shows only a regrettable ignorance of the realities of the situation What seems to be much in evidence is a particular kind of education which does not always find a young man a useful career, and if these modern subjects of practical importance are introduced, I do not think there will be any more room left for complaints on this score. First then I hope that on the academic side, so far as enabling the University to impart instruction in modern subjects is concerned, there will be sufficient provision incorporated in the Bill before it emerges out of Select Committee. Of equal importance with this liberalising of the academic side is the liberalising of the administrative side. The Bill, as it has been drafted, does not propose to take sufficient note of the changes that are impending. Before the Reforms were in view, this Bill might have done very well in the old order of things. But this Bill will not be in keeping with the new order of things when Education is going to be a Transferred Subject, and there ought not to be so many and so rigid restraints imposed upon the University authorities as the Bill provides for. Here if anywhere there ought to be the greatest amount of freedom given to the educational authorities to do what they think best. Here if anywhere there ought to be the feeling created in the minds of those who are responsible for the administration of the University that they are trusted and that they are to do what is right, and that they are responsible to do what is needed in the interests of the country. The Government have long borne the responsibility of guiding high education and generally all education through what they consider to be sound and beneficial channels, but experience has shown that there is need for improvement, that there is need for a diversion, that there is need for a departure, and just at this time it would be a happy thing if the constitution were revised in the light of the changes that are impending. In that view I will expect that, while the University should have the honour of having the Viceroy as Visitor, the powers given to the Viceroy should be even more restricted than they are. That does not mean any want of respect for the Head of the Government; it only means that we should respect him without troubling him about the details of the administration of the University. So far as the Visitor is concerned, he has been given a great deal too much power for interference. I do not think that in the new order of things it will be desirable that the Chancellor should have the right to hear appeals against the order of any officer or authority of the University affecting any class of persons in the University. This will very seriously interfere with the efficient administration of the University. The university Court, the Academic Council should be trusted to deal justly with the claims of those whose co-operation it invites or accepts, and I think, my Lord, that this provision requires re-consideration.

"The next item to which I shall also invite attention is the appointment of the Vice-Chancellor. I can well understand that the first Vice-Chancellor should be nominated by the Chancellor, but I do hope that the Select Committee will recommend, and the Government of India will accept the provision, that subsequent Vice-Chancellors should be elected by the Senate of the University. The Government have given us in the Patna University a much more liberal constitution than this Bill provides for, and if anything we ought to go forward and not backward from what we have established in Act XVI of 1915. There the Court elects the Vice-Chancellor, and the Court consists not merely of men who are concerned with the administration of the University, but also with the academic side. Here it may be provided that the Court and the Senate or the Court alone will elect the Vice-Chancellor. The Court will certainly contain on it the best representatives of learning and wealth and education in the Province, and there will be officials as well as non-officials, and the Court should be trusted to select the best men available to guide the affairs of the University. I will not dwell with more detail on this side of the matter, but I do hope the constitution of the University will be liberalised so that the fullest measure of freedom will be left to the academic bodies and those who have to administer the affairs of the University. I think, my Lord, at this era the restraints which have been imposed are a little out of date and ought to be abolished.

"Then there is also the question connected with it of the control which is sought to be exercised over the discretion of the University in the matter of selecting professors. Now, as the Hon'ble Mr. Sastri has pointed out, that is a very important part of the duties of the Court and here the University ought to have the fullest measure of freedom and the fullest measure of responsibility thrown upon it. Working on the principles in force in the Hindu University I have found that this is one of the most difficult and responsible tasks that fall on the University, the task of finding professors and teachers to be appointed to the University. The method that is prescribed here, I venture to say, is not suited to the altered times in which we are living. We find it more and more difficult to get men appointed in England. We have tried, as my esteemed friend the Hon'ble Mr. de la Fosse can tell the Council, to get men from England. We have sought the assistance of our best friends, official and non-official, to find suitable men to take up work for the Hindu University, and we have not always been successful, and if we find that a committee is to be appointed in England to select men for the University, there is a great danger that the right type of men will not be selected. There is also a danger that a committee there will not realise fully the conditions which obtain at Dacca, and therefore they will not be able to place themselves in the positions of the members of the academic Council and select the right men. There is also this danger, that the gentlemen who may be appointed in England by this committee may not pull on with the same sympathy and harmony with the academic Council, because there would be the idea that they held their appointments from a body outside the University, and this will, I fear, not have a satisfactory effect.

"Then there is another point which no Committee appointed in England can really understand and appreciate. The men that are available, the Indian scholars that are available, are not always inferior even to men whom we can get from England. Sometimes the possession of an English University degree indicates, no doubt, a certain amount of excellence which a particular gentleman has achieved, but not always, my Lord, and we have here a number of scholars who have done good work, who have established their reputation as teachers, and if we import a man from outside, whether he is an Indian or a European, it is a matter always of great delicacy. This consideration which is needed can best be exercised by the Academic Council who know what men they have on the staff, who know the claims and the qualifications of the men already working at the Universities for a certain number of years. They can therefore weigh the claims of the new men who have to be selected with the claims of those already on the staff, and endeavour to avoid heart-burning and complaint. Some heart-burning and complaint may be inevitable; it will not always be possible to avoid it altogether, but the Academic body has to do all that it can to avoid them. Therefore, I submit, that this provision that one-third of the professors should be appointed by a Committee in England is not in keeping with the altered times and circumstances, and it ought to be eliminated and the responsibility of selecting the professorial staff should be left entirely to the Academic Council of the University.

"Then I come to the question of communal representation. Now I submit that this too requires alteration. I have always felt that the desire of my Muhammadan friends of Eastern Bengal that there should be a University in Dacca was a perfectly legitimate and reasonable one. I have always fully sympathised with that desire. I wish the Dacca University had been constituted 25 years ago, and I still feel that this University ought to be made into a first class University in every sense; but I do feel that the provision for communal representation, as it has been put in in the Bill, requires re-consideration.

"Now, my Lord, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Sastri, the Hon'ble Mr. Sarma and several other speakers have dwelt upon this aspect of the question. Let me first tell my Muhammadan friends that they should not imagine that this is a question in which Muhammadans alone are interested. Every one of us is interested in the cause of higher education in Eastern Bengal as in every other part of India. Besides our Muhammadan friends there is a very large population which is non-Muhammadan, and they have views and sentiments, and their interests have also to be considered. Now I fully recognise that in the past our Muhammadan friends have not had that amount of representation in the Councils of the Calcutta University and in the administration in Eastern Bengal which they desire. Whether the fault lay entirely with them or with others it is not for me to go into; possibly the truth lies midway; possibly it is due to some of our Muhammadan friends not taking to English education early enough; possibly it is due to other influences working against them. I desire that that state of things should alter. I desire that our Muhammadan friends should go in for education and should have as good a chance as any one else to acquire positions of power and responsibility, and I want that they should have a full measure of representation in the Senate and the Court of the University. The only question is, how is this to be secured, whether the provision that has been made under the Act is the right provision or whether it requires modification. Now in the case of a University like the Hindu University the case is simple. It is mainly constituted by Hindus, and therefore we have no difficulty like that. It is denominational more in name than in anything else, because we admit British officers without any consideration of their religious creeds; we have Hindu, Muhammadan and Sikh students; we would welcome students from every creed and class. There is nothing denominational about it except its name and the fact that we do provide facilities for imparting religious instruction to Hindu students. In the case of Hindu students religious instruction is compulsory; it is not so in the case of non-Hindu students. But the constitution of the Hindu University stands therefore on a separate footing. When the constitution for the Aligarh University was being discussed in the draft Bill that was prepared, we had a predominantly Muhammadan constitution provided for the Aligarh University and nobody will have any cause for quarrel with the constitution of a University which has been started with the professed object of representing a particular community more than any other community. In one sense if the constitution of it predominantly represents the particular denomination one can understand that, but this is a University which is a State University and the patronage of the State ought, like sunshine and rain, to be available to the high as well as the low. It ought not to be confined to any particular branch or particular community, and I am sure that this can be provided for here. The representation that has been provided at present in the Statutes for the Court is that the number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be 30, of whom 15 shall be Muhammadan graduates elected by the registered Muhammadan graduates. 'Also the number of persons to be appointed by the Chancellor under clause (*xii*) of sub-section (*1*) of section 17 shall be 40; provided that the Chancellor shall in making such appointments secure that, as far as possible, 50 per cent. of the non-European members of the Court shall be Muhammadans.'

"What is sought to be attained here by means of this provision ought to be achieved ordinarily in the natural course of things. If there is a large number of Muhammadan graduates, if there is a large number of Muhammadan scholars, their votes should secure a fairly large representation of Muhammadans in the Court and the Academic Council of the University. A majority of the population of Eastern Bengal is Muhammadan. One should expect that naturally there should be a large element of Muhammadans in the Court and in the Academic Council. I can well understand the objection which several friends take to the inclusion of such a provision in an academic institution. Now there are two interests which have to be reconciled in an academic institution like the Dacca University. There is first the interest that has to cater to the wants of all communities irrespective of caste and creed, irrespective of any denominational considerations. That is its first duty, particularly as it is a State University. That requires that we should get the best teachers, the best men, whom the public, I mean those who have got the franchise, think it fit to elect as members of the Court and of the Academic Council; they should come in naturally. But my Muhammadan friends would feel that they had not the assurance that Muhammadan interests will always be safeguarded and that they will not be sacrificed; and it is that need we have to consider. Now what are the interests which require safeguarding? The great thing that Muhammadans, Hindus, Christians and Parsees might concern themselves about in these institutions is the religious instruction of the youths of their particular communities. I think, my Lord, instead of making any statutory provision for having a certain number of Muhammadans elected to the Court and the Academic Council, the better course would be that there should be no such provision for the election of members to the Court and the Academic Council, but that there should be denominational committees of Muhammadans, of Hindus, of Christians, to look after the religious instruction of the youths of their communities in the Hostels which will be built there. This is a view which is not a novel view. Of course some of those present will remember that this is the view which the Education Commission, presided over by Sir William Hunter, expressed as far back as 1883-84. They said:—

> 'The evidence we have taken shows that in some Provinces there is a deeply-seated desire that culture and religion should not be divorced and that this desire is shared by some representatives of native thought in every Province. In Government institutions this desire cannot be gratified. The declared neutrality of the State forbids its connecting institutions directly maintained by it with any form of faith, and the other alternative of giving equal facilities in such institutions for the inculcation of all forms of faith involves practical difficulties which we believe to be insuperable.
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> 'In Chapter VI we have shown that we are not insensible to the high value of the moral, discipline and example which Government institutions are able to afford, but we have also shown that we regard something beyond this as desirable for the formation of character and the awakening of thought.'

"Now, they felt the need of it and they recommended that Government should encourage the establishment of denominational institutions. We are dealing here not with a denominational institution, but a State institution, and for many years past the several Provincial Governments have recognised the wisdom of allowing the opening of denominational Universities to impart religious instruction in their colleges to the youth of their community. If a provision is made that there should be a Muhammadan Advisory Board to look after the religious education of the students of their community, I do not think anybody will have any objection. In fact, I think, my Lord, that such a provision should be made because I do not believe that it is desirable that there should be no provision for imparting religious instruction to the youth who go to the Universities, and that can be best entrusted to trusted members of different communities. If that is done, I do not see why there should be any necessity for having a provision for communal representation in the Act or the Statutes as they stand at present. There is one thing more that I would say in this connection. In an educational system above all things what we desire is harmony among teachers and students, a feeling of commonness, a common sentiment pervading teachers and students, the regard of the students for the teacher being based entirely upon the latter's ability and character and not upon his religion alone. Religion is of course one element in the formation of character; but every teacher whose co-operation is sought in a State institution ought to command the respect of his pupils by reason of his talent and character, and there should not be any bar created to his obtaining such respect by communal considerations and arrangements being imported into a University where they can be avoided. Some of us, some of my Muhammadan friends may feel deeply on the point; but, I think, I have made it clear that I am not opposed to a sufficient number of Muhammadan gentlemen being placed on the Court and the Academic Council. I expect, that as a natural result, considering the state of affairs in Eastern Bengal. I expect that if my Muhammadan friends have not 50 per cent. but only 10, if there is only one who feels keenly for any injustice that may be done by the Academic body or the Court, he would be able to get a verdict in favour of that injustice being removed, and I believe that these bodies will be reasonable above all things, and, therefore, I feel that this desire that there should be no provision for communal representation, as it is provided in the proposed Bill, deserves re-consideration by Government. If, my Lord, there is one thing which all of us need, it is to make the best provision for imparting instruction to our youth. It does not matter who it is who is selected as a teacher if he is the most efficient man in the subject which he has to teach; that is what is required at present; we want to gather men of the highest character, men who will by reason of their culture create an atmosphere, a university atmosphere, and that atmosphere demands above all things, as Sir Dinshaw Wacha pointed out, that there should be universality of feeling and sentiment. Where it is essential to introduce communal arrangements as in the case of religious instruction, let us do so, let us do so without any apology; because I believe that religious instruction ought to be an integral part of the education of every youth; but where it is not necessary to do so, let us have the greatest universality of sentiment and feeling, regard for talent and character, regard for scholarship unaffected by any communal considerations or arrangements. The great danger to which the Bill exposes the Dacca University is that the provision for communal representation which it proposes will create compartments in the University, will not enable all the workers who should unite to work for the good of the motherland, who should unite to work for promoting education of the highest character among the youth of the country, it will not allow that work to be done with such harmony and good-will and zeal as they would otherwise do; and that is the danger that will be a real misfortune for the country as a whole. In the past, many of us, I am sorry to think, have quarrelled because we wanted to get professional careers for our young men, and we found that we were unable to do so; but I expect, I fully expect, that in the new order of things, if the Universities work properly, if the University modernises and different careers are provided for the youth of the country, there shall not be a Muhammadan or Hindu youth who after receiving a proper education will be in want of a proper career. I expect that if the education imparted is the right kind of education, this difficulty of finding careers for our young men will be easily solved. Therefore, I expect that in the future we shall not be so much divided with a desire to secure careers to the youths of our different communities; and as for anything else, what counts, what will count and what ought to count in an academic body like the Dacca University is scholarship and character. Communal considerations ought not to be allowed to stand in the way of scholarship and character being worshipped, being given their proper place and recognition and being enabled to make it a great centre of light and life, such as I hope the Dacca University will be. I therefore earnestly appeal to the members of the Select Committee which is going to be appointed to look at these questions in a broad light with a particular outlook on the future. It does not reflect any blame upon the framers of the Bill. The Bill has been framed in accordance with what seemed to be most desirable in the circumstances. But times have changed and are changing, and we want now at this juncture when the Government is going to institute this State unitary teaching and residential University, we too want that this University should be a model University in every sense of the term, and that it should make provision for imparting instruction of a practical kind to the youth who will go there, that it should in fact be a training ground for life, and if that is done I hope that all other smaller considerations which have found expression to-day in some quarters will be forgotten, and that we shall all unite in congratulating the Government and ourselves upon the establishment of a new school of light and life in the country."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, when 3-8 P.M. in September last my friend, the Hon'ble Mr. Shafi, introduced the Dacca University Bill at Simla, I gave the project a cordial welcome, as I felt and still feel that it was desirable to have a University at Dacca for the benefit of the population of East Bengal. At the same time I pointed out that the provisions of the Bill, so far as I could appreciate them at a rather short notice by giving them a cursory glance, seemed to me to contain matters of a very contentious character, if not more or less objectionable. I remember that I particularly pointed out that the University seemed to me to be a body containing an overwhelming number of officials, and it also contained provision for communal representation which was a matter which required further consideration. Since then, I have had occasion to look into the Bill carefully, and I find that it contains, quite apart from those features, other aspects also which are open, in my humble opinion, to rather serious objection. While, therefore, strongly in favour of the establishment of a University at Dacca, I take this opportunity—on the motion before the Council that the Bill be referred to a Select Committee—to point out briefly those points which strike me as worthy of consideration by the Select Committee. But before I deal with these matters, I wish to refer to a statement of Mr. Sarma, who, I believe, raised the point, that the reference to the Select Committee is to one in which there is no non-official Indian representative of any province other than Bengal. All the five Indian members on the Select Committee to which the Bill has been referred come from the Province of Bengal. The view taken by Mr. Shafi evidently is that because the Dacca University is going to be located in Bengal, this is a matter for Bengal members and Bengal members alone. Now I join issue with those who hold this opinion, for although the Dacca University is to be located in Bengal, still it is a measure of great importance, on which will affect in various ways other Universities to be established in future in other parts of the country. It, therefore, seems to me desirable to secure the advantage of having representatives on the Select Committee from other Provinces also, especially men who are distinguished educationists. There is my esteemed friend the Hon'ble Mr. Sastri, who is known to be a great educationist; then there is the Hon'ble Pandit Malaviya, who is the Vice-Chancellor of the Hindu University of Benares. They would both certainly add to the efficiency of the Committee. I, therefore, hope that the Hon'ble the Education Member will accept the suggestion that the Committee be added to by having on it representatives of other Provinces, especially persons who are educationists.

"Now, my Lord, coming to the Bill, what surprises me is that there are to be but three Faculties in it—Arts, Science and Law. There is to be no Faculty of Agriculture, or Technology or Engineering. Then in the constitution of its Court I find that a very large number of officials are to be *ex-officio* members. I find, for instance, there the Commissioner, presumably of the Dacca Division, then the Collector, the Sessions Judge, the Director of Agriculture, the Civil Surgeon of Dacca, the Superintending Engineer, the Chairman of the Dacca Municipality, the Inspector of Schools, the Inspectress of Girls' Schools and many other officials who are to be *ex-officio* members of the Court. I confess it surprises me what justification there can be to put in all these gentlemen and a gentlewoman as *ex-officio* members of the Court. I hope the Hon'ble Mr. Shafi will explain the desirability of having this large number of *ex-officio* members, when he comes to reply on behalf of Government. There is so far as I can see complete officialism of the Court, which is inconsistent with the autonomous character of the scheme that was claimed for it by Mr. Shafi in September last. The Patna University of which I was a Fellow, contains provision for the election of 65 members out of 90, only 25 being Government nominees. I do not see why a similar provision should not be introduced into the Dacca University Bill. Then, my Lord, I believe the provisions embodied in sections 17 and 18 of the Statutes are open to serious criticism. Reference has been made to this already, but the matter is of such great importance, that I must bespeak the indulgence of the Council in referring to it again. I find that so far as the Professorships are concerned, one-third of the appointments are completely taken out of the hands of the University and are vested in a Board to be constituted in England, of the five members of which only two are to be the nominees of the University and the other three are to be the nominees of the Secretary of State! This is a most extraordinary proposition and a very serious feature of the Bill. I should like to know if the Hon'ble Mr. Shafi can refer us to any similar provision in the constitution of any University in India or elsewhere, where one-third of the Professors are to be appointed by a Board in the United Kingdom, three of whom are the nominees of the Secretary of State and only two are appointed by the University! We have the further objectionable feature that if the recommendation of this Board is not accepted by the Executive Council of the University, then the whole thing is taken out of the hands of that body and vested in the hands of the Chancellor, who may appoint the Professors himself or refer the matter to the Secretary of State! As regards the remaining two-thirds of the Professors, provision is made that they will be appointed by a Committee consisting of the Vice-Chancellor, three members of the University and four nominees of the Governor of Bengal The body will thus consist of eight persons, four of whom only are to be members of the University and the other four outsiders. Here again, I cannot appreciate the principle underlying a body of this character, half consisting of members of the University staff and the other half outsiders, to choose two-thirds of the teaching staff of the University! These are very serious objections which I hope the Select Committee will consider very carefully.

" Then, my Lord, there is the very controversial question of communal representation which obtrudes itself very prominently throughout this Bill, and, in my humble opinion, in a very undesirable way at any rate to an extent to which I have not been used to see in educational institutions. Not only is it in regard to Muhammadans, but, as I pointed out at Simla in September last, it affects also the Hindus, though to a smaller extent; for I find as regards the constitution of this committee the following laid down:— 'Provided that should a committee so constituted not include both a Hindu and a Muhammadan member, the Chancellor shall nominate an additional Hindu or Muhammadan member or both, as the case may be.' Now that is carrying communal representation further than I have been accustomed to find in educational institutions. I quite appreciate the difficulties of our Moslem fellow-countrymen in the matter of communal representation. I have been intimately in touch with this aspect of the problem for many years. As President of the Bihar Provincial Conference, so far back as 1909, when the Morley-Minto Reforms were under consideration, I induced the educated classes in Bihar to accept the principle of communal representation as a matter of expediency, so far as representation on the Councils was concerned; but to introduce it into educational institutions seems to me to be carrying it beyond legitimate limits. When I asked for information on the point at Simla, last September, I received, if I may say so without offence, no satisfactory answer. The Hon'ble Member for Education but referred me to the Report of the Calcutta University Commission! I have great respect for the University Commission but when we are asked to give our assent in this Council to a Bill of the character now before us, we are bound to examine the question with the greatest care and we are not to be fettered in our decision by the opinions of even such an august body as the University Commission. I hope this Bill will emerge from the Select Committee in such a form that, while giving adequate representation to Muhammadans in Eastern Bengal, it will be shorn of its obtruding objectionable features of communal representation. I am sorry that my Hon'ble friend Khan Bahadur Ebrahim Haroon Jáffer is not here. I wish he was. I deprecate the spirit which he introduced when he read out something in a stentorian voice and gave us a warning that if we did not listen to it there would be trouble ahead. I protest against language of that sort. I am strongly in favour of the adequate representation of Muhammadans in the Dacca University, but it is no use talking in the way in which my friend did. It is wrong to say that communal representation is a matter of vested rights of Muhammadans in even Universities, and I maintain that such language is not desirable in discussing educational problems here. I hope the Select Committee will give the Muhammadans the fullest representation consistent with educational interests, but will so remove the objectionable features of the Bill as to make it acceptable to all sections of the people, irrespective of their being Muhammadans or Hindus in Eastern Bengal."

The Hon'ble Sir Zulfikar Ali Khan :—" My Lord, I rise to give my whole-hearted support to the principles of the Bill based as they are on the recommendations of the Calcutta University Commission. I had no idea of speaking to-day in Council, but as I saw that some of the members attacked the arrangement made for communal representation, I thought it was time for me to speak on this subject. 3-20 P.M.

" My Hon'ble friend Mr. Surendra Nath Banerjea, it seems to me, sounded the alarm. He said that in these days of harmony and good-will it was inappropriate, nay inexpedient to make such arrangements as things were so composing themselves as to remove all necessity of communal representation at once. I am sure, my Lord, he is not unaware of the fact that in Bengal out of 100 members of the Senate, there are only 7 Muhammadans, and this in a Province where the Muhammadans are in a majority ; we are suffering from the same evil in the Punjab, and in spite of our repeated representations to Government we have not been able to get our due share. I cannot understand how those Hon'ble Members with a sense of responsibility to the Government and to the country can say under these circumstances that communal representation is not wanted.

" The Hon'ble Sir Dinshaw Wacha in his speech created quite a classical atmosphere in this Council by saying that this temple of learning was such as not to need the introduction of any sectarian principle. I quite admire his sentiment, but we must study the actual situation. The pantheon of learning which he contemplates may have the Gods of all communities, but that of the Muhammadans . . .

The Hon'ble Mr. Srinivasa Sastri :—" How many Gods are there ? There is only one God."

The Hon'ble Sir Zulfikar Ali Khan :—" We believe in one God. I believe, while contemplating this state of affairs, he expects us to admire the building from outside and not to enter the pantheon and worship there. He perhaps expects us to look at this fine building, but with the inner management, he says, we may have nothing to do, he can very well manage it himself in co-operation with others, but the Muhammadans may rest assured that their own affairs will be managed quite as well without . . .

The Hon'ble Sir Dinshaw Wacha :—" I am afraid my friend is entirely under a misapprehension. I never said anything of the kind."

The Hon'ble Sir Zulfikar Ali Khan :—"That was the conclusion I drew from his speech, and if I have been mistaken I shall not dilate on it.

"There is one thing, my Lord, which these people who attack communal representation must keep in view, and it is this, that while they wish to create friendliness and harmony, they are by their proposals creating exactly the opposite effect. It is this communal representation which will remove all chances of friction, and if this is not done, then there will be perpetual heart-burning and want of friendliness. I cannot understand how this point of view s lost sight of.

"The Hon'ble Mr. Sastri and the Hon'ble Mr. Chanda in their speeches quite wisely admitted that this was an inevitable need, in fact they saw that it should be recognised. I think this is the kind of sentiment which would have the harmonising effect rather than the one which is sounded by others. I hope that in such communal matters my Hon'ble colleagues will not deliberately minimise the disabilities which the Muhammadans have in the matter of communal representation.

"My Lord, my Hon'ble friend Pandit Malaviya also took part in the general attack on this question of communal representation. He said that this University was a kind of God's light which should shed its rays on every one. I quite agree with him, but then would not the Muhammadans have a place under the sun? Would they not have a ray cast on their side; would they be left in darkness? I quite see that he shakes his head and wishes perhaps that there was no such meaning in his words, but I wish he had not taken objection to communal representation. With these words, my Lord, I whole-heartedly support the motion before the Council."

3-28 P.M. **The Hon'ble Mr. G. S. Khaparde:**—"My Lord, this Bill has given rise to a discussion which has taken me by surprise The Bill by itself has got 47 sections with Schedules. It is fairly complete, in fact it is something more than that. I myself thought it did not require a very large or extensive Code. Personally, I look upon the University as an association of learned people sitting together for devising means for educating people and for giving instruction in the best way possible. For that purpose we do not require a very elaborate Code to tell the learned people how to teach. I believe those people know how to teach and how to learn, and all the regulations that we make are merely for the purpose of laying down certain lines on which to teach. However, unfortunately this subject has given rise to so much discussion about communal representation. As I myself thought, when learned people sit together to consider how best to impart instruction. there is no communal question in that at all. Everybody is occupied primarily with the consideration of the question as to how best to instruct the young people so that they may become learned men themselves. If that is the idea, I do not see that communal representation has anything to do with this subject."

"With due respect to all my Hon'ble colleagues who have spoken before me, I myself think that the question of communal representation is irrelevant to the present question. The present question is, how we shall best teach our young people, how best we shall qualify them for their duties in life and make good citizens out of them. If that is so I think all communities have got the same interests, and if more seats are given to one community than another, I, for one, do not feel disposed to quarrel about it or make any disturbance about it. The best people there are, irrespective of what their caste or creed or colour is, should devise means to teach the young people, and that is all there is to it. And for that purpose we do not require so many elaborate rules, and I say again with great deference to my learned and Hon'ble colleagues that this question of communal representation is really irrelevant. I further wish to submit one more consideration and that is that, as far as possible, this body of learned men who may be called the Senate or the whole University put together, should be independent, and no one should be above them or dictate to them from outside. They will sit together and they will devise means as to how to deal with their young people. Why should we or anybody presume to dictate to them and tell them they should do things in this way or that way and choose their teachers from one particular place or another? All that I believe to be a little outside the question myself. Why should not all these learned people sitting together say, 'We know our population,' we know our children and how to select our teachers, and will select the best men for them?' Similarly, about the other regulations that there are. They appear to be too many, and I hope the Select Committee, when it sits to consider these matters, will see their way to cut out as many of them as possible.

"In regard to the Chancellor's powers and the Visitor's powers they might to my mind resemble something of the kind that used to happen in our school days. when we asked some one to come and distribute the prizes. We shall ask some one, the Chancellor, I suppose, to come and give away the degrees, and there the matter will end. If I were on the Select Committee I would vote for taking out a number of these regulations. I find the world is coming back to our old idea of teaching. The practice of one teacher teaching a large class appears to be getting out of date. Just before coming to this hall I met a gentleman who told me that Professor Huxley had introduced a system of education very much like the system we followed in India before, and that was that each student had got an individuality of his own; that each student could be taught in a particular way and the teacher should know how to adapt his method in teaching him; and there need be no rules laid down about that matter. In fact Professor Huxley, I was told, used to deliver one lecture a day, and in the afternoon he talked it over with the students and allowed them to assimilate the whole lecture and follow it when working in the laboratory, and while the children were playing and enjoying themselves they were unconsciously assimilating all the learning given to them in the morning. That was the old way of teaching in India, and I expect we shall come very near to it, and when we do all these questions of communal representation and regulations will become a good deal out of date. The system which has been devised makes a closer approach to our Indian method than anything else, and I expect every school will have a teacher to itself who will look after it, and the whole thing will end there.

"These are considerations which I wish to submit, and I hope our Select Committee will consider these matters and see their way to simplify things and remove all these complicated regulations. It reminds me of the debates we used to have in our college days when some of us were protectionists and some free traders and held forth from each political point of view, and took up a good deal of time and produced many arguments. but this war has set them all at rest, and in what used to be the home of free trade we now find protectionist ideas prevailing" . . .

The President:—"Order, order, the Hon'ble Member really must not go into the distinctions between protection and free trade. We have had many discursive arguments brought forward. He must confine himself to the Dacca University Bill which is being referred to a Select Committee."

The Hon'ble Mr. G. S. Khaparde:—"Your Excellency, what I submit is that people act according to circumstances, and though communal representation is now being objected to, circumstances may arise in which it will be thought necessary, and those gentlemen who now argue against it may adopt it. Similarly, those who speak for communal representation will one day themselves say 'We do not want communal representation, we prefer to be along with the rest.' So my point is that we need not lay stress on communal representation and on these rules and regulations, but simplify them and adapt them as circumstances change. I agree with my Hon'ble friend Pandit Malaviya that the world is changing and ideas of education are also changing, and therefore we should make our rules more elastic, so that things can be included as circumstances arise. These are the submissions I wish to make for the information of the Select Committee."

3-37 P. M. **The Hon'ble Khan Sahib Shah Nawaz Bhutto**:—" My Lord, I had no mind to-day to speak on this motion, but circumstances have forced me to give my own experience of my Province to this Council to judge whether the Mohammadans, who are generally known to be very liberal and broad-minded, could be accused of narrowmindedness in this case. In my Province over 80 per cent. of the population are Mohammadans and all of them are agriculturists, and they mostly bear the cost of education there, but it will be found in Government High Schools that not more than 5 per cent. of the boys are Mohammadans. The teachers and educational authorities are almost all Hindu gentlemen, and we Mohammadans are forced to start special Madrassah for the education of our children What is the cause of this I leave to my Hindu friends to consider themselves. With these few words and agreeing with the suggestions of the Hon'ble Nawab Ali Chaudhri, I support the motion."

3-33 P.M. **The Hon'ble Mr. Shafi** :—" My Lord, the points raised in the various speeches to which we have had the pleasure of listening to-day can be divided into two categories. In the first category come two points of principle, that is to say, the question of communal representation and of the power of affiliation raised by the Hon'ble Mr. Surendra Nath Banerjea and the Hon'ble Nawab Ali Chaudhri. In the second category fall certain proposals and suggestions made by various Hon'ble Members, such as the creation of additional Faculties, reduction of the official element, method of selection of professors and so on, which according to the views of the Hon'ble Members who have put forward these proposals and suggestions are calculated to improve the Bill.

" Now as regards matters falling under the second category I have to say only this. I have not the slightest doubt that these various points raised by Hon'ble Members will receive careful consideration at the hands of the Select Committee. It would be naturally premature for me at this stage, speaking on behalf of the Government, to commit myself to any of these proposals, but Hon'ble Members may rest assured that the Government will give very careful consideration to the proposals which have actually been put forward.

" Coming now to the two questions of principle and taking up the question of communal representation, first of all, I confess I have been somewhat surprised to-day to find this question raised in connection with the Dacca University Bill. I should have thought that in these days of Hindu-Moslem unity, when so much is being said from the public platforms and in the public press about Hindu-Moslem unity, that my Hindu friends would have been charitable enough not to grudge to the poor Moslem community of East Bengal, backward as they are in education, a little special representation on the managing bodies of the Dacca University. I am surprised also because, my Lord, this objection has come from the lips of five or six Hon'ble Members of this Council, who, I find, or rather the majority of whom, I find, were signatories to what has been characterised as 'the historical memorandum of the immortal 19.' Moreover, I find that the majority of these members were parties to the Moslem League National Congress compact which recognised the principle of communal representation in the constitution of bodies of a higher importance than the Senate of a University. I further find that most of these Hon'ble Members were consenting parties to the creation of a communal University, the Benares Hindu University, and one of the Hon'ble Members who has waxed so eloquent against communal representation is the Vice Chancellor of that University. But says my Hon'ble friend, his University is not a communal University; the doors of that University are open to students belonging to all classes. But may I invite my Hon'ble friend's attention and the attention of this Council to section 9, clause (2) of the Benares University Act This is how that clause runs :—

> 'Save in the case of the first court no person not being a Hindu shall become or be appointed a member of the court.'

" My Lord, if Universities are sacred temples which ought to be open to all classes and creeds in this country, why does this provision in the Benares Hindu

University Act, exclude from the management of this temple members of every other class of His Majesty's subjects except my Hindu brethren. My Lord, it seems to me that it does not lie in the mouth of people who are advocates of the creation of communal Universities to come forward and say no special representation on behalf of this backward community can legitimately be incorporated in a legislative enactment.

"Then, my Lord, we find further that the objection . . .

The Hon'ble Pandit Madan Mohan Malaviya:—"May I explain, my Lord? I pointed out that the Benares Hindu University stood in a different position from a State University. In the draft Aligarh University Bill there was a provision like that and we incorporated it into the Benares Hindu University Bill. But it is a denominational University which has made that provision. Here, however, we are dealing with a State University which looks to the State for funds. The Hindu University has received its funds from Hindu donors. This University, I understand, is to be supported by the State and I have said there ought to be general representation."

The Hon'ble Mr. Shafi:—"Is that an explanation or another speech?

"Now, my Lord, the reply to the remarks made by my Hon'ble friend just now is a very simple one, and it is two-fold. Firstly, my learned friend says because such a provision was found by him and his co-workers in the draft of the Moslem University, therefore they simply took that provision from the Moslem University draft Bill. Well, if my friend was so sincerely and honestly convinced of the pernicious nature of communal representation in University matters, then, if the Moslem community were so foolish as to adopt this pernicious rule, it did not follow that wiser men like the Hon'ble Pandit Madan Mohan Malaviya and his co-workers should have adopted this mistake of the backward Moslem community. In the second place, my learned friend forgets that his University is a Government-aided University; that the Government of India subscribe towards the maintenance of that University the sum of one lakh of rupees every year. He forgets that every now and then he is coming up to the Government of India asking for large grants from the public exchequer . . .

The Hon'ble Pandit Madan Mohan Malaviya here interjected some remarks which were inaudible.

The Hon'ble Mr. Shafi.—"I would, my Lord, invite your Lordship's attention to the undesirability of these constant interruptions. If my learned friend has a point of order to raise or a personal explanation to offer I will sit down and make room for him, but I will not have him interrupt me in this fashion at every other sentence that I utter.

"My Lord, I was going to point out that the attitude adopted by these five or six Hon'ble Members is entirely opposed to the unanimous recommendation of the Calcutta University Commission. And in that connection it must be remembered that the Calcutta University Commission was, in the language which has been used by your Excellency, educationally perhaps the strongest Commission ever appointed in this country. The majority of the members of this Commission were non-official European educationists who certainly cannot be accused of having had any communal predelictions in favour of either the one community or the other, and the Indian members of this Commission were two representatives of the two main communities of India, one the foremost Hindu educationist of Bengal, Sir Ashutosh Mookerjee, and the other Dr. Zia-ud-din, Principal of the Mahomedan Anglo-Oriental College at Aligarh. Now I appeal from the Hon'ble Mr. Surendranath Banerjea to the Hon'ble Sir Ashutosh Mookerjee, who has signed this unanimous recommendation of the Calcutta University Commission in favour of communal representation in favour of special representation of Muhammedans in East Bengal. No doubt my Hon'ble friend is a great political leader, I daresay he has had something to do with a certain college in Calcutta of which he was proprietor or part proprietor, but I for one would ask Hon'ble Members in this Council to accept the verdict, in connection with this question of communal representation, of the Hon'ble Sir Ashutosh Mookerjee rather than of my Hon'ble and venerable friend.

"Then, my Lord, the opinion which has been expressed by these half a dozen Hon'ble Members is opposed to the opinion of the Calcutta University itself. Hon'ble Members will remember that the Senate of the Calcutta University has recognized the necessity of making special provision for the representation of Muhammadan interests in East Bengal on the various bodies of the Dacca University, but they have tacked on to this opinion of theirs a proviso that this representation should continue to exist for the next ten years and on the expiry of that period this question should be re-considered

"Then, my Lord, may I point out that the opinion of these half a dozen Hon'ble Members is also opposed to the opinion of my Hon'ble friend whose experience in education is certainly equal to that of any one of them, I mean the Hon'ble Mr. Sastri. who has recognized that in the case of the Dacca University Bill this is an inevitable necessity, and to the opinion of the Hon'ble Mr. Chanda whose province, it must be remembered, was not very long ago a part of the province of East Bengal, and, therefore, he is in a position to know the sentiments and the feelings of the people of that part of the country much better than any of the Hon'ble Members who have spoken against communal representation. He too recognises that it is not only necessary but also advisable that there should be special Muhammadan representation, and above all, my Lord, let me inform my Hon'ble friends that when I was in Dacca the representative Hindu deputation which came to interview me frankly and very generously recognised before me that there was need for special representation of their backward Muhammadan brethren on the various governing bodies of the University. It seems to me, my Lord, that nothing further need be said on this question. The Government of India have made it a guiding principle of their action in connection with the framing of this Bill that the recommendations of the Calcutta University Commission, so far as the main principles laid down by them are concerned, are to be followed and as this is one of the main principles laid down by the Calcutta University Commission, the Government of India are not prepared to concede to the minority who have put forward their views against communal representation

"The second question of principle which has been raised by the Hon'ble Syed Nawab Ali Chaudhri is the question which relates to the creation of a power of affiliation of mufassal colleges in the proposed Dacca University. Now, my Lord, that again is a question which has been finally settled by the Calcutta University Commission. They have laid down that this University is to be a unitary teaching and residential University, without power of affiliating mufassal colleges, and the Government of India have accepted that principle and are not prepared to depart from it. Inconveniences there may be in the absence of such a power in the case of the Dacca University; but my Hon'ble friend must remember that inconveniences are inevitable in a transitional stage, and we are in a transitional stage in so far as the future expansion of higher education in Bengal is concerned. But a time will come when the ultimate goal laid down by the Calcutta University Commission will have been reached and a number of Universities, residential, unitary and teaching Universities, will have been created in different educational centres in Bengal with the result that the inconveniences which my Hon'ble friend is thinking of will *ipso facto* die away, and there will therefore be no necessity for any power of affiliation being vested in any University in Bengal.

"My Lord, with these few words I commend the motion placed before Council for acceptance."

The motion was put and agreed to.

RESOLUTION *RE* LOCATION OF GOVERNMENT OF INDIA HEADQUARTERS.

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I beg to move the following Resolution :— 3-55 P.M.

'That this Council recommends to the Governor General in Council that the Headquarters of the Government of India be permanently located in one place and that a suitable centre may, if necessary, be selected for the purpose.'

"My Lord, we are approaching the dawn of a new era and Indian problems require to be looked at from new and fresh standpoints. I should not have troubled this Council and your Lordship with a re-consideration of the question that was settled in 1911 when the Capital was removed from Calcutta to Delhi for seven months in the year and Simla for the remaining five months, but for the fact that the circumstances under which the transfer was made no longer exist and the new problems, the new ideals and aspirations and circumstances which have arisen since the Reform Bill has been placed on the Statute-book give a new complexion and renders a re-examination of the position absolutely necessary.

"My Lord, if the Government were to continue to be autocratic and the Legislative Councils were to be merely advisory bodies the question would not be of very great interest or prominence; there would be no question of disfranchising any part of India; there would be no question of every part of India and every people, however remotely they may be situated from the centre, having to guard watchfully their interests in the councils of the Realm, when the whole position would be virtually in the hands of an official central Government, which *ex-hypothesi* would be autocratic. That was the position that was adopted in 1911 in the Despatch of that year. The Government of India say 'The maintenance of British rule in India depends upon the ultimate supremacy of the Governor General in Council, and the Indian Councils Act of 1909 bears testimony to the impossibility of matters of vital concern to be decided by a majority of non-official votes of the Imperial Legislative Council, and Parliamentary forms of government were not considered as being within the range of practical politics'. I do not say that the constitution of the Government of India has been materially or vitally changed since then, but then we have it recognised now that it is competent to the people of India to decide their own domestic matters, and it is only a question of time as to when they shall have this power transferred to them for deciding their domestic concerns in the way most compatible with their interests. That is the reason, my Lord, why I have ventured to bring up this Resolution. The new Councils will assume very great importance, greater and greater importance as the days pass by, and the question would be naturally as to what would be most convenient for the members who have to gather at the centre from all parts of India for transacting the common business; and the question as to whether the officials would be inconvenienced though of great importance (I am not going to minimise it in the least—the question of efficiency is there to be considered) will gradually be of lessening interest and importance, and that is the reason why this question has to be considered afresh and the urgency of the matter is all the greater, because we shall have to provide enlarged Council buildings in the very near future; and whether there are to be two Council buildings and the expenditure is to be practically incurred in raising the structure of two Capitals or one Capital is from the point of view of the lean tax-payer in India of essential importance, and I do not think, therefore, the question can be shelved very long. Well, my Lord, the Councils will number about 200, both the Council of State and the Legislative Assembly taken together, and the experience of other countries indicates clearly that the numbers would be considerably increased as soon as these institutions become realities, exercise real power; and people would naturally like to be represented in larger numbers, that is as democracy spreads the numbers may increase to 500 or 600 or even a thousand.

"Then another point I would insist on is this, that there is a misapprehension in some quarters that the quality of the work and the quantity of the work which will have to be despatched by the Government of India would in the near future not be so very great as in the past, and consequently it would not be a matter of vital importance where they stay and how long they stay in a place. It seems to me that the Council work will increase enormously, so that we should look forward to longer and more continuous and more frequent sittings and to emergency sittings. Very great influence in this matter will be exercised by the Councils which will be presided over by elected Presidents. As to when and how often and how long they are to meet will depend largely upon the quantity of business which they would have to dispose of. We have still a large number of Acts, the Procedure Codes, Contract Acts, Specific Relief Acts, and other substantive laws falling within the central group, also labour problems, commercial problems all to be faced by the Government of India, and I do not see any possibility of the work diminishing in the slightest degree hereafter. We should, I say, look forward to longer and to more continuous sittings, and it will be absolutely impossible for members to absent themselves frequently or for long periods from headquarters when the Council sits continuously You must give members an opportunity occasionally to return to their homes and then come back to Council. If we judge the matter from that point of view what do we find? There are cities, towns and localities far more accessible, far more central and important than either Simla or Delhi. My proposition, your Lordship will observe, does not rule out Simla or Delhi, but it asks that the Government of India should be located in one place which should, as far as possible, be central. In the course of the few remarks that I shall have to make, I will endeavour to examine the position, to see whether we cannot fix a site or place which will be more central and accessible and which would stand the test of future requirements. We find that so far as Simla is concerned, it cannot be a winter Capital; if Simla is to be one Capital, we must have another Capital, whether it be Delhi or any other place. If we take up the question of Simla, then we find we are wedded to two Capitals. The present arrangement assumes that we shall have to stay there for five or six months; hitherto there has been but one Session of about a month held there In the circumstances, I have depicted, there would be a vital change and the Council would or may have to sit very often during those five or six months. Under these circumstances, would your Lordship think it expedient that the Capital should be relegated to a remote corner of the Himalayas not accessible to the population living south of the Vindhyas? So far as Simla is concerned, if a man has to come from Tinnevelly he has to travel six or seven days continuously, the distance being 2,200 miles; from Madras it is 1,800, and the journey is performed in five days. In the case of Delhi the journey is twelve hours shorter. There is absolutely no chance for any man from the Madras Presidency who has any other engagements being able to go back during the middle of a Session. Now, let us look at the matter from the point of view of the other Provinces. In the case of Burma, Assam, Eastern Bengal, the southern portion of Bombay, and the Central Provinces, the position is nearly the same. You will find that it is only convenient to the Punjab, the western portion of the United Provinces and possibly Sindh. Two principles emerge from a consideration of the problem. Are we to have a Capital wholly or for some time in a place where members as well as the Government can seek advice from business-men, commercial men, eminent lawyers, where public opinion exists, regard being had to the intricate nature of the problems which would confront the Government of India and the Council, relating to commerce, industry and currency? Or are we to shut ourselves up in some remote fastnesses of the Himalayas having regard to the one consideration that we should be able to turn out more work in a colder climate? Is the physical convenience to be the sole data, the sole criterion, or are we to consider other factors as well? If you say there are certain advantages in being able to take a detached view, a wider outlook like the *Rishis* of old, from a place in the Himalayas, then certainly I cannot say that there is absolutely nothing in it. The question would be which would be the more convenient? I have tried to work out the merits of several places having regard to the above factors. Judged from the point of view of convenience the Central Provinces is very favourably situated. I am told that in the Central Provinces the elevated tableland of Pachmarhi is fairly cool and healthy. I will not say nearly or half as comfortable as Simla, but it is fairly habitable for Europeans. If you cannot find a place in the Central Provinces then you must look elsewhere, having regard to the general convenience of the 244 millions forming the population of British India. Calcutta would serve the convenience of 175 to 200 millions, and though it would be inconvenient to the Punjab and the West Coast, it would at any rate be far more convenient than either Simla or Delhi to a larger number of people and their representatives, and much less inconvenient than either Simla or Delhi is to the south. In the case of Burma, Assam, Bengal, Bihar and Orissa, the Central Provinces, the East Coast of Madras and the east of the United Provinces, a Capital either at Calcutta or at Ranchi would be absolutely convenient. With regard to Ranchi that is a place where you can live practically all the year through with perhaps a short holiday. As regards that even the House of Commons takes a holiday of two months, and I do not see why the Legislative Assemblies should not take a holiday. Perhaps it may not be possible always for members to proceed to their homes often but the means of transport have been improved and Ranchi would afford a convenient centre. I cannot understand how the Government of India in 1911 were able to say that Delhi was geographically central and well-suited and Calcutta was a hopeless place. I am not here advocating the selection of Calcutta; it is a matter of absolute indifference to me in so far as the Madras Presidency is concerned; possibly some of us may like to have a calmer atmosphere But, my Lord, the considerations which weighed with the Government of India in 1911 would not be paramount hereafter, because each Province would jealously watch its interests, and no minority community would be able to assert itself in the way in which it was able to assert itself in the past by securing official patronage and assistance.

"Then, my Lord, from the point of view that the Capital should be situated in a place from which a detached view can be taken, I would respectfully submit that Ranchi or a place in the Central Provinces would be an ideal centre, for this reason that you would be in touch with, though not in the midst of, a majority community of Hindi-speaking people numbering 110 millions; and you will not be inaccessible to the community next in importance, I mean the Bengalees; and everybody would have fair play and equal advantage. Therefore I submit, my Lord, from the point of detachment, from the point of view of not identifying yourself with any particular community, from the point of view also of the safety of the Capital in not placing itself too much in the hands of any particular community, race or creed, you would be locating the Capital in a position of great advantage.

"Then, my Lord, there is another point of view from which I look at this question, and that is, that of the Native States. From their standpoint you will find that the present arrangements are mainly advantageous to the people of British Baluchistan, Punjab and a part of Rajputana and Kashmir. I am not going to minimise their political importance, the heroism, valour or their usefulness to the general interest But you will find that they occupy only about 3-10th of the area and a small proportion of the population of the Native States, whereas a place in the Central Provinces, Bombay, or Nasik or Poona, would be more readily accessible and would be far more convenient to Native States in Central India, Rajputana and Southern India, including Hyderabad, than Simla or Delhi.

"Then, my Lord, the question would arise as to whether the military traditions and ancient historic associations should not have some play in our imagination in fixing the Capital. I quite admit, my Lord, that they are a factor and have paramount importance under certain conditions. Whether you are living in the midst of warlike people ready to strike at a moment's notice, whether you are in a place with the army near you, are matters of paramount consideration, in troublous times and under autocratic rule, and that was partly the reason why the early Mohammadan invaders fixed upon Delhi when they came to India. Now the British Government is to be broad based upon the will of the people. It is to be no longer anxiously dependent upon the good-will of any particular religion or section of the community. It will look for support to all communities, and therefore the strategic importance of particular places loses all the significance of the fact. If we can secure historic associations, well and good; but if other considerations are more paramount, then, I submit, they should be allowed to have their sway.

"There is one question, my Lord, and that is a very important question as to whether it would be possible for this Government to re-consider this question with so many troubles already in their hands and the King having already selected Delhi. But I feel, my Lord, that His Majesty himself would be the first to suggest and agree to a new course of action when he is told that the Reforms cannot be a success unless easy access is given to the various communities which will have to be benefited thereby, and His Royal Highness the Prince of Wales on behalf of the King will inaugurate, if necessary, a new policy, and I do not see why the advisers of His Majesty should hesitate if really they are convinced that such a step is essential to make the Reforms a success I submit, my Lord, therefore, that this difficulty which is based upon sentiment and upon the Royal pledge can be obviated having regard to the fact that the circumstances which called into being that pledge and that decision have passed away. I, therefore, submit that whether we look at it from the point of view of the Government of India giving a lead to the other Provinces, or the inadvisability of living in inaccessible places absolutely out of touch with public opinion, or of the convenience to the Native States, Simla seems to me to be hopelessly out of the question, and Delhi is nearly so. But if Ranchi is out of the question, if you cannot find a place in the Central Provinces, if Bombay, Nasik or Poona are out of the question, if your Lordship after inquiry cannot find any convenient central place, and Dehra Dun or Mussoorie are in no way better than Simla, then Delhi should be made the sole Capital so that new institutions and traditions may grow up, and public opinion may be fostered.

"The Government of India said in 1911 that the places that were selected in the past—and they alluded possibly to Nasik, Dehra Dun, etc.,—were either devoid of historic associations or were inaccessible. I have given my reasons both for and against the contention that a suitable centre other than Delhi cannot be found. But historic associations were necessary in 1911 for the autocratic rule contemplated this, but they will no longer be needed in the future. At any rate they lose their significance at the present moment.

"Then comes the question of expenditure, my Lord. I submit you have spent about 5½ crores upon Delhi. But in a matter of such vital importance the point really is not of such very great significance, because if you have to build two Capitals, you have to incur a very large expenditure indeed. Assuming, that you have wasted some money upon one of two Capitals already, in choosing a new and sole Capital, your expenditure would not be greater than when you have to build two Capitals. Therefore that argument is not altogether unanswerable.

"Then, my Lord, you are going to write off about 37 crores on account of the depreciation of Securities in the Paper Currency reserve and 3½ would not mean much, if the loss has to be incurred by reason of unforeseen changes; and it may be, my Lord, the country,—I do not say upon our vote, but upon the vote of the people as it may be given on this special question,—when the new Councils sit, would endorse the change, and it is not such a very large sum as the country cannot spare for the efficient and proper working of the

"Then again, my Lord, in the *Times* and other British and Indian newspapers we have statements made bitterly complaining that owing to the military authorities ruling from Simla campaigns have broken down and mishaps have occurred. I am not going to say that all these criticisms are well founded, but there is this to be said that perhaps Simla has far too alluring a climate to allow necessary action being taken promptly in an emergency. At any rate our experience has not been happy, and I do not think that our North-West Frontier and other troubles cannot be met if the Government of India headquarters is situated outside the Punjab. Nor do I think that recent events show that it is absolutely necessary that the Government of India should be identified with the military races of the Punjab. I think the Government of India would have escaped blame to a larger extent if they had been outside these danger zones, and I therefore submit that the considerations which weighed with the Government of India when they left Calcutta are the very considerations which, I think, would justify me in saying, if there is any value in these considerations, that the Government of India might very well choose a new seat. My Lord, His Excellency the Commander-in-Chief has a very large army and staff, and he could use these buildings which have cost 3½ crores for them and—I do not know if His Excellency will thank me for the suggestion—at any rate for ten months in the year they could live there The Council may think that another suggestion I shall make is fanciful, but I can assure your Lordship that we cannot have a federated India except on a new basis, and the 110 millions of Hindi-speaking people will find three or four capitals necessary—Delhi would be one of them; the money may thus not be wasted altogether. I submit that the buildings which have already been completed can be utilised by the clerks of the various departments I alluded to, and I therefore submit that this money need not be treated as wasted. I have already argued that, even if it should be treated as to some extent wasted, it is a necessary waste—

The President:—"The Hon'ble Member has three minutes more."

The Hon'ble Rao Bahadur B. N. Sarma:—"Then, my Lord, I would just invite your Lordship's attention and the attention of the Council to the fact that, reading the past history of India, we find that the Capital was situated owing to various reasons, not always in one place but in different Provinces at different times, and too much value need not be attached to the circumstances that Delhi was the Capital. You had Pataliputra for several centuries. I suppose the old traditions of Magadha are surviving there and would be available if Ranchi be selected. You built up a Government in Calcutta and Calcutta people would welcome you back. Allahabad is central and, I think, my Hon'ble friend the Pandit would give us a welcome readily there. Though Delhi was, owing to its central position in upper Hindustan the Capital of the Mughuls; Poona was the Capital of the Mahrattas who held preponderating power when the British defeated them in 1818 Therefore the fact that Delhi was a Capital for some time is not of such very great importance. And may I also allude to one fact referred to in the 1911 Despatch? The advisers of the Crown seem to think that if the Capital were removed to Delhi, Indian sentiment was so much in favour of Delhi as to associate the permanence of British rule with the Capital being at Delhi. That seemed to be a paramount consideration which weighed with them. I think there was a mistake. I do not say there is a prejudice against Delhi, but somehow it was considered by the people to be the grave of Empires, and I do not think any one would be offending Indian sentiment by suggesting that Delhi need not necessarily be the Capital; and I therefore submit that this consideration of Delhi having been the Capital of the ancient Hindu and Muhammadan Kings has been pushed too far, and I think your Lordship would have an equally good place, convenient to all and liked by all in any of the localities I have suggested, and your Lordship may appoint a committee to investigate the question. The next Councils will take it up and in the meantime much expenditure will have been incurred, and we may be involved in the painful necessity of sacrificing not 3½ crores, but 10 crores of rupees. But if your Lordship thinks that Delhi cannot be touched on any account, then I hope your Lordship will stay here always, with the exception of one or two months in the year, it need be, so that there may be traditions and institutions growing up here, and healthy public opinion may be fostered and commercial and manufacturing institutions encouraged, so that Delhi may be a Capital in the course of a few years to which we can all look with pride, whereas at the present moment its buildings are deserted for five or six or seven months in the year. It will be a deserted village, even under the present proposals, and I do not see any reason why so much money should be wasted on a Capital which would be practically deserted for seven months in the year. I therefore submit that every consideration is in favour of a central locality being selected which would be accessible to all."

The Hon'ble Mr. Kamini Kumar Chanda:—" My Lord, I beg to move the following amendment to this Resolution, namely,' that for the words ' permanently located in one place and that a suitable centre may, if necessary, be selected for the purpose,' the words ' located in Calcutta subject to such modifications, if any, of the old practice according to which the Government of India are in Calcutta during certain months of the year and otherwise as may be considered necessary or desirable by the Government ' be substituted.

" My Lord, as I have only half the time allowed to the mover of a Resolution I shall not make a long speech, but shall simply call attention to this matter with which we are all of us more or less familiar. My Lord, I am fortunate in that half my work has been done for me by my Hon'ble friend Mr. Sarma. In his admirable speech he has destroyed the case of any supposed necessity of the location of the Government of India either in Simla or Delhi, and his speech on the whole is really in favour of my proposition that the Government of India should go back to Calcutta. Of course he has taken up a number of other questions as well, and to these I shall come presently. Now, my Lord, we know that Calcutta ceased to be the Capital and Delhi was made the Capital by Lord Hardinge in 1912. His main idea was that the Government of India should reside for seven months in the year at Delhi and five months at Simla. I do not think our past experience for the last eight years would justify any one in claiming that that experiment has been much of a success. My Hon'ble friend has himself shown that it has not been so. The question arises, what is to be done? Now there are three grounds mentioned in the Despatch of Lord Hardinge transferring the Capital. The first was that it was an anomaly that the Government of India should be in the same city with a Provincial Government, that is the Government of Bengal for three or four months in the year. In the second place, it was said that there was special importance attached to the Council of India under the Minto-Morley scheme which made it imperative that it should be removed to a more central and easily accessible place, and, thirdly, political considerations arising out of the ill-fated Partition of Bengal.

" Now, so far as the last-mentioned ground goes, I think it has no application now. I cannot conceive what difficulties or complications will arise if the Government of India were to move back to Calcutta to-day, and I do not think I need further consider this ground.

" Of the other two, taking the first point, namely, that the Government of India should not be in the same place with the Provincial Government, the Council may recollect that in September last I moved a Resolution at Simla that Simla should cease to be the summer headquarters of the Punjab Government, and in support of my proposition I quoted a Despatch of Lord Curzon's Government to the effect that if it was bad for the Government of India—I am quoting his very words—' if it was bad that the Government of India should be in Calcutta with the Government of Bengal for three or four months in the year, it was infinitely worse that it should be with the Government of the Punjab for eight months in the year.' The Hon'ble the Home Member opposed me, but I doubt very much, in view of what he said, that that is the view at the present time of the Government of India. This is what the Hon'ble the Home Member said, my Lord—I am quoting his words:—'Briefly stated, the reasons were that there were certain political advantages in having the headquarters of the Local Government and that of the Imperial Government in the same place; that the disadvantages arising out of such an arrangement were much over-estimated.' Now, my Lord, if my Hon'ble friend adheres to that view now, there is an end of this argument based upon the association of the Government of India and the Government of Bengal in the same place. If, on the other hand, he changes his opinion in view of his experience of the last five months, well then I shall claim to be entitled to have his support if I move again that Simla should cease to be the summer headquarters of both these Governments. But in any case, my Lord, if the Government of India thinks that it is a condition precedent to its removal back to Calcutta that the Government of Bengal should not remain there, I do not think the difficulty would be insurmountable. Of course I do not pretend that I have got a cut and dry scheme at my hand, or that I should ask the Government of India to decide offhand. All I do, my Lord, is to call your attention to this point and to ask you to investigate the matter again, to examine the question along with the proposition of my friend the Hon'ble Mr. Sarma or by itself and see whether something ought not to be done. Of course Delhi is out of the question, as my friend has shown.

"Then, coming to the second point, namely, that by reason of the Minto-Morley scheme it was necessary that the Council should sit at a place which is central and easily accessible, I say that this is my case, though I do not say that it should be central from a geographical point of view alone, but what is wanted is, that it must be convenient; but, I think, I might even claim that Calcutta is practically geographically central if you take Burma into consideration. However, I do not rest my case on that point As my friend Mr. Sarma has shown of the 100 members whom you are going to have in the Legislative Assembly, fully 63 will find Calcutta more convenient than Delhi—I do not go into details as my friend has given them. Not only that, but at least 19½ of the 34 members of the Council of State will find Calcutta more convenient. Well that is an important point, my Lord, that not only the number of members will be five times the present number, but you will have to provide for longer Sessions of this Council, and you will have to see that the conditions of membership should be made as little irksome as possible so that the scheme might work out satisfactorily.

"My Lord, these are my answers with regard to these questions. My submission with regard to the second point is that, on the whole, Calcutta is more convenient than Delhi, and so far as climate goes, my Lord, I do not think that Calcutta in the month of March is more unfavourable than Delhi has been during the last week; at any rate in the present time there has been a great change in the climate of Calcutta, with the electric fan.

"Then, my Lord, there is another further point, the question of cost which must be considered. It may be said that we have spent such a large amount of money on New Delhi, all this will have been thrown away if we have to abandon Delhi. But I do not ask you to abandon New Delhi as Akbar did in the case of Fatehpur Sikri. We do require a ceremonial Capital. We have had three Durbars in the past, one in the time of Lord Lytton, one in the time of Lord Curzon, and a third one, the last Coronation Durbar. My Lord, all these three Durbars were held in this Imperial City although Calcutta was the Capital of India at the time. I do not think any one will say that we shall have no more Durbars in the future. Let this New Delhi be the habitation of the future Durbars. There may be other ceremonies. Your Excellency will have to meet the Indian Princes Let this remain for that purpose. Besides, with improved communications, with the latest scientific modes of locomotion, with direct railway communication between India and Europe in prospect, may we not hope that our beloved

Sovereign and the members of the Royal Family will find it possible to visit India more frequently than they do now. In that case, New Delhi would remain for the residence of His Majesty the King-Emperor and the members of the Royal Family whenever they come to India. I say do not abandon it. In the second place, if you think you cannot have Delhi except it be the Capital of India, and therefore if you abandon Delhi as the Capital of India all the money would have been wasted, I say it will not be waste; it will be real economy. We have already spent a large amount of money on it; I am indebted to the courtesy of my Hon'ble friend Mr. Cook for the figures, and it now appears that up to the present we have spent more then 4½ crores. What is the net result, my Lord? A few roads, a few staff quarters and the Viceregal Court plinth. Can any one tell how many crores will have to be sunk if this place is to be completed? Of course I do not make any charge against the Department over which the Hon'ble Sir Claude Hill presides if I say the estimates of the Department are not reliable No one can predict what money will be required, what more needs to be done. I say, my Lord, that you will require far less money for making Calcutta fit for your residence than you will require in completing work on Delhi. I think it will be more economical, it will be better not to throw good money after bad and to stop work in Delhi. These are my submissions, my Lord, and I think you ought to decide in favour of Calcutta.

" I say, my Lord, you may select any place you please As Mr. Sarma has said if Delhi and Simla are out of place, well, select another place, but whatever place you select, it is obviously reasonable, obviously desirable that in your selection you should be guided not merely by considerations of climate and situation, but by other matters also. You must see that there is a healthy public opinion in the place, the pressure of which can be brought to bear upon the consideration of important matters; you must see that there is a strong well-conducted press, that there are influential public bodies, commercial and political, the members of which can be approached at any moment for advice, where commercial, banking and currency questions crop up, that there are eminent lawyers who would help us at any time we may go to them. My Lord, this is always desirable; it has now become imperative after the passing of the Reform Act. The Reform Act does not confer any element of responsibility on the Central Government, and it is very necessary, therefore, my Lord, that it should remain in living touch in close contact with healthy public opinion; otherwise pitfalls are inevitable—we know that to our cost, I need not quote instances. You must remain in close contact with healthy public opinion. This is impossible in Delhi, impracticable in Simla. If you look at the matter from a dispassionate point of view, you will find that all things considered there are only two places in India, either of which can be selected on this ground as the Capital of India, Bombay and Calcutta. Taking everything into consideration I submit, my Lord, Calcutta has a superior claim. It is a City which owes its creation entirely to British rule. There was no town in Calcutta before the British came, it was full of jungles. You have made it what it is. It is bound up in the public imagination with the rise and growth of British power in India and in the East; and it was the Capital of India from the earliest commencement of the British connection in this country for about 150 years. It has public opinion, public life; it is a most important strategic point in the East; it is the highway to far eastern commerce and trans-Pacific communications. It has public buildings which are simply incomparable which are yet at the disposal of the Government of India. There is a residence for your Excellency, and furthermore, there is at the present moment nearly finished a building which can be of great use to us, the Victoria Memorial. I am not an expert, but I speak on the authority of the *Statesman* and *Englishman* of Calcutta that experts certify that you cannot have a more admirable Council Chamber than the Durbar Hall of the Victoria Memorial building. It has galleries, divisional lobbies, committee rooms, library; and you cannot imagine a more splendid mansion for this purpose . . .

The President:—"The Hon'ble Member's time is up."

The Hon'ble Mr. Kamini Kumar Chanda:—"I am summing up."

The President:—"Please move your amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"With these words, my Lord, I commend this amendment to the Council."

The Hon'ble Mr. Sachchidananda Sinha:—"My Lord, I have listened very carefully to the speeches of Mr. Sarma and Mr. Chanda, but I am sorry to say that I have remained unconvinced that there is any occasion for the moving of this Resolution or of the amendment. Mr. Sarma's Resolution, my Lord, runs to the effect that the headquarters of the Government of India be permanently located in one place and that a suitable centre may, if necessary, be selected for the purpose. He did not explain, or at any rate I did not quite understand, what he meant by the use of the word 'permanent'. I think the headquarters of the Government of India are quite permanently installed in Delhi and Simla, and if he meant something else he should have explained it. What he probably meant to convey was that the seat of the Government of India should remain all the year round in a particular place. That may be, my Lord, a very ideal suggestion; and personally if I knew of a place where I could locate your Excellency's Government all the year round, I should vote for the Resolution gladly. But Mr. Sarma does not ask your Excellency's Government to refer the matter to a committee of experts to find out, after due inquiry, if there be such a place in the country. He urges upon your Excellency's Government the immediate removal of the headquarters of the Government from Delhi to some place where the Government can stay all the year round. It is, therefore, that I feel confronted with a great difficulty, as I do not know of any particular place in the plains of the country, where the Government can be located all the twelve months. If it comes to locating the Government at some hill-station, Simla or Ootacamund, I do not think Mr. Sarma himself would very much like to stay there in December or January, and I do not think he recommends that. 4-43 P.M.

"I think, therefore, this is really a question which does not strike one as being within the range of practical politics. We cannot be chopping and changing the seat of our Government every few years, like the Sultan Muhammedbin Tughlak who removed the Capital from Delhi to Daulatabad in the south and back to Delhi again I do not think we associate that sort of thing with the British Government. I do not think this problem, therefore, enters for discussion on a sound basis. It is only about eight years since His Majesty the King-Emperor made in this very City this declaration: 'We are pleased to announce to our people that . . . . we have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient Capital Delhi', and the words which follow are important, 'and as a consequence of that transfer the creation, at as early a date as possible, of a Governor for the Presidency of Bengal and of a new Lieutenant-Governorship in Council for the Province of Bihar and Orissa.' Now, if as His Majesty declared and as Lord Crewe had pointed out in the Despatch accepting the Government of India's proposals that all these three propositions, namely, the transfer of the Capital, the creation of a Governorship for Bengal and a Lieutenant-Governorship in Council for Bihar and Orissa, were 'interdependent proposals,' I do not think that this Council would be well-advised in splitting up these three things and taking up and disposing of each of them one by one. I do not think, my Lord, therefore, a case has been made out by Mr. Sarma for accepting his proposition.

"As for Mr. Chanda's proposal that Calcutta be restored to her former position as the Capital, I tried to follow his arguments as carefully as I could, but I do not think he said one single word in its favour except, perhaps, that your Lordship has been pleased to stay there for six weeks or so during the past two or three years. But I do not think the Government would like to stay there all the year round or can do so. I do not think Mr. Chanda said a word about this all the year round aspect; he simply pronounced a glowing panegyric on Calcutta, and appealed to, or tried to appeal to, the instincts of my European colleagues here by referring to something which Job Charnock did some years back; but I do not think he really said anything to satisfy us that Calcutta was a place where the Government could stay all the year round. Mr. Sarma referred casually to Ranchi in Bihar and Orissa as a place where the Government could stay throughout the year. Personally, as a Beharee, I shall be very happy to take your Lordship there and the whole of your Government, but before we can dispose of these matters satisfactorily, we must have materials to act upon. We have got no expert opinion that the Government of India can stay at any one place permanently for throughout the year. We must have some information, on the point, and as the Resolution does not ask for such information, but merely asks that the Government should instal themselves permanently at some undefined place, I must oppose this Resolution, as well as the amendment."

The Council adjourned till Wednesday, the 18th February 1920, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 19th February, 1920.

APPENDIX A.

(Referred to in answer to Question No. 5.)

Statement showing the amounts credited to the Head "XXV—Miscellaneous Unclaimed Deposits" since the year 1900-01.

1900-01.	1901-02.	1902-03.	1903-04.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09	1909-10.	1910-11.	1911-12.	1912-13.	1913-14	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.
7,69,129	9,47,037	9,50,678	11,58,887	9,67,921	11,39,843	10,30,658	11,51,452	12,28,159	16,37,131	11,02,691	15,71,153	15,45,172	15,33,957	13,08,017	15,13,778	14,99,605	13,26,318	12,41,939

APPENDIX B.

(Referred to in answer to Question No. 12.)

——	1916-1917.	1917-1918.	1918-1919.	REMARKS.
1. Raids and other border offences	230	206	189	
2. Losses sustained :—				
(*a*) on account of cash, property, etc.	Rs. 41,325	Rs. 36,412	Rs. 27,420*	*The figures are approximate as details have not been reported in every case.
(*b*) number of live-stock	6,581	5,251	3,104*	
3. Killed or injured	177†	117‡	61	†Excluding 48 officers and men of the Indian Army and Frontier Militias, killed and wounded in fighting with raiders.
4. Men, women and children kidnapped and returned on payment of ransom.	34	14	8	‡Excluding 348 officers and men of the Indian Army and Frontier Militias.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 18th February, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 55 Members, of whom 48 were Additional Members.

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir William Vincent:—"Sir, I beg to lay on the table* a statement showing the number of persons arrested and the number released without trial in connection with the disturbances in the Punjab, which was promised in reply to questions asked by the Hon'ble Pandit M. M. Malaviya on the 10th† and 25th‡ September, 1919, respectively." 11-2 A.M.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Sachchidananda Sinha asked:— 11-3 A.M.

Nominations for the Indian Civil Service.

1. "(*a*) Has the attention of the Government been drawn to the editorial comments of the *Bengalee* in a paragraph headed 'Bengal Nominations' in its issue dated the 23rd January, 1920, expressing great dissatisfaction with the nominations made in Bengal for the Indian Civil Service?

(*b*) Is it a fact that similar dissatisfaction has been expressed in the Press of some other Provinces as well, with regard to such nominations?

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* *Vide* Appendix A.

† *Vide* pages 63 and 64 of Council Proceedings of 10th September, 1919.

‡ *Vide* page 528 of Council Proceedings of 25th September, 1919.

(*c*) Were any suggestions or directions issued on the subject by either the Secretary of State or the Government of India laying down the principles which should guide the Local Governments and Administrations in making the recommendations for the nomination of candidates? If so, will Government place a copy of the same on the table? If not, why not?

(*d*) Will Government lay on the table a statement giving for each province—

(*i*) the names of candidates recommended by Local Governments and Administrations;

(*ii*) details as to the educational qualifications of the candidates so recommended, showing amongst other things which of them, if any, had failed at one or more University examination or examinations;

(*iii*) the names of the candidates recommended for appointment by the Government of India to the Secretary of State for India; and

(*iv*) information in regard to each candidate finally selected being either a native of the province or domiciled therein?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government has seen the editorial comments of the 'Bengalee' in its issue dated the 23rd January 1920.

(*b*) Government are not aware that dissatisfaction has been expressed in the press of other provinces; but it is inevitable that there should be some discontent when there were more than 700 applications for the 34 available vacancies.

(*c*) The Hon'ble Member is referred to Home Department notification No. 1278 of the 5th September 1919 and notifications Nos. 1658 and 1788 of the 21st October and 4th November 1919, respectively. These were also reproduced as Press Communiqués on the same dates.

(*d*) Government are unable to furnish all the information asked for, but a* statement is laid on the table showing by provinces the successful candidates."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Replacement of the judicial administration of the North-West Frontier Province under the Punjab Government.

2. "(*a*) Is it a fact that Mr. Merk, when officiating as the Chief Commissioner of the North-West Frontier Province, submitted a scheme to the Government of India recommending that the judicial administration of the province be replaced under the Punjab Government?

(*b*) If so, what was the reply of the Government of India? Will Government lay on the table copies of Mr. Merk's communication and the Government of India's reply thereto? If not, why not?"

The Hon'ble Sir William Vincent replied :—

"No such scheme was submitted to the Government of India."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Expiration of War Legislation.

3. "(*a*) Has the war been officially declared to have come to an end? If so, from what date?

(*b*) What is or are the Act or Acts that will expire at the end of six months from the date of the declaration of the closing of the war?"

The Hon'ble Mr. Moncrieff Smith replied :—

"(*a*) His Majesty in Council has declared that the war as between Great Britain and Germany terminated on the 10th January, 1920. No declaration has yet been made as to the date of the termination of the war with other belligerents.

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* Vide Appendix B.

(*b*) A list* of the enactments which will (unless further continued by legislation) expire at the end of six months from the date of the official termination of the war is laid on the table."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Scarcity of silver coin.

4. " (*a*) Has the attention of the Government been called to the fact that the scarcity of silver coins is causing serious difficulties to the Hindus in their religious performances, as the *Sastras* require gifts for every ceremony to be in silver (*rajat*) ?

(*b*) Do Government propose to take steps to remove this difficulty ? "

The Hon'ble Mr. W. M. Hailey replied :—

" The Government of India are not aware that serious difficulties have been caused to Hindus in their religious observances through any scarcity of silver coins. During the last financial year the net absorption of silver coins by the public amounted to 450 million rupees, while during the current year the net absorption up to date has been over 200 million rupees. The Government understand that gold is equally acceptable as a gift on occasions of religious ceremony, and the Hon'ble Member's attention is invited to the fact that gold is now being sold to the public by tender in large quantities, the minimum amount to be sold during the next six months being equivalent to the gold contents of 24 million sovereigns."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Promotion of General Dyer.

5. " (*a*) Is it a fact that General Dyer received promotion after the firing in Jallianwalabagh ?

(*b*) Will Government be pleased to state the different posts and places to which he was appointed after the said firing ? "

His Excellency the Commander-in-Chief replied :—

" (*a*) The answer is in the negative.

(*b*) It would serve no useful purpose to enumerate either the posts or places where General Dyer has served since the firing at Amritsar. He is now commanding a Brigade at Jamrud."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Expenditure incurred on the New Capital.

6. " What is the total expenditure incurred on works in the New Capital including the city improvement and the Notified Area, since Delhi was created the Capital of India ? "

The Hon'ble Sir Claude Hill replied :—

" The total expenditure incurred on the New Capital, including the city improvement and the Notified Area, since Delhi was made the Capital of India is as follows :—

	Rs.
Actual expenditure to end of 1918-19	4,75,17,339
Approximate during 1919-20	67,55,690
Total .	5,42,73,029 "

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Creation of a Retrenchment Board.

7. "(*a*) What action, if any, has been taken to reduce the public expenditure to pre-war standards ?

(*b*) Have Government considered the advisability of creating a Retrenchment Board in the same way as the British Cabinet has done ?"

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* Not included in these Proceedings.

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The growth of public expenditure as compared with pre-war standards is largely due, on the one hand, to the rise in prices, which involves among other things extensive revisions of pay, on the other hand, to expansion of Government activities with a view to developing the resources of India. It is, therefore, impossible, consistently with public policy, to reduce expenditure to pre-war standards.

(*b*) The Government of India have not had under consideration the advisability of creating a Retrenchment Board."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Lord Jellicoe's report on the naval defences of India.

8. "Will Government be pleased to lay on the table a copy of Lord Jellicoe's report, if any, relative to the naval defences of India, or, in the alternative, make a statement on the subject?"

His Excellency the Commander-in-Chief replied :—

"Lord Jellicoe's Report is a confidential document which cannot be published without the consent of the Admiralty. It touches on questions of Imperial and International policy, and its publication at the present time would not be in the interests of the public service."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Retirement of Mr. Keeling, etc.

9. "(*a*) Will Government be pleased to state whether Mr. Keeling, Chief Engineer, is shortly to retire, and whether his services thereafter will be retained, and if so, on what terms?

(*b*) What are the terms under which Messrs. Lutyens and Baker, Architects, have undertaken the designing and supervision of the New Capital Works? Will Government lay on the table copies of their contract?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) Mr. Keeling, Chief Engineer, Delhi, is due to retire from service on the 14th April, 1920 The question of retaining his services after retirement is under consideration.

(*b*) The terms under which Sir Edwin Lutyens and Mr. Herbert Baker have undertaken the designing and supervision of the New Capital works at Delhi are incorporated in their agreement with the Secretary of State for India, a copy* of which is placed on the table."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Cost of maintenance of the Imperial Sub-Division.

10. "(*a*) What is the cost of the maintenance of the Imperial Public Works Sub-division, including the salary of the Superintending Engineer for the supervision of the Imperial Public Works?

(*b*) Are Government considering the question of the transfer of the supervision and control of the Sub-division to the Punjab Public Works Department?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) The cost of maintenance of the Imperial Circle, Simla, which comprises the Imperial Division (formerly Imperial Sub-division), Imperial Construction Division and Independent Electrical Sub-division, at Simla, is Rs. 1,30,000 according to the budget estimate for the year 1920-21.

(*b*) No."

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* Not to be included in these Proceedings.

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Censoring of letters addressed to Haziqul-Mulk Hakim Ajmal Khan and Dr. M. A. Ansari.

11. "(*a*) Is it a fact that letters addressed to Haziqul-Mulk Hakim Ajmal Khan and Dr. M. A. Ansari, respectively, have been and are still censored?

(*b*) During the whole time that their letters have been censored, has any objectionable matter been discovered in such correspondence?

(*c*) Under what authority are the said letters censored now?"

The Hon'ble Sir William Vincent replied :—

"(*a*) It is a fact that letters addressed to Haziqal, Mulk Hakim Ajmal Khan and Dr. M. A. Ansari have been censored, but the censorship has lately been removed, on the recommendation of the Chief Commissioner of Delhi, made before receipt of the present question.

(*b*) Government are unable to make any statement regarding the contents of the censored correspondence.

(*c*) The censorship was exercised under the provisions of section 26 (*1*) of the Indian Post Office Act, 1898."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The Delhi New Capital Committee.

12. "Will Government be pleased to state whether the Delhi New Capital Committee created by Lord Hardinge is still in existence; if so, what is its present composition?"

The Hon'ble Sir Claude Hill replied :—

"The Committee created by Lord Hardinge is in existence, though it is now designated the New Capital Committee, and it is at present composed of—

The Hon'ble Sir Claude Hill	President.
The Chief Commissioner, Delhi	Members."
The Secretary to the Government of India, Public Works Department.	
The Chief Engineer, Delhi	
An officer of the Government of India, Finance Department .	

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Appointment of a High Commissioner for India in London.

13. "(*a*) What action, if any, has been taken to give effect to the recommendations of the Joint Committee of the two Houses of Parliament on the Indian Reforms Bill relative to the appointment of a High Commissioner for India in London?

(*b*) Will Government be pleased to state whether the office will be manned by Indians?"

The Hon'ble Sir William Marris replied :—

"The matter is under the consideration of the Government of India, and they are not yet in a position to make any announcement."

The Hon'ble Mr. G. S. Khaparde asked :—

Food arrangements on platforms of Indian railways.

14. "Are any arrangements made for the supply of Indian food to Hindu and Muhammadan passengers by any of the Indian railways, other than by permitting platform hawkers of sweet-meats and cooked food to ply their trade on the railway stations?"

The Hon'ble Sir Arthur Anderson replied :—

"The Hon'ble Member is referred to the answer I gave at the meeting o the Imperial Legislative Council held at Delhi on the 6th February, 1919, to a similar question asked by the Hon'ble Mr. Chanda. The reply then given was as follows:—

> 'Refreshment rooms for Hindu and Muhammadan travellers are provided at important stations and junctions where needed on most railways. This matter has been receiving a great deal of attention in recent years.
>
> The provision of such rooms is within the competence of the railways concerned, and does not require Government sanction.'

The Hon'ble Mr. G. S. Khaparde asked:—

Refreshment rooms for Indian passengers.

15. "Is it a fact that the East Indian Railway and the Great Indian Peninsula Railway contemplate building refreshment rooms for supplying Indian food to Indian passengers, but that the other railways have no such measures in view?

If so, do Government propose to issue instructions to all railways to construct such refreshment rooms at an early date?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply I have given to his question regarding food arrangements on platforms of Indian Railways."

The Hon'ble Mr. G. S. Khaparde asked:—

Conveniences for third class passengers.

16. "Is it a fact that while there are passenger-guards, train conductors and train attendants for the convenience of upper class passengers, there is no agency to attend to the needs of the third class passengers, and that the Passenger Superintendents posted at certain stations have proved of little value?"

The Hon'ble Sir Arthur Anderson replied:—

"It is the normal duty of the ordinary train staff to look after the welfare of all passengers. Conductor guards or train attendants also travel on certain trains, but their duties are not necessarily confined to attending on upper class passengers.

Passenger Superintendents were appointed specially for the assistance of lower class passengers, and it is believed they have proved useful, but if the Hon'ble Member will quote any specific instances to the contrary, they will be brought to the notice of the Railway concerned."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Construction of the Great Indian Peninsula Railway Station at Poona.

17. "When will the construction of the Great Indian Peninsula Railway Station at Poona be taken in hand?"

The Hon'ble Sir Arthur Anderson replied:—

"It is impossible, at present, to say. The remodelling scheme is a large one requiring the sanction of the Secretary of State, and the accommodation to be provided has not yet been finally agreed upon by both of the Railways concerned."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Indian refreshment rooms.

18. "(*a*) On what railways in India are Indian refreshment rooms (similar to those on the Madras and Southern Mahratta Railway) not provided?

(*b*) Do Government propose to order such railways to provide such refreshment rooms?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply I have given to a similar question asked by the Hon'ble Mr. Khaparde."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Intermediate class accommodation on passenger and mail trains.

19. "(*a*) On what railways is intermediate class accommodation not provided on passenger and mail trains?

(*b*) Do Government propose to ask such railways to provide such accommodation?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) A statement* showing the railways on which the intermediate class accommodation is not provided is placed on the table.

(*b*) The Railway Board have already suggested to the few important railways which do not provide such accommodation, that the question of its provision should receive careful consideration."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Hardships felt by Muhammadan pilgrims during the last pilgrimage to Mecc

20. "(*a*) Is it a fact that Muhammadan pilgrims from India suffered great hardships during the last pilgrimage to Mecca?

(*b*) Did Government make an inquiry into this matter? If so, with what result?

(*c*) Do Government intend to make better provision for the convenience and safety of such pilgrims? If so, will Government state the nature of such arrangements?"

The Hon'ble Mr. H. R. C. Dobbs replied:—

"(*a*) Government have received various reports regarding the recent Haj pilgrimage. These show that the arrangements made for the pilgrims on the road from Jeddah to Mecca were satisfactory, but that on the Mecca-Medina road pilgrims suffered from the lawlessness of the Bedouin tribes who were not completely under control. Government, however, are informed that King Hussain made good to all Indian pilgrims the losses which they sustained from the depredations of Bedouin tribesmen.

(*b*) Inquiries into complaints made by pilgrims were instituted by the British Agent at Jeddah, and the result of those inquiries is given in the answer to (*a*) above.

(*c*) The arrangements for the Haj pilgrimage are made by King Hussain, and the British Government exercise no control over the internal administration of the Hedjaz His Majesty's Government are of course keenly interested in the welfare of pilgrims who are British subjects and, in conjunction with the Government of India, have taken and are taking steps to look after their interests. They maintain a British Agent at Jeddah and have also stationed an Indian Police Officer at Jeddah to assist Indian pilgrims. A scheme is under consideration to build and maintain a hostel at Mecca for the benefit of pilgrims from all parts of the British Empire, and it is hoped that an Indian Moslem gentleman will, in the near future, take up his permanent residence at Mecca, for the purpose of watching the interests of Indian pilgrims and other pilgrims who are British subjects."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Exportation of food-grains from India.

21. "Will Government lay on the table a statement showing the export from India of food-grains during the current year and the corresponding comparative figures for the past ten years?"

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* *Vide* Appendix C.

The Hon'ble Sir Claude Hill replied:—

"The statement* asked for is laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Reduction of railway fares and telegraphic charges.

22. "When will the increased railway fares and telegraphic charges be reduced to pre-war rates?"

The Hon'ble Sir George Barnes replied:—

"With regard to railway fares I must refer the Hon'ble Member to the answer given by the President of the Railway Board to the Hon'ble Mr. Sita Nath Ray on the 11th February.

With regard to telegraphic charges it is the intention of Government to make a reduction in the charges for inland telegrams as soon as it may be found feasible. Owing to the shortage of telegraphic wire and other material caused by the war, the Telegraph Department is barely capable of dealing with the present volume of traffic. If the rates were reduced at once, the volume of traffic is expected to increase so rapidly that the Telegraph Department would be quite unable to cope with it. The Government intend shortly to reduce the rates on foreign telegrams."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Recognition of Urdu as an official language.

23. "(*a*) Are Government aware that the eighth Session of the Bombay Presidency Muhammadan Educational Conference which was held at Poona in November last passed a resolution on the desirability and justice of Urdu being recognised as an official language in all towns having a Muhammadan population of at least 10,000?

(*b*) Do Government intend to accede to the prayer of the Conference?"

The Hon'ble Sir William Vincent replied:—

"The resolution in question has not been brought to the notice of the Government of India."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

The General Provident Fund.

24. "(*a*) Have Government come to a decision with regard to the raising of the rate of interest allowed on the General Provident Fund instituted for State servants?

(*b*) If not, when are they likely to come to a decision on the subject?

(*c*) Will the decision be given retrospective effect from the time the general rate of interest rose in the country."

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) and (*b*) It has been decided to raise the rate of interest on the General Provident Fund to 5½ per cent.

(*c*) Effect to this decision will be given from the 1st of April, 1919."

The Hon'ble Khan Bahadur Ebrahim Haroon Jafter asked:—

Labour in factories.

25. "Do Government propose to appoint a Commission to inquire into and report upon the conditions of labour in factories and outside and to make recommendations with a view to the improvement of those conditions?"

"Since sending this question, Sir, I have given notice of a similar resolution. I therefore request you to kindly permit me to withdraw this question."

The question was by leave withdrawn.

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* Not included in these Proceedings.

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Price of ghee and milk.

26. "(*a*) Is it a fact that the present whole-sale prices of ghee and milk are nearly 300 per cent. more than the average in pre-war times ?

(*b*) Do Government propose to provide statistics about the prices of milk in the Presidency-towns in the same way as is done in the case of other articles shown on pages 2664 to 2683 of the Supplement to the Gazette of India, dated the 13th December 1919 ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) It is not a fact that the price of ghee has risen to the extent mentioned in the Hon'ble Member's question. A statement* compiled from the half-monthly returns of wholesale prices furnished by Provincial authorities and published in the Supplement to the Gazette of India by the Department of Statistics is placed on the table. It will be seen that the increase varies from 61 to 143 per cent, the all-India average increase being 95 per cent.

(*b*) The reply is in the negative. I may mention, however, for the Hon'ble Member's information that retail prices of milk in the principal towns in Bombay and Sind are given by the Director of Agriculture, Bombay, in his monthly return of prices current published in the local gazette. The Advisory Food Committee, Calcutta, also publishes in the Calcutta Gazette average wholesale and retail prices of milk in Calcutta markets."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

International sugar Convention and Imperial Preference.

27. "(*a*) Is it a fact that His Majesty's Government has on 7th August 1918 given six months' notice to withdraw from the International Sugar Convention ?

(*b*) Were the Indian Government consulted before the notice was given ?

(*c*) If so, will the correspondence on the subject be placed on the table ?

(*d*) How far are the Government of India free, or how far do they expect to be free, to discriminate between various countries as to the tariff duty ?

(*e*) What countries are now entitled to receive from India 'the most favoured nation treatment' and from what countries is India entitled to receive similar treatment ?

(*f*) Will Government be pleased to place on the table the correspondence which may have taken place with the Secretary of State about Imperial Preference ?

(*g*) Which, if any, British Colonies, Dependencies, or Protectorates have shown willingness to discriminate in favour of India ?

(*h*) What form of reciprocity do they propose ?

(*i*) Will this Council be allowed a voice in settling the terms of reference for the Committee which is to be appointed for fixing the general principles involved in the subject of Imperial Preference ?"

The Hon'ble Sir George Barnes replied :—

"(*a*) His Majesty's Government actually withdrew from the International Sugar Convention in 1913, but undertook not to depart from the fundamental principles of the Convention without giving six months' notice. On the 7th August, 1918, they gave this notice and instructed the British Minister at

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*Not included in these Proceedings.

Havre to request the Belgian Government to inform the powers concerned that His Majesty's Government had decided to resume complete liberty of action in regard to all sugar questions.

(*b*) and (*c*) The Government of India were not consulted before this notice was given.

(*d*) I refer the Hon'ble Member to the remarks in Clause 33 of the Report of the Joint Select Committee on the Government of India Bill. The Government of India are not in a position to give any further information on the subject at present.

(*e*) Until recently Indian products were entitled to 'most favoured nation' treatment in the following countries:—

Argentina, Belgium, Bolivia, China, Columbia, the Congo Free States, Costa Rica, Denmark, Ethiopia, Honduras, Italy, Japan, Liberia, Montenegro, Morocco, Muscat, Netherlands, Nicaragua, Norway, Persia, Portugal, Roumania, Siam, Serbia, Spain, Sweden, Switzerland, United States of America and Venezuela; and the products of these countries, excepting the Congo Free States, Ethiopia and Siam, were reciprocally entitled to 'most favoured nation' treatment in India. In the case of Bolivia, Honduras, Montenegro, Nicaragua, Portugal, Roumania and Serbia the treaties do not themselves apply to India, but Indian goods are entitled to 'most favoured nation' treatment in those countries so long as India accords similar treatment to their goods. In view, however, of the uncertain conditions of the validity of treaty arrangements generally during the past five years, I am unable to inform the Hon'ble Member exactly how the position stands at the present moment.

(*f*) Such correspondence as has taken place with the Secretary of State on the subject of Imperial Preference has been of a confidential nature, and the Government of India do not propose to lay it on the table.

(*g*) and (*h*) No British Colony, Dependency or Protectorate has yet been approached with reference to the question of preferential treatment of Indian goods, and it is therefore not possible for me to give a definite reply to the Hon'ble Member's question. At present Indian goods enjoy the benefits of the British preferential tariffs in Canada and New Zealand as well as in the United Kingdom.

(*i*) A resolution will shortly be moved to appoint a Committee to consider the question of Imperial preference in its relation to India, and the Council will consequently have an opportunity of discussing the terms of reference to the Committee."

The Hon'ble Mr. V. J. Patel asked :—

Hunter Committee's Report.

28. "With reference to the reply of the Hon'ble Sir William Vincent to the supplementary question put by the Hon'ble Dr. Sapru on the 30th January, 1920, regarding the report of the Hunter Committee, will Government be pleased to say whether it is their intention to admit for discussion in the month of March, resolutions based on the findings of the Hunter Committee and whether they will relax the rule requiring fifteen days' notice in case the report of the Committee is not published in time to admit of such notice?"

The Hon'ble Sir William Vincent replied :—

"Government do not expect that they will be in a position to publish the report of Lord Hunter's Committee before the end of March. The question of discussion will not therefore arise in the present Session of the Council."

The Hon'ble Mr. V. J. Patel asked :—

Disparity between the size of the electorates in the different Provinces.

29. "Do Government propose to take any action, and if so what, to carry out the recommendation of Lord Selborne's Committee that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different Provinces?"

The Hon'ble Sir William Marris replied :—

"Yes. The disparity was noticeable in the case of Madras and the Punjab. The Governments of these provinces are taking steps to increase very largely the electorates proposed by the Franchise Committee."

The Hon'ble Mr. V. J. Patel asked :—

Amalgamation of Presidency Banks into a Central Imperial Bank.

30. "Are Government aware that there is strong feeling in the Indian commercial and industrial circles that their interests would be better served if, instead of amalgamating the three Presidency Banks into a Central Imperial Bank, a separate and distinct Bank were started in addition to the three Presidency Banks?"

The Hon'ble Mr. W. M. Hailey replied :—

"The Government are not aware that there is a strong feeling in Indian commercial and industrial circles in the direction suggested by the Hon'ble Member. The Council will have an opportunity of discussing the comparative merits of the two courses mentioned in the Hon'ble Member's question when the Bill to amalgamate the Presidency Banks is before it."

The Hon'ble Mr. V. J. Patel asked :—

Provincial Financial Relations Committee.

31. "(*a*) What is the personnel of the Provincial Financial Relations Committee and what are its terms of reference?

(*b*) Will the Committee be authorised to go into the question whether the Government of India could be self-supporting and financially independent of the Provinces?

(*c*) Is it a fact that in a debate on the question raised in the House of Commons by Colonel Wedgewood, the Secretary of State in reply to the argument of Colonel Wedgewood that Provincial contributions were not necessary in view of the fact that the Indian Government itself could raise its own revenue without any contributions whatever, made the following observation :—

> "I would really not like to commit myself to a view as to the taxable capacity of India. That is a subject I would like to leave to the Government of India to decide, but, whatever the facts, they could not be decided in a day or two."

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The desired information will be found in the Resolution of the Government of India in the Finance Department, No. 306-F., dated 27th January, 1920, which was published in the Supplement to the Gazette of India, No. V, dated January 31st, 1920.

(*b*) The Committee has been specially requested to examine the correctness of the estimate of the Imperial deficit under the revised Provincial Settlements which has been framed by the Government of India, and to express its opinion on it.

(*c*) Yes."

The Hon'ble Mr. V. J. Patel asked :—

Residential qualification.

32. "Do Government propose to call the attention of the Government of Bombay, the Punjab and Central Provinces to the debate in the House of Commons on the question of residential qualification, and ask them to report whether they still hold the view that they presented to the Franchise Committee?"

The Hon'ble Sir William Marris replied :—

"The Government of India see no reason to take the action suggested. The proposed residential qualification for candidates in the Bombay Presidency, the Punjab and the Central Provinces, was accepted by the Joint Committee and by Parliament."

The Hon'ble Mr. V. J. Patel asked:—

European Representation in Bengal.

33. "(*a*) Is it true that the representation in the Legislative Council of Europeans in Bengal, as recommended by the Franchise Committee, is out of all proportion to their population or voting strength?

(*b*) Did Lord Selborne's Committee recommend a re-adjustment of that representation?

(*c*) What action do Government propose to take to remedy the inequality?"

The Hon'ble Sir William Marris replied:—

"(*a*) The Franchise Committee proposed that 14 out of 100 elected seats should be allotted to Europeans in Bengal. Europeans constitute 0·04 per cent of the total population of Bengal. Their proportionate voting strength is not known. As the Hon'ble Member is aware, however, population and voting strength are not the only factors to be taken into account in determining the number of seats to be allotted to a community, nor is it in the case of the Europeans only that the Franchise Committee have recommended representation in excess of population and voting strength.

(*b*) The Joint Committee considered that there were good grounds for a re-adjustment of European representation in Bengal.

(*c*) The non-official Members in the Bengal Legislative Council recommended that the European representation on the new Council should be sufficient to safeguard European interests and to correspond with any increase in the number of elected members. It is proposed that in accordance with this recommendation the representation of European interests should be in approximately the same proportion as in the existing Council. The Government of India believe that this would be in accordance with the wishes of the Joint Committee."

The Hon'ble Mr. V. J. Patel asked:—

High Commissioner for India.

34. "From what date is the appointment of a High Commissioner for India to be made?"

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member is referred to the reply given to-day to Mr. Chanda's question on the same subject."

The Hon'ble Sir Gangadhar Chitnavis asked:—

Government Control on exportation of grain.

35. "(*a*) In which provinces does Government control on exportation of grain still continue and what effect has such control had in these provinces since it was first introduced?

(*b*) Have prices of late risen very high in some provinces, especially of rice, and what effect has this rise had on the policy of Government in stopping control of exports?

(*c*) What steps do Government intend taking to prevent any further rise in prices of grain, especially wheat and rice?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The only existing restrictions on internal movements of grain are—

(*i*) Over inter-Provincial movements of rice.

(*ii*) Over exports of wheat and gram from the United Provinces, the Punjab and the Province of Delhi, and

(*iii*) Over movements of all food-grains to and from Baluchistan and the North-West Frontier Province.

For the effect which the measures of control introduced by the Government of India during 1919 had on the provinces, the Hon'ble Member is referred to the report on the operations of the Indian Foodstuffs Commissioner, a *copy of which is placed on the table.

(*b*) Prices of the staple articles of food including rice have been abnormally high for some time, and their export from India is, therefore, being strictly controlled.

(*c*) For the general policy of Government in its relation to high prices of grain, especially wheat and rice, the Hon'ble Member is referred to the Press Communiqués on the subject which are also placed on the table.* The question whether anything further can be done will shortly be discussed at a second meeting of the committee which was appointed by this Council at the September Session to consider the subject of high prices. A *copy of the proceedings of the first meeting of the committee held last September is laid on the table. One meeting has already taken place."

CUTCHI MEMONS BILL.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 11-25 A.M.
"Sir, I beg to move for leave to introduce a Bill to declare that the members of the Cutchi Memon community are subject to Muhammadan Law. I applied for permission in August last to introduce it during the September Sessions, but under the Rules for the Conduct of Legislative Business as I was unable to give sufficient notice, the permission could not be accorded me. I was then, I may explain, but newly elected to the Council.

"The present is the third occasion, Sir, on which a Bill has been introduced into this Council to remedy the long-standing grievance under which the wealthy and influential Cutchi Memon community have been suffering these many years. It may be useful, therefore, if at the outset, I try to explain why it has become necessary to introduce once more a Bill of this nature, notwithstanding the experience gained from the practical rejection of the last two measures. The keenness felt by Cutchi Memons to be governed by the Hanafi Muhammadan Law remains as intense as ever, and the disappointments experienced at the delays caused by the refusal of this Counil to accord its sanction to the two previous Bills has only made that desire all the more ardent. I may be permitted, therefore, I think to give to this Council a short history of the previous Bills and the present state of law applicable to the Cutchi Memons in so far as the rules of succession and inheritance are concerned.

"Sir, Cutchi Memons claim that they are the descendants of those who settled in Cutch after migration from the Coast of Oman. It does not matter whether this belief is well founded or whether, as is generally believed, they are the descendants of converts to Muhammadanism brought about by the influence of Muhammadan preachers and missionaries from Oman. Taking a strict view of the law as converts to Muhammadanism, these people must be governed by Muhammadan law because to a Muhammadan his religion is his law, and that law is his religious precept as laid down in the Koran. Therefore, no matter what their previous religion may have been, it must be taken that at the moment of conversion they renounced all their former religious and personal laws and substituted for them that of Muhammadanism. What we actually find, however, in the case of these converts from Hinduism, is that they retained for a very long time their Hindu customs. They observed the religious ordinances laid down in the Koran and the traditions of the Prophet, they regularly said their prayers and paid their *Zakat*; they performed their pilgrimages to Mecca and kept the fast during the month of Ramzan like all good Mussalmans; but when it came to a question of law, especially to the law governing their affairs in connection with inheritance and succession, they continued to be governed by those of their Hindu neighbours. These Memon converts belonged principally to two classes; the Cutchi Memons with whom we are concerned at present and the Halai Memons. The Cutchi Memons come from Cutch and the Halai Memons from Kathiawar. It is not known how and when the members of the Halai Memon community ceased to observe Hindu religious customs. It is only the Cutchi Memons who are at present in the unfortunate position of being governed in certain respects by Hindu law, though strict orthodox Muhammadans, and therefore in every respect entitled to be governed by Muhammadan law. In the case of the Cutchi Memons, it is believed, that as they were surrounded by their former Hindu co-religionists and were living frequently under the protection of Hindu Rajas, with Courts presided over by Hindu Judges, they retained much of their old habits not as a law but as customary observances. In this way, it would seem, as if Hindu customs became stereotyped amongst these Muhammadan converts, customs which we know conflict in the main with the Muhammadan law.

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*Not included in these Proceedings.

"Sir, the first judicial reference before the Courts was what is known as the Khoja-Memon case reported in Perry's Oriental cases, page 110. The judgment in this case which has now become famous, a Memon female filed a suit for the recovery of her share from her father's estate in accordance with Muhammadan law. The claim was resisted on the ground that according to the custom prevailing amongst the Cutchi Memons, females were excluded from inheritance. Evidence regarding the alleged custom was given for two days, and finally it was held that females amongst Cutchi Memons were not entitled to inherit property. If the judgment in this case had confined itself to the particular facts proved in this suit and had not been taken as a precedent for applying a large body of principles governing Hindus in matters of succession and inheritance to the Cutchi Memons, much of the mischief that subsequently arose might have been averted.

"I desire to emphasise this point as it was solely because this judgment was not challenged in a higher tribunal, that the anomaly of the law exists as it does to-day.

"The Hon'ble Mr. Justice Beaman discussed this case at great length in another suit, Jan Mahomed *versus* Dattu Jaffer, decided in 1913 and reported in 15, Bombay Law Reporter, page 1044.

"The next case of importance, after the above celebrated case, is the case of Haji Ismail Haji Abdulla reported in I. L. R. 6 Bom., page 452. It was a case on the Testamentary side of the High Court, and here it was held that Cutchi Memons are not Hindus within the meaning of section 2 of the Hindu Wills Act, and therefore the request that probate should take effect throughout India could not be granted in the case of a will of a Cutchi Memon testator. It was further held that Cutchi Memons are Muhammadans to whom Muhammadan law is to be applied, except when an ancient and invariable special custom to the contrary is established.

"Sir, it was owing to this state of things that the first Memon Bill was introduced by the Hon'ble Mr. Amir Ali in 1885. That Bill was introduced on the strength of a memorial sent to Government by the Cutchi Memons of Calcutta and Bombay. The memorialists urged with great reason that their brethren, the Halai Memons, who had abandoned Hindu customs as completely as their ancestors had abandoned the Hindu faith, do not labour under such disadvantages as they, the Cutchi Memons, are subject to. Why should they, who are as good Muhammadans as the Halai or any other sect of Muhammadans, be tied for ever to Pagan institutions. The Cutchi Memons' memorial continued in the following forcible words: 'Your petitioners venture to characterise this state of things which has been afflicting their community, ever since Sir Erskine Perry's aforesaid judgment as *absolutely intolerable*. They deem it a great hardship that they should be Mussalmans and *still* be deprived of the benefit of Muhammadan laws."

"The Bill that the Hon'ble Mr. Amir Ali introduced in response to this appeal was intended to make it permissive to the members of the Cutchi Memon community to declare themselves subject to the Muhammadan law. The Bill provided that a declaration to the above effect could be made by any Cutchi Memon who had attained his age of majority by a written instrument under the hand of the person making it in a prescribed form, and that the declaration should be registered during the life-time of the declarant under the Act. The difficulty in connection with this Bill arose out of a difference of opinion as to whether the onus of making the declaration should be put upon the innovators or upon the Conservative Party, that is, upon those Cutchi Memons who desired to be governed by the Muhammadan law, or upon those who preferred to be regarded as Hindus like their remote ancestors. Owing to this difference of opinion, Sir, the measure was not proceeded with.

"About this time there came to be decided the third case of importance in this connection, namely, that of Mahomed Siddick *versus* Haji Ahmed and others (I. L. R. 10 Bom., page 1). It was the case of a will made by a Cutchi Memon. The dispositions of the will were successfully challenged on the ground that the properties sought to be disposed of were ancestral family property, and that the Cutchi Memons like the Hindus had no power to dispose of by will of ancestral family property. It was held in this case that:

> 'Wills made by members of the Cutchi Memon community, whereby the testator disposed of property which was proved to be ancestral were held to be invalid. Cutchi Memons are governed by the Hindu law of inheritance in the absence of proof of special custom. Although the Muhammadan law, pure and simple, is part of the Muhammadan religion, it does not, of necessity, bind all who embrace the Muhammadan creed. A custom alleged to exist among Cutchi Memons of recognising no difference between ancestral and self-acquired property, was held not proved.'

"In the course of his judgement, Scott, J. observes in this suit:—

> 'But it is also pretty clear that a large and influential section of the community, in fact the great majority, wish to follow in future the law of their religion A good case is thus made out for the consideration of the legislature, but no case whatever for the interference of a Court of Law'.

"In this state of things, Sir, a second Bill was introduced by Sir John Woodburn in 1896 to render it permissive to the members of the Memon community to declare themselves bound by Muhammadan law. By that Bill it was proposed that by an irrevocable declaration to be made by that Act,. a Cutchi Memon could declare himself governed by Muhammadan law as established in the Hanafi School. On such a declaration being made that law would apply to him and to his children, if any, being minors at the time of such declaration and to all property of which he or they should then be or thereafter become absolutely entitled to in each part of British India, in the same particulars and to the same extent as it applies in the same part of British India to other Muhammadans and their property. When such a declaration was once made by a Cutchi Memon and by any of his sons, the Muhammadan law as established in the Hanafi School was to be applied to all the lineal descendants of such son. The Bill was referred to a Select Committee who in their report stated:—

> 'It will be seen from their (Bombay Government) replies that the inquiry addressed to the Memon community has elicited from what is intended to be a large majority of the community an opinion adverse to the proposals of the Bill as introduced. Under these circumstances we cannot recommend that the Bill should be proceeded with in its present form. The petitioners suggest that the proposal of the Bill should be reversed, and that the Muhammadan law should apply to the whole community with the reservation that Memons who do not desire to follow the Muhammadan law of succession should make a declaration to that effect.'

"Thus, the same difficulty which was experienced in 1885 was felt again, namely, which party should be asked to make the declaration, those who wanted the change or those who did not. This difficulty arose from the fact that there was a minority and a very respectable minority who did not desire a change in the law. The Committee, therefore, made the following proposal:—

> 'That the Muhammadan law of intestate succession should be declared applicable to the whole of the Memon community, but that complete liberty of testamentary dispositions should be reserved to individuals.'

The matter was referred for opinion to the Judges of the High Court of Bombay, the Advocate General, the Remembrancer of Legal Affairs and the Judicial Commissioner in Sind. The Government of Bombay also obtained the opinions in writing of the leading members of the Cutchi Memon community. The result was a reply returned to the Government of India, stating that 'The Governor in Council finds that the weight of opinion is distinctly against the proposal of the Select Committee.'

"No motion with respect to the Bill was made for two years and the Bill was removed from the List of Business on the 24th March, 1900, by an order under rule 43 of the Rules for the Conduct of Legislative Business.

"I now come to another case of importance, decided by Beaman, J., in 1915. This was the case of Advocate General *versus* Jimbabai reported in 17 Bom. Law Reporter on page 799. Here the dispositions contained in the will of a wealthy Cutchi Memon of Bombay regarding charity were in dispute. In a very long, elaborate and complete survey of the law, as well as after a searching analysis of the evidence recorded in the case, which consisted of the oral testimony of leading Cutchi Memons and of numerous wills produced from the Testamentary side of the High Court, the learned Judge came to certain very important conclusions. In the course of his judgment the learned Judge says:—

> 'In 1847, I do not think that either sect would have thought it a very serious hardship had the Courts decided that in the eye of the law they were Hindus and not Muhammadans. The Courts never did decide anything of the kind; but I concede that, on the evidence before him, Sir Erskine Perry probably thought that the Khojas and Cutchi Memons had virtually retained the whole of their domestic and personal law as distinct from their religion No one could then have foreseen the length to which the judgments in those cases would afterwards be carried. And it is, no doubt, true to some extent as contended by Mr. Inverarity in this case that the most serious grievance which the Khojas and Cutchi Memons now have, is not that they have been placed definitely under the Hindu Law, but that they are perpetually being called upon to prove this or that custom in derogation both of the Muhammadan and of the Hindu Law. *They stand now in the unfortunate position of being governed in many most important relations in life neither by the Hindu nor by the Muhammadan law. Legally their condition is one more or less of chaos,* and that undoubtedly has been brought about by the loose and often inaccurate reasoning and wide inferential processes upon which I have commented in my criticism of the case-law.'

"Sir, the whole of this case affords interesting reading in showing how the unfortunate Cutchi Memon community came to be forced to adopt the term Hindu against their will by the combined effect of the decisions of the Court and of the opinion of members of the legal profession.

"From what I have said Hon'ble Members will see that one of the proposals of the Select Committee on Sir John Woodburn's Bill was for giving nothing more to the Cutchi Memons than what they were entitled to as by right, namely :—The power of disposing of the whole of their property by Will. It is also clear that there is no power in the land which can come to the assistance of Cutchi Memons, except the Indian Legislature, so as to remove this long-standing grievance. There is a considerable feeling of dissatisfaction and unrest amongst the community on this question. The community will never feel itself at rest till they get themselves removed from the thraldom of being governed by a certain portion of the Hindu law. The Cutchi Memon community of Bombay held a meeting of their Jamat on the 28th September 1919 and passed the following Resolutions:—

(1) This meeting resolves that no member of our community should make a Will or Testament against the Shara Mahommedi Hanafi Mazhab, and that if any one dies after making such a Will it should be considered as null and void; if the heirs of the Testator try to obtain the benefit of such a Will against Shara

Mahommedi, he be considered guilty; or if a member of our community dies without making a Will, his property be governed by the Shara Mahommedi Hanafi Mazhab; and if any member takes or tries to take the benefit of Hindu law, in a Court of Justice, he be considered as a guilty person of the community.

(2) In order that the members of the community and their descendants may abide by the above Resolution the meeting further resolved that all members willingly and sincerely bind themselves to get a law passed by the Government to the above effect and to get the rules of the Hindu law applicable to the property of Cutchi Memons repealed; and it further resolved to take steps necessary for the purpose, the expenditure of which should be defrayed from the funds of the community.

(3) It further resolved that this Public Meeting of Cutchi Memons of Bombay strongly supports the Muhammadan law Bill, which is to be introduced in the Imperial Legislative Council by the Hon'ble Khan Bahadur Ebrahim Haroon Jaffer, and request His Excellency the Viceroy to repeal immediately the sections of inheritance and succession of the Hindu law applicable to the Cutchi Memons and to pass in its stead the Muhammadan Law.

Similar Resolutions were passed unanimously at Calcutta, Madras, Poona, Bangalore, Mysore, Nagpore, Karachi, Khedoi, Aujar (Cutch), and other places in India.

" Sir, His Excellency's Government has received within the past fortnight a memorial to this effect from the community, and, I think. the Hon'ble Members of this Council may have also received copies of the same.

" The Muhammadan law, as you know, is interwoven with the moral and social life of Mussalmans. The customary law to which they are subjected by the decisions of the Courts is in direct conflict with their religion. Why should the Cutchi Memons, who are good Muhammadans, be compelled to obey rules of law which are not sanctioned by the Muhammadan law? There is no reason whatever why the anomaly, started in 1847, should any longer be perpetuated? The sentiments of the community are against it, and there is no justification for compelling them to continue under the thraldom of a body of rules taken from the Hindus except this Judge-made law.

" Realising the keenness of the Cutchi Memon community to have the Hindu Law of Succession and Inheritance as at present applicable to them replaced by Muhammadan law and feeling, the justness and fairness of their claim, I undertook to move the present Bill. The Cutchi Memons, as a matter of right, are entitled to enjoy the full freedom, like other Mussalmans, in the observance of their religion, and the benefit they derive from the Muhammadan law, which they are debarred according to the present decisions of the High Court.

" Sir, the Bill which I propose to introduce is free from the objections raised against the former Bills. All the members of the Cutchi Memon community are unanimous in desiring that they be governed, in future, by Muhammadan law in all respects. It is not even necessary to consider the proposals made by the Select Committee in view of the decision of Beaman, J. in Advocate General *versus* Jimbabai, already referred to by me. From the evidence taken in that case, it is clear that there is a strong feeling amongst the Cutchi Memons desiring the change now proposed. The Bill, which I ask leave to introduce, is a very simple measure. It is a Declaratory Bill, declaring that Cutchi Memons are governed by the Muhammadan law of the Hanafi School. There are no complications about the declarations and who should make them, and about the extent of Testamentary Powers and of the Law to be applied to on Intestacy.

" Before I conclude, Sir, I desire to tender my best thanks to His Excellency for according me sanction to introduce this Bill and to the

Legislative Department for the ungrudging help it has given me by placing at my disposal all the previous Bills on the same question, as well as such reports and papers as were likely to be useful and to aid me in my task. As a Cutchi Memon I rejoice in, and feel proud of, the fact that it has fallen to my lot to move a measure of this nature for the benefit and relief of my community, and I sincerely trust that this Council will see its way to pass the Bill during the present year, so as to remove all possibility of its being shelved a third time, should the new Council, which will sit here next year under the Reform Act, happen to have a different Muhammadan Representative for the Bombay Council than myself.

"With these words, Sir, I beg leave to introduce the Bill."

11-52 A.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I rise to heartily support the Bill. After the long explanatory speech of my Hon'ble friend the mover of the Bill, I do not wish to take up the time of the Council. The Memon community all over are anxious to come under Muhammadan Law. I think, therefore, in fairness to them, this Bill should be supported and passed by this Council. I hope my own community will not continue to throw money away on litigation, but will follow the Memon community."

11-53 A.M. **The Hon'ble Sir William Vincent**:—"Sir, it may perhaps shorten the debate if I explain at this stage the attitude of Government on this Bill. I will not detain the Council for more than a very few minutes. The Government have no objection to this Bill being introduced and published in the Gazette of India and in the various local Gazettes, or to its being circulated for public opinion They will therefore accept the present motion, but only on the clear understanding that they reserve to themselves complete freedom as to their attitude towards this Bill on a future occasion, if, and when, any further motion is brought forward. I have no doubt that members of the Council will agree that it is necessary for Government to ascertain independently what public opinion on this measure is before they take any more definite attitude in regard to it. The Bill differs from those which have been brought before the Council on previous occasions in that those Bills were in the nature of permissive measures, they allowed any member of the Memon community to remain under the old system of Hindu law instead of under Muhammadan law if he so wished; no such option is left under the present measure, and for that reason it is the more necessary that the Bill should be fully ventilated and the opinion of the community concerned obtained in the most complete manner. There are difficulties that occur to me on a preliminary perusal of the Bill which, I think, will need some examination. For instance, the position of Cutchi Memons who have property, both inside and outside of British India, may have to be considered. I do not profess to be aware what the law governing Cutchi Memons in Indian States is. I only say this may give rise to difficulties if they are at present governed by Hindu law, as, with the Bill passed into law, such persons would be subject to two different systems of law in and outside British India. There may be nothing in the point, and I would prefer to defer consideration of the matter until we have fuller information. Again, there are some words used in the Bill which to my mind are very wide, for instance, I cite the words 'it is hereby declared that the Cutchi Memons residing in the Bombay Presidency *and elsewhere*.' I do not know what is meant by 'elsewhere,' whether this means in British India or outside it . . .

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"In British India."

The Hon'ble Sir William Vincent:—"Similarly, we have the words in the Bill 'notwithstanding any custom to the contrary.' This, again, is a very wide expression, having regard to the variety of family customs.

"I do not, however, think it is necessary for me to deal in detail with these points at present, but I am quite willing to accept the motion of the Hon'ble Mr. Jaffer for leave to introduce the Bill."

The Hon'ble Mr. V. J. Patel:—"Sir, I am very glad that the Government have accepted the motion of my Hon'ble friend Mr. Jaffer. With regard to the point raised by the Hon'ble Sir William Vincent as to the position of Memons in parts other than British India, I may say for the information of this Council that, so far as the Memons residing in Cutch are concerned, they are governed by Hindu law, but the feeling, as my Hon'ble friend Mr. Jaffer has said, is that the Cutchi Memons should in future be governed by Muhammadan law. I am not sure that this feeling is shared by the entire community. In fact, I know several instances of Cutchi Memons desiring that they should continue to be governed by Hindu law. As my friend Mr. Jaffer distinctly gives this Council to understand that the whole of the Cutchi Memon community is unanimous in regard to the change of law that he proposes, I think it is worthwhile inviting the opinions of the community in the matter. I wish this measure was permissive; I very much wish it was so because so long as there is one single Memon who is not willing to be governed by Muhammadan law and is willing to continue to be governed by Hindu law, this Council cannot force new law on him. The Hon'ble Mr. Jaffer has said that there is no member of the Cutchi Memons who is not willing to be governed by Muhammadan law. Even if we accept the position that the whole of the community is unanimous in the desire to be governed by Muhammadan law, what is the objection to a permissive law? It would be better to have a permissive law even if we accept the point of view put forward by the mover of the motion. All Memons could take advantage of a permissive measure. In either view, it would be far better if this were a permissive measure. Attempts were twice made in 1885 and in 1897 by the representatives of the Cutchi Memons to introduce a permissive measure in this Council. These attempts were, if I understand aright, resisted by the Government of India on the ground that the opinion of the Cutchi Memons was not unanimous, that the entire community was not in favour of even a permissive measure. This measure, I am afraid, goes much further, it wants to force a new law which is proposed in the motion on an unwilling people, people who may not like to be governed by Muhammadan law. Sir, I have however personally no objection to permission being given to the mover and for opinions being invited on the measure proposed." 11-57 A.M.

The Hon'ble Khan Sahib Shah Nawaz Bhutto:—Sir, I rise to support the Bill for which leave to introduce has been asked by my Hon'ble friend Mr. Jaffer. This Bill has been moved none too soon. Sir, I have consulted the Cutchi Memon community resident in Sind, the province to which I have the honour to belong, and I may say that they are entirely in favour of this measure which will go a long way to remove a grave disability they were hitherto labouring under. The Cutchi Memons, Sir, are to all intents and purposes Islams. They embrace the Islamic religion, and there is little or nothing in common with the Hindus from the standpoint of religion. It is therefore very unfortunate that they should be governed by the Hindu law in matters of inheritance and succession. My Hon'ble friend Mr. Jaffer has dealt with the question so exhaustively, that there is very little for me to add to what he has said. I therefore cordially support the proposition and hope that Government will be pleased to see their way to pass this measure at this Session, if possible" 12 P.M.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"Sir, I have heard with great pleasure the various speeches made on the Cutchi Memon Bill. I am glad to find that the feelings of the Hon'ble Members of this Council are so sympathetic towards the Bill which, when passed, I 12-2 P.M.

am sure will right a long-standing grievance. I thank the Government for accepting the present motion."

The motion was put and agreed to.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"Sir, I have great pleasure to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

RESOLUTION *RE* LOCATION OF GOVERNMENT OF INDIA HEADQUARTERS—*contd.*

12-3 P.M. **The Vice-President:**—"The Council will now resume the discussion of Mr. Sarma's Resolution. We will take the amendment of the Hon'ble Mr. Patel first."

12-4 P.M. **The Hon'ble Mr. V. J. Patel:**—"Sir, I beg to move the following amendment:—

> 'That for the words 'and that a suitable centre may, if necessary, be selected for the purpose' the words 'and that a committee be appointed to select and recommend a suitable centre for the purpose' be substituted.'

"The original resolution as proposed to be amended will stand thus;—

> 'This Council recommends to the Governor General in Council that the headquarters of the Government of India be permanently located in one place, and that a committee be appointed to select and recommend a suitable centre for the purpose.'

"Sir, when this Resolution was discussed on the last occasion, I think it was my Hon'ble friend Mr. Sinha who pointed out the difficulties of selecting a suitable centre without some sort of inquiry by a Committee. In fact, if I understood him rightly, he suggested that there ought to be a Committee appointed for the purpose. The Resolution of the Hon'ble Mr. Sarma is clear enough on one point, it is quite emphatic, that the headquarters of the Government of India should be located at one place, that is, it should not be at more than one place as at present. At present, we have the headquarters at Simla and we have also the headquarters at Delhi, and the first part of my Hon'ble friend Mr. Sarma's Resolution is quite emphatic that that should not be so; it must be at one place. What that place should be is a matter which, according to the Hon'ble Mr. Sarma, should be left to the decision of the Government of India. His Resolution does not exclude the possibility of the headquarters being at Delhi, because the words he uses in the second part of his Resolution are 'and, if necessary, a suitable centre may be selected for the purpose'. So he does contemplate the possibility of the Government of India considering the question whether it would not be feasible to have the headquarters of the Government of India at Delhi. Nor does his resolution debar the possibility of the headquarters being at Simla. I do not think he really means that it is ever possible to have the headquarters of the Government of India all the year round at Simla. We all know that it is not at all possible to have the headquarters of the Government of India all the year round at Simla, and even if it were possible, and even if the conditions were favourable, there is a strong public opinion against such course. Nothing would justify the Government of India keeping their headquarters even for a short time at Simla. We know there is a strong feeling all round expressed for the past so many years, both from the press as well as from the platform, against the Government having their headquarters even for a few months in Simla. *A fortiori* public opinion would certainly be much more against having permanently the headquarters of the Government of India at Simla. That being so, Sir, the only other place under the present arrangement is Delhi. To that course, my Hon'ble friend Mr. Chanda takes exception, and he says the headquarters ought to be at Calcutta. My Hon'ble friend Mr. Sinha points out very serious objections to the headquarters being taken back to Calcutta. He also points out, and very rightly too, that when the headquarters of the Government of India was shifted from Calcutta to Delhi, several other questions were simultaneously decided, and all those questions really hang together. You cannot by one stroke of the pen now say that we shall go back to Calcutta and leave the other questions where they are. That being so, let us consider whether there are any real objections to the headquarters of the Government of India being permanently in Delhi. Perhaps the climatic conditions would not allow of that being done.

"But then there is also the consideration which my Hon'ble friend Sir Claude Hill in his reply to a question just said that five crores of rupees have already been spent, and whether it would be wise now to shift the headquarters from Delhi after spending such a huge amount. Then there are other equally good and perhaps better places in other parts of the country. In the Central Provinces there is a very good place which my friend Mr. Khaparde was telling me about called Pachmarhi. It is a sanatarium. I will read a few lines from the Imperial Gazetteer about it. On page 306, volume XIX, it is said :—

> '*Pachmarhi.*—Sanitarium in the Sohagpur *tashil* of Hoshangabad District, Central Provinces, situated in 22·28′ N. and 78 26′ E. on a plateau of the Satpura range, 32 miles from Piparia station on the Great Indian Peninsula Railway. Pachmarhi is connected with Piparia by a metalled road, along which there is a mail tonga service. The plateau of the Satpura Hills on which the town stands, at an elevation of just over 3,500 feet, has an area of 23 square miles, the greater part of which is covered with forest.'

That is a very good place, and I can suggest another place which you, Sir, know very well, the island of Salsette near Bombay, a very good place for the Government of India, and I would welcome the Government of India there. My other Hon'ble friends would welcome the Government of India headquarters at their own respective places, but it is a question which has got to be gone into, and my Hon'ble friend Mr. Sarma would leave it to the Government of India to do it and finally settle the centre for the purpose. I suggest that a committee should be appointed. I do not agree with my Hon'ble friend Mr. Sarma, and it was particularly to meet the objection of my friend Mr. Sinha that I gave notice of this amendment. Of course the Hon'ble Mr. Crum would not like to go the whole hog as I do; he would like to leave the question open for the committee to consider whether the Capital should be at one place or at two places. While so far as my friend Mr. Sarma is concerned and I agree with him that the committee should have no such discretion. The committee should commence its deliberations with a distinct mandate that the headquarters are to be at one place and not at two. To select the place should be the only function of the committee and no more. With these few words, I beg to move my amendment."

The Hon'ble Mr. W. E. Crum:—"Sir, I beg to move as an amendment to Mr. Sarma's resolution :— 12·14 P.M.

> '(1) that between the words 'that' and 'the headquarters' the words 'if possible' be inserted, and
>
> (2) that for the words 'a suitable centre may, if necessary, be selected for the purpose' the words 'a committee be appointed to examine that question and to report to the Governor General in Council thereon and generally on the question of the location of the headquarters' be substituted.'

"Sir, it is necessary, in discussing this question, to go back to the Government of India's despatch of 25th August 1911 which led up to His Majesty's Proclamation of December 1911. This despatch was a very curious despatch. Its matter was never discussed in public at all before it was sent, and as far as I am aware, it has never been discussed in this Council since, and therefore I think it is necessary at the outset to go into the reasons which prompted the Government of India of that day to recommend the transfer of the Capital from Calcutta to Delhi. The first reason was, that it is most inconvenient for the Government of India to be in the same place as the Government of Bengal, and I admit at once that there is a very great deal of force in this argument, and for the reason that I admit the force of this argument I am unwilling to support Mr. Chanda's amendment that the Government should go back to Calcutta without its being discussed whether this is an all-important factor in the location of the Government. The second reason was that geographically Delhi is much more central than Calcutta as the headquarters of Government. Now I was rather disposed to take that view when I first thought about it, but I took the trouble to work out the distances by rail from the various principal cities of the provinces of India to Calcutta and to Delhi, and I have found the very remarkable fact that the aggregate distances to Calcutta from various cities is 6,100 miles, whereas the aggregate distances to Delhi are 8,890 miles, a difference of over 40 per cent. in favour of Calcutta. Then it was said that historically Delhi was the only place in India where the Capital could be, provided that they moved from Calcutta. Well, Sir, Calcutta has been the capital of the British Empire in India for the last 150 years. I am quoting from Lord Curzon's speech in the House of Lords in June 1912. 'Delhi, though it has been the capital of India, cannot be said to be associated as such with the British Indian Empire'

"And, then, again, it was said that, politically, Delhi again was the only place; and it is rather interesting to read the words of the Government of India despatch used on this occasion with regard to the political effect of the transference to Delhi. They say—

> 'The change would strike the imagination of the people of India as nothing else could do, would send a wave of enthusiasm throughout the country and would be accepted by all as an announcement of the unfaltering determination to maintain British rule in India. It would be hailed with joy by the Ruling Chiefs and the races of Northern India, and would be warmly welcomed by the vast majority of Indians throughout the country.'

"Now, Sir, I do not know what the views of the Ruling Chiefs at present are, but I do know that, as far as the races of Northern India are concerned, representatives of these races on this Council have told me that on the whole they cannot see the merits of Delhi as a capital; and as regards the rest of India, it is a very remarkable thing that this Resolution is moved by the Hon'ble Mr. Sarma from Madras, is supported by the Hon'ble Mr. Chanda from Assam, and is also supported by the Hon'ble Mr. Patel from Bombay.

"Then, Sir, another point which the Government of India brought out at the time was the duration of the stay; that it would be possible if Delhi was made the capital, to stay in Delhi from the 1st of October to the 1st of May. Now, Sir, the Government of India has certainly not, I think, been in Delhi for more than five months in the year so far, and I am very doubtful indeed whether it would be possible for them in the future, or whether they ever will in the future stay for more than five months. So, I think, on that ground there is very little support to be found for the Government of India despatch.

"Then, Sir, in regard to the question of cost. The Government of India in the same despatch wrote as follows:—

> 'The cost of transfer to Delhi would be considerable. We cannot conceive, however, that a larger sum than £4 million sterling would be necessary, and within that figure probably could be found the three years' interest on capital which would have to be paid till the necessary works and buildings were completed.'

"The Bengal Chamber of Commerce at once took exception to this view, and their arguments were taken up again by Lord Curzon in the House of Lords on the 17th of June 1912, when he said, that from information he had received he was satisfied that the cost of the capital would be at least £8 millions and would probably be more like £12 millions. We know, for

Delhi. That of course includes the alterations to the town and this part of the city. I understand that it is not solely expenditure on New Delhi, but I understand that the expenditure on New Delhi has been something like 3¼ crores, and that it is certain that the expenditure will be in the neighbourhood of 10 crores, and I should not be surprised if it was a very great deal more.

"But there were certain points which were ignored altogether in the Government of India's despatch, and the first point was that this decision was arrived at without consultation in any way with the public opinion in India or elsewhere. It was done without consulting European or Indian unofficial opinion; it was done without consulting civil servants; without consulting the Governors of the Provinces; I believe without even consulting the India Council; and the remarkable fact is that this was done by a Government which in the same report admitted that very shortly the just demands of Indians to a larger share in the government and therefore presumably to a larger share of opinion must be admitted.

"Then, Sir, there is the other point which was never considered in this report, the fact that the removal of the capital of the Government to Delhi must seclude the Government from the wholesome effect of public opinion. This again was at once taken up by the Bengal Chamber of Commerce, and perhaps, somewhat naturally, it was said 'Oh! yes, it is pure jealousy on the part of the Bengal Chamber'. Well, Sir, everybody did not share that view. I would like to read what Lord Curzon had to say on that subject. He said:—

> 'With regard to the attitude of the Bengal Chamber, their attitude with regard to this change has not been dictated by selfish or mercenary motives They object to it not because Calcutta will suffer—I do not think it will—in the mercantile sense of the term, but because they regard this policy as involving a cruel waste of public money and because they regard with dismay the effect that will be exercised both on the Government of India and upon commerce in their opinion by the removal of the capital of India to Delhi.'

"Now, Sir, I have not only consulted non-officials since I have been at Delhi, I have consulted officials, and it is a very remarkable thing that almost without exception officials here in Delhi recognise that there are no merits in favour of Delhi as a capital, and that the only arguments to be adduced in favour of its retention are that His Majesty's announcement cannot be ignored and that a large amount of money has already been spent on the place.

"Now, Sir, I have been able to quote to you the opinions of non-officials and to cite them by name. Unfortunately, I cannot do the same regarding officials because they are somewhat in the same position as tenants in Bombay, Calcutta and Rangoon with regard to the Rent Inquiry Committees that were held the other day These tenants said 'This is my opinion, but for goodness sake do not give me away because my landlord will turn me out'. Therefore, Sir, I can only say that I believe that if the question of Delhi is discussed purely on its merits and without reference to His Majesty's announcement and without reference to the amount of money spent, that the Council would be almost unanimously in favour of my amendment.

"Then, Sir, I should like to say a word about His Majesty's announcement. What we all felt then and what we all feel to-day about that announcement is very well expressed in the Bengal Chamber's letter to which I have already referred. They say:—

> 'This momentous announcement has been received and accepted by the mercantile community of Calcutta in a spirit of loyalty and devotion to the throne and person of His Imperial Majesty; for, as loyal subjects, the merchants of this city recognise that the will of His Majesty as regards the governance of his Indian Empire is final.'

"I am perfectly certain, Sir, that that is the spirit of the whole of this Council to-day, but, Sir, I claim that I have made out that His Majesty's announcement was the result of incorrect advice on the part of his advisers, and I cannot help thinking that if His Majesty were differently advised to-day, he would not bind India to a capital which the people of India regard as a wrong capital.

"As regards the money spent, it certainly is an important matter, but if I am right in assuming that we are going to spend some 10 or 11 crores before Delhi is finished, then the money that has been spent is not a considerable point compared with the importance of choosing the right capital for India. Therefore, Sir, I would urge Government, before it is too late, to take this matter into their consideration and to take it into consideration with the confidence and with the opinions of the non-official communities in India, because I believe that there is a great deal of apprehension and a great deal of misgiving regarding the future of Delhi, and I think that a Committee of this sort would settle the question and allay once for all a point on which there is so much doubtful opinion."

12-28 P.M. **The Hon'ble Mr. Surendra Nath Banerjea** :—"Sir, I desire to accord my support to the amendments moved by my friend the Hon'ble Mr. Patel and my friend the Hon'ble Mr. Crum.

"Sir, the number of motions that have been tabled in connection with this matter have a significance all their own. The fact testifies to the volume of public opinion which prevails with regard to this matter. It is an increasing volume of public opinion which grows day by day and has grown with the growth and the enactment of the Reform Act. It is a body of *public* opinion that cannot be ignored or burked. The Government must face it; it is as well that it should face it early and find a solution for the problem which this Council presents to the Government to-day.

"Sir, in all these motions there is an underlying note of dissatisfaction with Delhi as the capital of India. Does that represent the public feeling and the deliberate judgment of United India, of India, of the Europeans and Indians alike? If it did, the solution of the question would be easy enough. But I am afraid there is a very considerable difference of opinion about the matter. The Hon'ble Mr. Sinha has already sounded a note of dissent, and I very much fear there will be others in this Council Chamber who will speak in the same strain. Therefore, it is necessary that we should pass from the consideration of opinions to the solid ground of facts and discuss the merits of the case. Let me ask the question—is Delhi a suitable place to be the capital of India? In answering this question we have to ask another. Delhi has now been the Capital of India for eight years. Has Delhi to any appreciable extent in any sensible degree fulfilled the conditions which constitute the indispensable equipment of a modern capital?

"Sir, the first and foremost of these conditions is the existence in the capital city of a body of public opinion, strong, vigorous, militant—if I may be permitted to use that word—guiding, controlling, stimulating the Government in the paths of progressive development. Does such a body of public opinion exist in Delhi? The answer must be in the negative. Of public opinion there is little or none at Delhi; and public opinion is the vital breath of Governments in these days. We need it all the more in the case of an autocratic Government which the Central Government will be even under the Reform Act. We need it still more in the transformation which is destined to take place in respect of the Central Government from an autocracy to the introduction of responsibility. In the altered circumstances of India, for the ends of our political progress, for the attainment of that goal which has been fixed for us by the mandate of our Sovereign and of the British Parliament, it seems to me that the transfer of the capital from Delhi has become urgently necessary.

"Let us somewhat elaborate this point. Sir, we are on the threshold of great possibilities. In the words of our Sovereign a new era is opening out for us. Our people have to be qualified for the new destiny that awaits them. Our educational system has to be reorganised; our industries have to be created; our commerce must expand; the Government has to be nationalised; the process has already begun; a vast progressive movement is developing slowly and silently, but steadily and majestically in the bosom of Indian society, and amid the deeper under-currents of Indian life. I say, Sir, with the utmost emphasis that I can command that the Government should place itself at the head of this national movement, that the Government should watch it. Is it possible for the Government to watch it from a place isolated and detached from the great centres of public opinion? The Government should be in living touch with those great capitals which are the centres of our public activities. At Delhi it is in touch with the dead past, but not with the living present, with the memories of departed greatness, but not with the life and the soul and the heart of the people, manifesting itself in our manifold activities and in a thousand directions Public opinion ought to be the guide of the Government, and Government ought to influence public opinion. Government and public opinion should act and re-act upon one another and strengthen one another by their mutual interaction; but this process is absolutely impossible if Delhi is to be the capital of the Indian Empire.

"Let us look at the same consideration from another point of view. All these motions point to one definite conclusion, namely, that there should be one capital and one alone. It precludes the idea of a summer capital for India; it precludes the idea of the Simla exodus; for if you had a summer capital it would only be an aggravation of the evil which we are complaining of at the present moment, the isolation of Government from the centres of public opinion. Sir, the Indian Government has not been free from blunders. I do not bring it as an indictment or a charge against the Government; all human institutions are fallible, and the Indian Government is no exception to this general rule. It has committed mistakes; it is through mistakes that we learn how not to commit them. It has committed gigantic blunders, and those blunders have in many cases been due to its position of isolation from the centres of public opinion. You had that fact prominently brought home in the Mesopotamian Report. I therefore, urge, Sir, with all the emphasis that I can command that the first and foremost duty of Government in the new situation, which is about to be inaugurated, is to have one centre and one centre alone of Government and such a centre to be in close and vital touch with public opinion.

" I know it will be said on the other side that Delhi is the Capital of India is a settled fact. Sir, I do not believe in the doctrine of a settled fact; there is no such thing as a settled fact in life or in politics. We are moving, the world is moving; in the words of the Prime Minister we are running through the track of centuries. Everything is more or less in a state of unsettlement. What is 'progress' but unsettlement, subject to proper safeguards; progress and unsettlement are often identical. There never was a more decisively settled fact than the partition of Bengal, and yet it was unsettled; it was modified, and why should not this matter be similarly dealt with? It may be said that it is the mandate of the King-Emperor; and he has made Delhi the Capital of India. The King can do no wrong, but his ministers may and their mistakes should be righted; and this is a case where, I will not say a wrong, but a mistake has been committed, which ought to be mended. If the King passes an order he can revoke it; the King can make and unmake things. India to-day in 1920 is not the India of 1911 when the capital was fixed at Delhi. The conditions have changed, a stupendous transformation has taken place in our ideals and aspirations and in the whole outlook of Indian life and society. That being so, we call upon the Government to move with the times and carry out its own policy, and the central fact of that policy is the location of the capital in a place which should be in living touch with public opinion.

' Sir, the question of expense has been dealt with by my Hon'ble friend Mr. Crum, and I will not trouble you further about it. If you have one permanent capital you will save the cost of building two capitals, spending a crore of rupees or so at Simla, and then you will also save the recurring charges of the annual migration; but look at the moral gain in the added popularity and efficiency of the Government, and does not the moral gain outweigh the material loss that you might incur?

"Sir, I know there are one or two considerations on the other side of a very valid character. We want a calm atmosphere for the successful working of the Reform Act. A controversy at this time would be most undesirable; it would let loose forces which may create a state of things the reverse of what we want; we want to concentrate our attention upon the success of the Reform Act, and the question has to be looked at from that point of view. Then, Sir, there is this other fact which has to be borne in mind and which favours the idea of a non-transfer. We are a dying legislature. This is the last year of our existence. The sands in our hour-glass are fast running out. Should we almost at the supreme moment of our lives determine this grave question for our successors? Should they not be allowed to deal with it? They will be in the thick of the business—they will be *in medias res*—they will be confronted with the actualities of the situation; they will be in a better position to judge of the matter than we can, and they will speak with a voice of authority which we do not possess.

"Sir, these are the considerations for and against the transfer of the capital. It used to be said of the ancient Kings of Castille and Arragon that when they were confronted with a difficult and complicated problem they appealed to the venerable oracles of their revered ancestors. In my difficulties in regard to this matter I consulted some of my constituents and what was their advice? They said 'go and vote for the transfer of the capital to Calcutta.' I cannot say that I am bound by their advice; I am bound, however, to show it the utmost deference. Circumstances have somewhat changed since that advice was given. My Hon'ble friend who represents Calcutta Chamber of Commerce has given notice of a motion for the appointment of a Committee. My friend on the other side has done the same thing. Therefore, I vote for the appointment of a Committee to inquire into the whole matter, and I do believe that the Committee will recommend that Calcutta be the capital of India (laughter). This is no laughing matter at all. Calcutta, let me remind my friends, is the centre of the public opinion of a great Province which not long ago was the metropolitan province of India. It is the cradle of the British power, the nursery of British institutions. It used to be not long ago, and even now is, the fountainhead, the inspiring source of those beneficent activities which have made India what India is to-day, an aspiring member, if not an actual unit, of the great confederacy of the free States of the British Empire. Such is the claim of Calcutta to be the capital of the Indian Empire. I am sure that if a Committee is appointed it will recognize that claim, and I hope that, having regard to the complexity of the problem and the differences of opinion that exist with regard to it, a Committee will be appointed to inquire into the whole question and including that of the practicability as my friend the Hon'ble Mr. Crum suggests of the transfer of the capital. The Government loses nothing by assenting to the appointment of such a Committee—they stand to gain. If the Committee rejects the proposal, the atmosphere will be cleared and all the controversy and agitation about it will disappear. If, on the other hand, it recommends that the capital should be transferred, that recommendation ought to be given effect to; for in these days you cannot flout public opinion. A great Viceroy, Lord Ripon, has told us that even in India public opinion is bound to be the irresistible and the unresisted master of the Government. Lord Beaconsfield said 50 years ago that public opinion is the strongest bulwark of States and Thrones. If that was true half a century ago, it is still more so at the present moment. I hope therefore that the Government will not object to the appointment of a Committee to go into this matter, and I am fully confident that if such a Committee is appointed, they will select Calcutta as the capital of the Indian Empire."

12-45 P.M. **The Hon'ble Mr. Srinivasa Sastri**:—"Sir, in discussing this topic I wish very much that we had a clean slate to write upon—one cannot resist such a wish. As the Hon'ble Mr. Banerjea has pointed out we are in the eve of great changes in India, changes of a constitutional nature, without doubt also changes that touch very deeply the entire life of the nation. It has been pointed out that the advance we are going to make in the Indian constitution postulates an entire alteration of outlook on the part of the Indian Civil Service, on the part of the Local Governments, and on the part of the people of India; it is a profound change of mind and of general attitude which are the pre-requisites of the successful inauguration of responsible government. Changes of a mighty character that go to the roots of the people's life might well be symbolised in the external world by a change of venue. Students of modern history will remember that such a marked change of venue was accomplished by the Japanese Government on the eve of the Meiji Era, the Restoration was heralded by a change of capital from Kyoto to Tokyo. One wishes indeed that it were possible to signalise the radical alteration of the perspective of Indian peoples by a change of capital. Apart, however, from this imaginative and sentimental ground, there are other considerations that make it necessary to do so, and that is why one wishes from the bottom of one's heart that we had a clean slate to write upon. Now, if we had a clean slate to write upon, what would we do? Doubtless, we would appoint a Committee as Mr. Patel recommends and as Mr. Crum recommends and would canvas the claims of competing candidates for the post of capital. Calcutta has been once the capital and its claims have been eloquently pleaded before us to-day. We want the place to be central and to be easily accessible from all parts of this far-flung Empire. We want the place chosen to have a salubrious climate, where it would be possible for work of very high character to be performed all the year round. We want besides, as Mr. Banerjea has said, a place where the Government and Parliament of the future will be in touch with, and under the guiding hand of, strong and well-organised vocal public opinion. Calcutta is by no means central and besides is congested. There are no open grounds round Calcutta. I, therefore, have no hesitation in disallowing the claim of Calcutta to be re-instated as the capital of India. Places like Dehra Dun may have their own qualifications, but there is nothing like public opinion there. Pachmarhi, in the Central Provinces, does not even deserve notice Jubbulpore has been described as the geographical centre of the country, and the curious reader may be advised to study its claim in one of the brilliant essays of a former Civilian who wrote under the pseudonym of 'Competition wallah'. But it has only a historical interest now. I seriously recommend the claims of Allahabad to be the future capital of India. Allahabad may be described as fairly central. It is the most easily accessible place, considering not only its situation, but its railway facilities from all parts of India. Its claim, if I may say so, is much better certainly than that of Delhi and considerably superior to that of Calcutta.

"It may be oppressively hot for two or three months in the year. The Parliament of the future may well have a holiday during those months. As for public opinion, it certainly is not so strong in Allahabad, as public opinion is in any of the Presidency capitals. But, thanks to the recent arrangements, the United Provinces are going to be raised to the rank of a Presidency, and then a very considerate Lieutenant-Governor, more considerate than probably he himself realises, is already making arrangements for the shifting of his own capital to Lucknow.

"Now to come to the slate which is not clean. What are our difficulties in thinking of a change of capital? They have been already mentioned. First of all, there is the word of the King upon which we have acted during the last eight years. Then there is the expenditure that has already been incurred, and, lastly, although it has not been openly avowed, there is the partiality for Simla in the minds of those who every year spend seven months in that hill centre. If Delhi were to be fixed as the capital, nobody can talk of Simla, as they used to talk of it in the Calcutta days, as a mere luxury. If Delhi were the capital of India, it would be impossible to resist the claims of Simla to be the summer capital. That is the opinion of a great many who have suffered from the rigours of the Delhi climate. I have myself no experience of the summer possibilities of this city, but I can very well imagine it is intolerable for a great part of the year. Sir, I must acknowledge the courtesy and kindness of Sir Claude Hill which enabled me the other day to go round New Delhi and see what is being done to build the new capital. I acknowledge I was impressed very much indeed, and, I think, I may well pay a tribute to the noble and imposing city that through the ability and skill of the architects is about to be built, if we allow it on the site chosen. The money, however, that has been spent is only about a third of what is going to be spent, and if we decide on a change of capital, the expenditure so far incurred ought not really to deter us when we consider that we are really deciding for posterity. Well, as to the King's word upon which we have acted, all I have to say is that the King is a constitutional Monarch. He acted then on the advice of his advisers. He will act in the future on the advice of his advisers, and if his advisers are persuaded, that is about all that we need ask for. What is the main difficulty then in changing the capital? I come to that last consideration, that the Government of India have been used to spend more than half the year, nearly seven months, in Simla. Now I know that that would be a greater consideration in the minds of certain people than is commonly acknowledged, and I desire on this occasion, although we cannot go into the whole question, I desire on this occasion, in the name of the Indian tax-payer to make an emphatic protest against the erection of Simla into a summer capital It will involve the duplication of expenditure on a very considerable scale. If the erection of the new Parliamentary House in Delhi will cost about 50 lakhs, I am certain, by the experience of the Public Works Department's estimates, it would be a good deal more, the cost of erecting similar buildings in Simla will not be considerably less. It may be slightly less, but it is bound to amount to at least half a crore. I do not think, even if we omitted the consideration of there being nothing like a controlling public opinion in Simla, the Government of India would be justified in selecting it as a summer capital for the future government of this country and spending sums upon it. I am, therefore, of opinion that this question must be seriously considered. It must not be considered as merely academic. If a great mistake has been committed in the past—and the Hon'ble Mr. Crum has shown grounds for believing that the change of capital was a great mistake—I think it is time that the mistake were rectified. I know of nothing so difficult in Indian administration as the rectification of a blunder. Every one may acknowledge it, people may regret it, but you will never get a sign of this regret in the official papers. Formally and publicly there will always be a maintenance of the original blunder. It is only in very rare cases that a great man is to be found who will come and say 'this mistake must be rectified.' If it is impossible to find a man with authority sufficient to rectify the blunder, it is possible, if the Government will only wait for them, to see whether the public opinion of the country will not assert itself with an authority which it is impossible to dispute. I would therefore request the Government of India, I would implore them, not to push ahead with the building operations in Simla at all events. If the Committee to be set up to-day decides that Delhi must be the capital, then, I think, the Government of India are bound to put up with the inconveniences of Delhi as a capital. It is cruelty to the Indian tax-payer, cynical disregard of his interests, to support at the same time the movement annually of the Government and of the future Parliament into Simla quarters.

"If we accept Delhi at all, let us accept it with all its inconveniences, but I do hope, if we appoint a Committee, they will be bold enough to face the question as if we had a clean slate, and select a place outside Delhi as a suitable place for the future capital."

1 P.M. **The Hon'ble Khan Sahib Shah Nawaz Bhutto**:—"Sir, after listening to the debate which has taken place on this important question, if I may be allowed to make a suggestion in this matter, it is that to my mind there is no part of India so conveniently situated for the location of the Government of

India as Karachi. I need hardly say, Sir, that from a geographical, climatic, industrial and, what is more, from a strategic point of view, the city of Karachi stands second to none should the Government of India decide to remain in one place. The city of Karachi is capable of considerable expansion. It is pregnant with immense possibilities in the future. The Council is perhaps aware that it is proposed that the main station of the Baghdad Railway should be established at Karachi. It is also proposed to establish the main station for aeroplanes at Karachi. It is also very close to Aden which is the gateway to India. The officials in Karachi, Sir, feel no necessity to move to a hill-station in the summer as the climate is temperate, and as such there will be no need for the Government of India, if its headquarters are located at Karachi, to seek another summer headquarters. I, therefore, hope that the Government and this Council will not in deciding the matter overlook the case of Karachi."

The Hon'ble Major Malik Sir Umar Hayat Khan:— 1-3 P.M.
"Sir, last Session the suggestion was made that the Punjab Government should be ejected from Simla. Now, the turn of the Government of India has come and they are being called upon to justify their presence there. This demand is open to the retort that those who profess to change the established order of things must produce good reasons to justify their proposal. However, we will examine what would happen if Government remained all the year round in one place. Let us take Simla first. Now though there are many Europeans well clothed and well housed who might even enjoy the cold and snow, our own countrymen would necessarily suffer, and, for the time being, would lose their efficiency. The quality of their work would greatly deteriorate from November to February. If, on the other hand, Delhi was chosen as the headquarters of the Government throughout the year, the whole staff would be exposed to malaria and in certain months the outturn of work would diminish. No staff, whether European or Indian, can work its best during the extreme heat of May and June, or when suffering from prickly heat and other illnesses incidental to living in Delhi during the rains. If the capital of India ever has to be located in one place, I would prefer Simla, but I do not think there is really any place in India which is really suitable all the year round.

"It will not be out of place to put before the Council that one of the underlying objects for moving this resolution is pecuniary. When Calcutta was the capital the Government of India Secretariat was full of the inhabitants of Bengal, with the exception of some from Madras. The people of these two provinces even now so predominate, that others have got no comparison with them whatsoever. Lakhs of rupees have been pouring into those provinces. Since the transfer of the capital to this place some men from the United Provinces and the Punjab, and even from other provinces, have had a look in, and there is a chance that in the long run the other parts of India may have their due share. The fact of the predominance of these two provinces could be easily ascertained by inquiry into the matter. As all the secretariat posts go to the graduates or other literate classes there is no wonder if there may have been a general talk of resentment at the change of capital among them which may have reached the Hon'ble mover of the resolution. The secretariat clerks have had, and even still have, cliques and if any man enters their department from an undesirable province or class he gets no help, and is furthermore so overburdened with work that he soon proves unequal to the task, while, on the other hand, if an inferior candidate comes from the same province or class as the other members of this clique he is helped through with his work. These cliques are threatened because some of the old Bengal or down-country clerks would have to leave as the climate all the year round will not suit them and their place will be taken by the sturdier people from the North. Sir, about Calcutta I remember I once said that it is in one corner, the place is very unhealthy and . . . . . .

The Hon'ble Mr. Surendra Nath Banerjee:—"Sir, I rise to correct a mistake. Calcutta is not unhealthy as my friend says."

The Vice-President:—"The Hon'ble Member must only rise to a personal explanation."

The Hon'ble Major Malik Sir Umar Hayat Khan:—"Why I say it is unhealthy is because a large number of men from that province were taken and tried and it was found that bodily they were inferior and weak. They were tried, I think, at a very difficult place, that is, at the front.

"Then there was the difficulty found that because there was a Lieutenant-Governor at Calcutta we should not have the Government of India there. Now there is a Governor there, so there are still more reasons why the Government of India should not be located there. Of course some people are against Simla because they say it is in the Punjab, but Delhi is all right, because there is only a Chief Commissioner here and there is no Governor or Lieutenant-Governor, and, I think, it should not be objected to. Another thing that has been said, is, that the taxpayers would suffer if Simla or Delhi were kept on as the capital; but would they not suffer if there was another capital? All these architects and their staff who are engaged on making the new capital would have to be engaged in designing and making a new capital again. What superiority would Allahabad have over Delhi? It is more towards the south and more towards the equator, and naturally it would be much hotter. It is situated on the same river as Delhi is, and when there has been so much spent on Delhi it is just as well to go on spending it and keep it as the capital Now, as to Simla, Sir, if India wants the services of Europeans to help it and lead it along the road which it wants to travel, it is necessary to keep them in a place where you can get good work out of them. Why hamper them and keep them in a climate where they will all suffer? I think one of the reasons why our friends who come from Madras or Calcutta want to leave Delhi or Simla is that they suffer from the cold and suffer in health, and when this Resolution was being written it was at a time when it was very cold in Delhi. Perhaps one of the causes of its being put forward may have been also this. I think in the revenues of the Government of India every province has got its share, and we should not move to a place where only people of one province will get round the Government. So everybody should have the *haq*, to be in the Secretariat, or to be with the Government of India so as to put forward their own particular ideas before them. Therefore when so much has been spent on Delhi, it ought to be kept as the capital of India and Simla ought to remain as it has always been, just a place to go to in summer. I think very much more work is done there than is done while the Government is on the plains. Besides I think there are now many Indians who have begun going to Simla, and if they do not go to Simla they go to other hill-stations. So when you get the new Reformed Councils Indians will like to go to the hills for their own benefit. So I think when we are considering this question, we ought to consider that there should be Simla in the hot weather and Delhi in the cold weather as the seats of the Government. It is for these reasons that I am against this Resolution."

1-12 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"Sir, public opinion in the country is strongly against hill-top administration, and as the Government stays only a few months in Delhi and longer in Simla, public opinion also condemns Delhi. When the Government removed the capital from Calcutta to Delhi, it was the intention of the Government to stay eight months in the year in Delhi, but unfortunately, owing to the war, the capital was not built up soon. The Government had to stay under canvas, and therefore it was necessary for it to go up to Simla. If with the engineering and architectural skill at the disposal of the Government Delhi can be made a healthy place and one where the Government can stay for eight months in the year. then the Government ought to stick to Delhi. As other members have said, the foundation stone of the city has been laid by His Imperial Majesty the King Emperor; we have spent a lot of money on the place, and it is also a central place. But if the Government think that it is not possible for them to stay eight months in the year in New Delhi, then surely the Government ought to select some central place where they can stay all the year round. And for that purpose the Committee would be useful. That we will know when the Government Member replies; till then I cannot make up my mind.

"Now I come to my friends the Hon'ble Mr. Crum and the Hon'ble Mr. Banerjea. Mr. Crum throughout his speech gave us the opinions of Lord Curzon and of the Bengal Chamber of Commerce, but he never mentioned what place he liked, or whether he wants to go back to Calcutta. The Hon'ble Mr. Banerjea has, after discussion of the *pros* and *cons* and of the disadvantages of Delhi, honestly said that he prefers that the capital should go back to Calcutta . . . ."

The Hon'ble Mr. Surendra Nath Banerjea:—" Provisionally, pending the decision of the Committee."

The Hon'ble Sir Fazulbhoy Currimbhoy:—" Sir, I am rather surprised to find that my friend the Hon'ble Mr. Banerjea who is such a champion of independence, who has supported the reform policy and has advocated provincial autonomy, wants that the capital should be removed to Calcutta. He must know in his heart of hearts that if the Government of India reverts to Calcutta, they will influence the administration of Bengal . . . ."

The Hon'ble Mr. Surendra Nath Banerjea:—" We will not allow it."

The Hon'ble Sir Fazulbhoy Currimbhoy:—" The Hon'ble Mr. Banerjea says he will not allow it. In that case I suppose he is anxious that Bengal should again dominate the whole of India. That also, I think, is unfair. Now when he mentioned public opinion, I suppose he meant that the public opinion of Calcutta should dominate the whole of India again. I do not think members of this Council will ever agree to the Government of India being dominated by some cities like Bombay or Calcutta, and that Calcutta or Bombay should have influence over the administration of the Government of India.

"Sir, the capitals of big countries like the United States of America and Canada are not in the centre of commerce. For instance, in the United States, New York is the great commercial centre, and yet the capital is Washington. The same is the case with Ottawa in Canada. If the Government of India can stay in Delhi for eight months and build New Delhi, I think it will be accessible to all the people from different parts of the country to come and see the Government and stay here. At present we cannot judge because the Government stays here a very short time and there is no accommodation. From what I have seen of New Delhi,—its plan and the laying out of the city,—I think it will be possible for the Government to stay eight months in Delhi. If, however, the Government say no, then they ought to remove to a central place, because nine-tenths of the people of the country live in the plains, and the country ought to be administered from the plains. With these few remarks I would support the amendment after hearing the Government."

The Hon'ble Chaudhuri Muhammad Ismail Khan:— 1-18 P.M.
"Sir, I beg to associate myself with my friend Mr. Sarma in recommending that the headquarters of the Government of India be permanently located in one place. The migratory nature of the Government of India results

in a huge and, I would add, unnecessary expenditure which India can ill afford to incur when her educational, sanitary and industrial needs have to be satisfied, and the Departments in charge of these important subjects are being more or less starved. Sir, the Reforms will increase the expenditure of administration, and retrenchment will be even more necessary in the future than in the past. Indians have protested against the exodus to the hills where our officials spend their time like gods together for more than half the year. The cost of living on the hills is daily going up, and the Indian clerks of the Government of India are like 'Oliver Twist' clamouring for more. The Reformed Councils will have a larger number of members and a foretaste of the proceedings of those Councils was given when this Council sat till the early hours of the morning discussing—what is commonly known as—the Rowlatt Bill. The question of housing about two hundred members at Simla will in itself be serious and members from the distant provinces will find it very inconvenient to travel to Simla for a short Session. I, therefore, recommend that the headquarters of the Government of India be permanently located in one place, and in selecting the site the convenience of members should be considered. In other words the place should be centrally situated. I know, Sir, we are bound by the decision of His Imperial Majesty the King-Emperor, who was pleased to transfer the capital of His Indian Empire from Calcutta to Delhi. But, then, no one has the audacity to suggest that the matter would be decided without His command and against His desire. The Reforms have ushered in a new era and, Sir, it has been said—'New occasions teach new duties, time makes ancient good uncouth.' The new Councils are likely to have long and continuous Sessions. They cannot be situated far away from centres of public opinion and should no longer be nomadic. We are sure if His Excellency's Government would accept the Resolution His Imperial Majesty the King-Emperor who has always evinced a strong desire to please His people will not grudge his permission to locate the headquarters of the Government of India permanently in a central place—retaining Delhi the ceremonial Capital—if necessary.

"My friend Mr. Chanda wants the Government to go back to Calcutta, and personally I shall be glad to welcome them back in our provincial capital. But if I advocate the claims of Calcutta it is not because that would be of advantage to the Bengalees, but because a return to Calcutta would not involve any considerable expenditure. At Calcutta it will not be necessary to spend crores of rupees in building a new city. It is already there and the Government have only to go back to their own home.

"With these words, Sir, I have pleasure in supporting the original proposal as amended by Mr. Chanda."

[At this stage the Council adjourned for Lunch till 2-30 P.M.]

2-32 P.M. **The Hon'ble Sir William Vincent.**—"Sir, I should like, in the first place if I may, to congratulate the mover on having inaugurated what has really been not only an interesting but, if I may say so, a very instructive debate, and, if I answer shortly, I am unable to accept the resolution or any of the various amendments proposed, I hope the Council will not think that I am treating it with discourtesy or that I take this line in any unreasoning spirit of opposition; for it is not so. From the point of view of the Government, it seems to me that there was great force in the argument put forward by Mr. Sinha when he said these proposals were not at the present moment practical politics. There are two aspects of the case, one, if I may say so, that of the official Government and official members will vote with the Government on this occasion, and the other—that of non-official members. To the non-official members I would say that we are now on the eve of great changes in the constitution of this Council. We are shortly going to have a Council which will be admittedly much more representative of the wishes of the people and which will be more powerful. For eight years this Council has watched the building of the new capital of Delhi; they have acquiesced in, and many have definitely approved of, the changes that were effected in 1911. In these circumstances, I want to ask the members of this Council whether they think it is right for them at this juncture to propose a change in what has been so long accepted. From the point of view of the Government the reasons against acceptance of the proposals are even stronger. We have not got a clean slate; we have had, it is true, the ordinary notice of this resolution, though of the actual amendment by Mr. Chanda I had received only two days' clear notice on the first date fixed for the debate. I put it to the Council, however, that such notice would in any circumstances be inadequate for the careful consideration which a proposal of this magnitude demands; that the Government must have time; in any case, whatever their views were they would require reasonable time to examine and weigh a proposal of such magnitude. And here I may remind the Council of the manner in which this change was initiated. It was the subject of long deliberation—I admit, confidential deliberation—with the Secretary of State. It was subsequently inaugurated by His Majesty in a solemn pronouncement in this city. At that time, I think I am right in saying and for some years afterwards, there were few members, if any, in this Council, who raised any note of protest or dissent. Since then the move to Delhi has been discussed in Parliament more than once, the most recent occasion being a debate in the House of Lords in 1914 in which Lord Curzon took a large part. Since 1911, the Government of India have again, with the approval of this Council, or at any rate without the opposition of this Council, spent three and half crores on the new capital, and many of the Hon'ble Members, including at least one who has moved an amendment, have watched that expenditure going on without a word. Now, in these circumstances, I put it to the Council that this Government which acts under the authority of the Secretary of State and indirectly of Parliament, could not possibly, with due respect to its official position and in subordination to His Majesty's Government, accept a resolution of this kind. It has been said that the King can do no wrong, but that he acts on the advice of his ministers who may advise him wrongly. But in any case it is not for the Government of India, which is a subordinate Government, to alter a policy which has received the weighty sanction of His Majesty and His Majesty's Government. That really is the short answer to the various resolutions and amendments which have been moved.

"Sir, I admit the cogency of many of the arguments that have been adduced in this Council with respect to the move from Calcutta. These arguments have indeed the authority of a great man, Lord Curzon, behind them, and it would be idle in any way to minimise the weight of such authority, nor would any reasonable man say that they can be brushed aside on the merits. The severance of the Government of India from a great commercial centre, its separation from a seat of learning, the loss of daily contact with men of leading in the legal and business world, in fact with leading men in all branches of public affairs, those who make and guide public opinion, are matters which no reasonable person could afford to treat lightly. But I do not wish to-day to discuss in detail the reasons for or against the move, for the case is really in my opinion a *chose jugée*. It has been settled and it would be impossible for Government on a motion of this kind to agree to any re-opening of it. At the same time, while arguments have been cited in favour of removing the capital to Calcutta, I ought to say the advantages of Delhi as a capital have been underestimated by some of the speakers. I do not wish to take up the position of a champion of Delhi, and other members will follow me who are better able to sing its praises, but it would be a great mistake to neglect cardinal factors in its favour. It has undoubtedly a very central position; it is a large railway junction, and it is the great centre of public opinion in Northern India. I notice that one Hon'ble Member said that public opinion in Delhi is negligible. Sir, will any Muhammadan Member of this Council say that Muhammadan opinion in Delhi is not an important factor in Northern India at this moment? Have we not experienced otherwise?

Then, again, Delhi is, from the military point of view, a far more convenient centre than either Calcutta or many other places mentioned in this Council. It is also a place of great historical associations. I have been told, I think it was Mr. Crum who said that it has never been associated with the British Empire. I hope I am quoting him correctly . . . . . .

The Hon'ble Mr. W. E. Crum:—"I mean that Delhi as a Capital was never associated with the British Empire."

The Hon'ble Sir William Vincent:—"Sir, it is only fifty years ago that it was regarded by the British Government in India as a symbol of the Empire and its re-capture from the mutineers was a token of the Empire's safety. Delhi therefore is not so insignificant a place as some Hon'ble Members would have us believe. I am told that it is a place of stagnation fatal to any progress on the part of Government owing to the absence of public opinion. I admit that there has been a considerable difference in these respects between Calcutta and Delhi. At the same time, I would ask the Council to remember that eight years of the Government of India at Delhi have brought about changes in the form of government which fifty years of Calcutta failed to produce. That surely is no indication that the Government of India necessarily stagnates in a place of this kind. But, Sir, the whole of this debate really is centred round the possibility of a return to Calcutta. The Hon'ble Mr. Banerjea has, if I may say so, camouflaged his desire under a proposal to appoint a Committee, but he is too honest to keep his real desire concealed, and before the end of his speech he came out into the open and said that he knew that, if the Committee were appointed, it would decide to move the Government back to Calcutta, and that is the avowed object of the Hon'ble Mr. Chanda. Now, apart from other considerations, I think those who make that proposal perhaps have underestimated the difficulties that would arise in connection with such a proposal. I do not want to expatiate on the claims of rival cities, but Council must have gathered from the speeches made to-day that the possible influence of Calcutta and Bengal over the Government of India in the event of the Government of India being located there, would not be viewed with satisfaction by many residents of other Provinces. I think that is not an unfair way of putting it. We know, also, the whole of this Council knows, that Calcutta at this moment is an extraordinarily congested place, that proper accommodation cannot be found for the people who reside there already. Does the Council think that it would be easy to find accommodation, not merely for the officials who comprise the Government of India or even for the enlarged Council, but for the large number of people who would constantly be in Calcutta in connection with business with Government? Can any one contemplate with equanimity the acquisition of large building sites in Calcutta for the purpose of accommodating the Government of India at the present fabulous rates that prevail there? Would not the expenditure on such accommodation be prohibitive? That is a question I should like the Hon'ble Members to ask themselves.

"Then there is another question. It is, to my mind, extremely doubtful whether the Government of India would now be welcomed in Calcutta. I have not heard one member from Bengal say that they would. Nor is the difficulty of having the Government of India permanently located in the same capital as a Presidency Governor in Council one that can be overlooked. These are some of the many difficulties which I want this Council to consider before they accept the present Resolution. If the Government of India were to move again to Calcutta, and the annual exodus to the Hills were continued, the dislocation of public business and expense would also be very much larger than what is now complained of in the case of Delhi. Here the expense is comparatively small and the dislocation of business is also insignificant, and we hope to reduce it further, but the move to the Hills from Calcutta was a very different matter.

"There is another point in connection with the location of the Government of India at Delhi to which I wish to advert, and that is, that it has up to the present never really had a fair chance. Owing to the exigencies of the war the new capital has never been built, expenditure having been curtailed, owing to the necessity for economy during the war and the impossibility of procuring material, and it seems to me that it is premature now for this Council to decide to recommend Government to move from Delhi before the new policy has ever really been given a trial in the permanent city of new Delhi. Turning now to the main resolution, the Hon'ble Mr. Sarma is quite right in suggesting that a single capital in which the Government of India could reside for twelve months in the year would be the ideal solution if it were practicable. If any place suitable in climate, fairly accessible and central with some historical associations and good railway communications could be found, then the advantages of locating the Government of India in such a place would be very great. But what do we find as practical men when the question is discussed in this Council? The Hon'ble Member himself has wandered almost from one end of India to the other, suggesting such places as Poona, Ranchi, Pachmarhi and Dehra Dun as suitable places for the location of Government. Then we had suggestions that we should move far afield, as Karachi, and another that we should make the new capital Allahabad. These various suggestions indicate that it is really impossible to select any suitable centre which will meet all requirements and the wishes of all. Let me examine one or two of these proposed new capitals, Ranchi for instance. Now I know Ranchi, I suppose as well as, or possibly better even than, the Hon'ble Member himself. I spent many happy years of my life there; it is a delightful place; it has a comparatively temperate climate though it is very hot for six weeks in the year. But one of the things to which the Hon'ble Member attached importance, if I understood him aright, was subjecting the Government of India to the influence of public opinion in a great business-town and in a centre of legal and other learning. Now Ranchi is situated on a narrow gauge railway, and though the headquarters of the Local Government is a small town in a district inhabited mainly by the aboriginal tribes, it is a delightful place in many ways, but I have never heard its best friend—and, I think, Mr Sinha will bear me out—claim that it is a centre of industrial activity or learning. Again, take the case of Pachmarhi, I have learned to have the greatest respect for the Central Provinces from my Hon'ble predecessor in office, who always pointed to it as the best administered Province in India. We were indeed often asked to frame our administration on the model of the Central Provinces. But even Sir Reginald Craddock, I think, would not have claimed that Pachmarhi was a seat of any great public opinion or learning or commercial activity.

"It would however be idle for me to discuss all these places that have been named The fact is that the ideal capital would be one with a temperate climate, in a place where Government would be in constant contact with leading men of affairs in the different branches of life. If that could be secured anywhere, if the Hon'ble Members in this Council even had been able to agree on any place as likely to meet the requirements, then, I think, there would be something to be said for this motion. As it is the matter is really—I hesitate to use the word because the Hon'ble Mr. Banerjea may object to it—a settled fact so far as this Council and the Government are concerned. The question has been decided by His Majesty's Government, and the Government of India could not possibly, for the reasons I have given, accept this resolution. At the same time, I may say that to my mind the debate has been a very valuable one, and it will be my duty to put the papers of the discussion before His Excellency the Viceroy in case he wishes this question to be further examined. The Hon'ble Mr. Crum may say 'Why do you not at any rate appoint a committee at once'? and the Hon'ble Mr. Banerjea has said 'Oh there can be no objection to such a proposal'. In vain in the sight of the bird is the net of the fowler displayed. The appointment of a committee would at once create the impression that the Government of India were wavering in their decision on this matter. That is a position which I have no authority to take in this Council. That is an impression which, I think, the Government of India would be acting improperly in creating at the present juncture, having regard to the constitution of this Council and having regard to the manner in which the present move from Calcutta was inaugurated, and to the fact that it has on more occasions than one been discussed by His Majesty's Government."

2-54 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhri :**—"Sir, I do not know if some of my Hon'ble colleagues will denounce me as a renegade if, as a member from Bengal, I rise to oppose the transfer of capital from Delhi to Calcutta. In these days when changes are so much in the air, we, the Muhammadans of Bengal, generally get nervous when we hear of 'changes' 'Reforms,' and 'Modifications' which unfortunately have the curious coincidence of being effected always at the cost of our suffering community in Bengal. The present fad for the transfer of capital has given rise to considerable misgivings in the minds of Mussalmans. Many Hon'ble Members have referred to the circumstances that led to the change of capital from Calcutta to Delhi. But there is one aspect of the question that has been totally ignored. The change of capital was but one of the momentous measures inaugurated by His Majesty the King-Emperor. To understand the situation properly, we must consider the bearing of other allied changes on the question of the transfer of capital. The dominating influence of Calcutta opinion on the Government of India to which my Hon'ble Friend, Sir Fazulbhoy Currimbhoy, has referred, has spelt the ruin of the Mussalmans of Eastern Bengal. They consider the transfer of capital as one of the compensatory elements that would enable the Government of India of the future to frame their policy without submitting to the dictates of the Calcutta politicians. The modification of the partition, the unsettling of the settled fact to which Mr. Banerjea has so proudly referred, was, in fact, due to the unfair influence of the Bengal politicians on the policies of the Government of India. The Muhammadans of Bengal calmly submitted to the modification of the Partition because the decision, disastrous though it was, came from His Majesty the King himself. Now, if all sorts of constitutional theories of ministerial responsibility are put forward for undoing what it had pleased His Majesty to inaugurate, the modification of the Partition too should, on the same ground, be re-considered again. The Muhammadans view with alarm the proposal to place the Government of India under the thumb of the Calcutta politicians whose opinions have so often passed for Bengal public opinion, though it ran counter to the opinions of the millions of Muhammadan population who form the majority of the Province. Under these circumstances, I find myself unable to support the transfer of capital from Delhi to Calcutta, even though it involves the tempting possibility of the transfer of the seat of the Bengal Government from Calcutta to Dacca—a possibility ever hoped for, but perhaps never to be realised."

2-57 P.M. **The Hon'ble Mir Asad Ali, Khan Bahadur :**—"Sir, the resolution moved by my Honourable colleague implies more than what appears on the surface of it. Even as it appears, its meaning is not quite clear. Divested of its new garb, it is virtually a resolution against the exodus of the Government to the hills. It is evidently an old friend with a new face As it stands, the resolution asks for two things, first, for the permanent location in one place of the headquarters of the Government of India, and secondly, for the selection of a suitable centre for the purpose. The significant, shall, I say purposeful, use of the word 'headquarters' instead of the word 'capital' is worthy of a clever lawyer. As we are all well aware, Delhi, the modern capital of the Indian Empire, is the permanent headquarters of the

Government, while Simla, the beautiful hill city, is the temporary headquarters of the Heads of administrations with their respective staffs. So Delhi satisfies the terms of the resolution, and the resolution seems to me quite superfluous But if the resolution aims at the abandonment of Simla as the summer headquarters, opinion is divided even among the non-official members of the Council as to the desirability of the proposal. While it is both desirable and necessary that the headquarters should remain much longer at Delhi and that the Simla official season should be shortened along with a considerable curtailment of the exodus expenditure, it is neither advisable nor expedient that the exodus to Simla should altogether cease. The objection to the exodus, it appears to me, is more often sentimental than rational. When exceptional circumstances require it the exodus may temporarily cease at any time.

"If the resolution, Sir, contemplates a change of capital from Delhi, may I venture to ask what becomes of the sanctity of the Royal word in honour and praise of which a loyal resolution was passed unanimously in the Council on the opening day? Was it not after deep deliberation and thoughtful consideration that Delhi was chosen as the new headquarters of the Government of India? For sufficiently good reasons the ancient Hastinapura of the Hindus and the old court of the Moghuls was selected as the prime seat of the British Indian administration. To my mind, new Delhi stands as the symbol of Hindu-Muslim unity. If, however, my Honourable friend desires a change from Delhi on orthodox grounds, I may be permitted to assure him that modern courts are guided by practical politicians and scientific experts, and not by time-serving priests and opportune astrologers. Again, is it reasonable to abandon Delhi, after spending about five and a half crores of the taxpayer's money, more than half the sanctioned total estimate for the new capital? Is there a more suitable centre in Northern India than Delhi where from the frontier policy of the Indian Government can successfully be carried out? Even for political and military or strategic reasons, an Imperial city like Delhi is better fitted to be the seat of the Central Government. Further, none of the provincial capitals can vie with Delhi in historic greatness or political importance. If it is, however, suggested that a new centre should be chosen as the headquarters, it means the re-construction of a new capital on a modern scale, which the present financial condition of India can scarcely allow. Moreover, the re-building of a new headquarters away from Delhi means in one sense the putting off for yet another generation of the political progress of the country. And a frequent change of capital is in itself highly objectionable. For good or evil,—I do hope it is for good,—the seat of the Supreme Government has come to stay at Delhi, and let us all endeavour to make Delhi the worthy capital of the British Indian Empire. For these and other reasons it is out of the question now to think of the change of headquarters from Delhi.

"Even after listening to the various speeches of my Honourable colleagues I feel convinced that a change of headquarters is uncalled for. Almost every provincial capital and a few large cities have been mentioned, and this changing frame of mind of the non-official members is in itself a strong ground that, since there is no unanimity of opinion among themselves as to a suitable centre, no change is needed. Again, the Hon'ble Mr. Banerjea pleaded with his characteristic eloquence in favour of Calcutta and said that the India of 1911 is not the India of 1920. Following the same line of argument, I may be permitted to say that the India of 1930 or 1940 will not be the same. So it follows that the capital should change each time that great political changes take place in India. I am not convinced by the force of this argument

"Lastly, it is expedient that the construction of new Delhi should proceed even more quickly than in the past, and that the coming Budget should allot a substantial amount for the purpose. If the resolution, however, means to suggest that either Delhi or Simla should continue to be the headquarters of the Government throughout the year, it does not look like a feasible or practicable proposal, chiefly owing to climatic conditions. If the resolution is inspired by the Calcutta Anglo-Indian sentiment, it seems to me that no repetition of unsettling a settled fact, as in the case of the partition of Bengal, is possible in the present circumstances of the country, though the coming Royal visit of His Royal Highness the Prince of Wales may be looked forward to for the accomplishment of the event. For these reasons I oppose the resolution before the Council."

3-5 P.M. **The Hon'ble Mr. G. S. Khaparde:**—"This Resolution, I think, requires to be re-stated, for this reason that my friend Mr. Sarma, who moved this proposition, fought for there being one capital in which the Government of India would reside for all time. That, I think, was his proposition, and for the rest he mentioned various places, but he did not decide in favour of any of them. In fact he appeared to be entirely impartial; he did not want it to be any particular place, but he wanted it to be in some place where the Government of India would be all through the year. Then my friend, Mr. Chanda, who spoke next proposed an amendment. He agreed that the Government of India should be in one place, but he thought that that one place should be Calcutta. There the matter ended. Afterwards, when Mr. Patel moved an amendment to this Resolution, he agreed that the capital should be in one and the same place where the Government of India should reside all through the year, but he thought that that place should be determined by a Committee of this Council or a Commission, or by some arrangement by which all the opinions and all things would be considered and a suitable place chosen. Then later, came the amendment of the Hon'ble Mr. Crum and, in order that I may understand it properly, I have embodied it into the original proposition which reads:—

> 'This Council recommends to the Governor General in Council that, if possible, the headquarters of the Government of India be permanently located in one place and that a Committee be appointed to examine that question and to report to the Governor General in Council thereon and generally on the question of the location of the headquarters.'

"I humbly submit that this amendment made a variation. The first proposition it puts in is that it wants to be inquired into whether it is possible that the headquarters of the Government of India be permanently located in one place. 'If possible' means is it possible that the Government of India should be located permanently in one place? Then, if it is possible, Mr. Crum recommends that a Committee be appointed to consider that question and, after considering that question, he wishes that the Committee should generally report on the question of the location of the headquarters, so it introduced a further question into this Resolution, namely, whether it is possible for the Government of India to be in one place, and if it is possible, then the Committee is to make a recommendation and report generally on the question of location. From the discussion that took place on this Resolution I can understand those gentlemen who clearly said 'No, we want Calcutta or nothing less' or those gentlemen who said 'No, Calcutta is not desirable; some other place is better or Delhi is the best'. But some propositions are rather difficult and with your permission I wish briefly to refer to them in order only to indicate the lines along which the voting might take place. My Hon'ble friend Mr. Banerjea said that he supported both the amendments of the Hon'ble Mr. Patel as well as of Mr. Crum's. Now that is not possible, I think, because Mr. Crum introduced one proposition more which Mr. Patel never did, and those two Resolutions are mutually destructive, and, therefore, my friend could not possibly favour both. Then the Hon'ble Mr. Sastri went on to speak, but it appeared to me that he also fell into the trap because these are legal propositions put together in one form so as to lead slightly to different things. However, I do not mean to criticise my Hon'ble colleagues; that is not my function. I wish to submit some considerations of my own, and those considerations have not, unfortunately for me, been discussed here before. The first consideration which I should speak about if I were speaking in court would be that Delhi is in full possession of the status of a capital now, and whoever is in possession, has got nine points of the law in his favour. The burden of proof lies on those who are not in possession, so all those other places, if they were coming as claimants here, would have to fight against Delhi and no burden would lie on Delhi. Then we must consider as to why Delhi was chosen. The Hon'ble the Home Member has told us how it was chosen. He has also kindly pointed out all the advantages of Delhi and the money that has been spent upon it, which, if I understand him aright, amounts to five crores or a little more . . . . ."

The Hon'ble Sir William Vincent:—"Three and a half crores on the new city, I believe."

The Hon'ble Mr. G. S. Khaparde:—"Thank you, Sir. Some such amount has been spent over the capital at Delhi up to the present time. But if for any reason at all, for some cause unknown up to this time but may be disclosed later, if at all it is intended to move the capital from Delhi, then I submit that the claims of the Central Provinces have precedence over everybody else. And why? Why do I say that the Central Provinces claim precedence over every one else? The reason first of all can be found in the name itself. The provinces are called the Central Provinces. Next you have got Pachmarhi there; it was mentioned by some Hon'ble Members, but the Hon'ble Mr. Sastri thought that it should not even be mentioned in this connection though I do not know why he said so. Pachmarhi has got 23 square miles of plateau; it is nice and salubrious, about 3,500 feet above sea level and it is habitable all the year round; there is enough ground for the Government of India to provide a proper capital there, but there is one thing more, and that is this; it has not been mentioned yet. Jubbulpore was mentioned some time ago, but, I believe, it was considered at the time as being likely to be malarious or some such reason; any how its claims were considered and then set aside. Then there is a place called Betul whose claims I would urge here It has claims on me because it is so near to my own district, and next it has got a large plateau, a very large plateau; it goes right up to Chindwara and there is enough room for the whole city of Delhi being moved bodily to that place. There is any amount of room, and it is very central and its climate is very salubrious. The objection may be advanced against it that there is no public opinion there, that it is not a centre of trade and so on. Well, to that my reply is that this idea of historical associations to begin with need not be taken into a consideration of this question, for the reason that we are now forming a composite nation, such as probably has never been formed before on this globe, except perhaps in the case of the United States of America; there a large number of people from different nationalities and countries came together and agreed to form a government; and what did they do? They did not choose a place for its historical associations, but just a place which would be very convenient for them. The absence of memory was the greatest recommendation to them in that case, because they thought it was best to begin anew without any memories, without any bitterness or pleasure, to start afresh in a new place. It is very plain to understand. From that point of view this place, Betul, which I have in view has got no memories; it will please nobody, it will pain nobody.

"The next objection that was urged is that it would be cut off from the central part of intelligence and public opinion. Well, Washington was chosen for the same purpose; they did not want to be oppressed by theories of politicians and theories of other people and by what is called public opinion; they wanted to sit in a place where they could take everything calmly into consideration and decide properly. Betul would be ideal for that purpose. It is rather difficult to understand what is meant by being cut off from the centre of intelligence and commerce. In these days when we have annihilated space and time, when we can run up trains in no time, and aeroplanes have made matters easier, and there is the telegraph and the wireless which convey news from one corner to another in no time, I believe it is difficult to say that these places are connected with nothing at all; if anything the whole world is being brought together; so there is not much force at least from my point of view in the argument that it is cut off from the centres of commerce and intelligence, because every place is in communication now with every other place. If Delhi is to be changed I believe this place, Betul, would be very good indeed, because we have no marble palaces and sky scrapers and all that sort of thing. We can start in Betul with humbler beginnings as a capital, just as the United States of America did with Washington, with a residence for the President like the White House; we need not have very big buildings, because after all one has got to learn to live simply and naturally; and though these modern things, some of them, may be necessary for the more convenient despatch of office business, still we shall have started a simple capital without the burden of memories, carried out in the simplest way possible and adjoining virgin forests which, I venture to think, is a very great recommendation, because there the officers will have plenty of shooting, and there are tigers and all sorts of wild animals there. It is further very conducive to concentrated thought, because there are no distracting elements there at all All the officers will be concentrated in their attention to their work and everybody will always be thinking of his own work, which will conduce to efficiency. So taken all together it appears to me, Sir, that if for any reason Delhi is to be abandoned, then the capital of India had better be changed to one of three places, namely, Chikalda which is a sanitarium, Pachmarhi which is also a sanitarium, and last Betul which is to my mind a sort of ideal place So I personally would support the amendment of Mr. Patel because it concentrates attention upon a place being selected as the permanent seat of the Government of India and its selection being left to a committee who will consider the competing claims of different places and decide. With these words I wish to support the amendment of Mr. Patel and I oppose the amendment of the Hon'ble Mr. Crum."

3 18 P.M. **The Hon'ble Sir Zulfikar Ali Khan.**—"Sir, this very question was discussed at Simla last Session and I then lodged my strong protest against it. It has now again been discussed here and I here rise to oppose it. The debate on this subject to-day has shown that the Hon'ble representatives from different provinces are trying to pull in their own different directions. This shows that we are still floating in the airy regions of political romanticism. The proposition contained in the resolution automatically resolves itself into two portions, first, the policy of Government as regards the headquarters, secondly, the cost of the move from Delhi to some other place. As regards the policy of Government, I think every right-thinking man will see that if Government change its capital or accept the resolution and change the capital from Delhi to some other place, they will surely be stultifying themselves in the eyes of the public. It will show that when deciding this policy they were not actuated by any consideration of far-sighted statesmanship in that they are so easily persuaded to change the capital again after eight years only. Again, Sir, the solemn policy enunciated by the King-Emperor during the Durbar has every title to the respectful consideration of us all. We cannot lightly set that policy aside.

"That policy was deliberately adopted and carried out and, I think, it shows a lack of perspective on our part again to revise that policy. As regards the cost I think the Hon'ble Members have absolutely ignored the magnitude of the problem; they have ignored the money already invested in Delhi; they are also ignoring the far greater amount of money invested in Simla. What will they do with these buildings at Delhi and Simla if they move to some other place? I cannot understand how any man with any sense of responsibility can try to persuade the Government to forget all that has been accomplished and to go elsewhere. We have heard a panegyric from my friend Mr. S. N. Banerjea and from my friend Mr. Nawaz Bhutto. The one has tried to induce us to look to the charms of Calcutta and the other tries to fascinate us with the sea breezes of Karachi, but all the weight of argument was against them. Mr Banerjea laid great stress on public opinion, as though the Government of India were living in a wilderness where there was no public voice. Sir Ferozeshah Mehta used to say I remember that public opinion that queen of the world as she is called by classical writers first visited Bombay then having done a round of visits went to pay a visit to Calcutta and after a fortnight or so went further down to Madras, and perhaps after a month reached Simla, so Calcutta was by no means the favourite. Sir, a very important consideration to my mind as regards Delhi is the expanding interest of the Indian Empire, from that point of view it is a most suitable place. We have to remember not only the nearness of Persia but also Mesopotamia, Egypt and other Oriental countries. Can we ignore the magnitude of this interest? Supposing the capital is transferred again to Calcutta, would it be to the interest of the Empire to live in that corner of it and ignore all these expanding interests of this big Empire? Then, again, Sir, as regards the future of India and the policy laid down by His Majesty's Government it is said that after ten years another step will be taken in the direction of her public liberties. If after ten years another measure of reform is granted to India, would it be wise in view of the autonomy granted to provinces for one to be overshadowed by the presence of the Government of India? I believe that this consideration will have great weight with the people who advance the claim of the various provinces. Sir, there is a consideration as to the ruling chiefs who form a most important factor in the polity of the Indian Empire. Would it be convenient for them to go to Calcutta? Most of the States are situated either close to Delhi or in the Punjab, Rajputana and Central India. How can it by any stretch of imagination be said to be convenient for them to go to Calcutta? You cannot ignore that problem either. With these few words, Sir, I beg to oppose the resolution which is before the Council."

The Hon'ble Sir Claude Hill:—" Sir, I should like to associate myself with the Hon'ble Sir William Vincent in expressing my appreciation of the manner in which the Hon'ble mover of this resolution has presented his case to the Council, and I think I may add, up to a certain point, of the high level of responsibility which inspired most of the speakers in dealing with the various motions which are now before the Council. My Hon'ble friend Mr. Khaparde has done his best to bring a certain element of ridicule to bear upon the proposition. I am not aware whether he did so intentionally or not, but, in spite of that, I regard it as a matter wholly of satisfaction that this very important subject should have come up in debate in the Legislative Council, and I hope that, as the result of certain cold facts which I hope to lay before it, this Council will be persuaded that the resolution is not really of a practical character, and that my Hon'ble friend Mr. Sarma may even be persuaded to withdraw his motion In the first place, I should like to draw the attention of Council to the circumstance that they have concentrated practically the whole of their attention upon the question as it affects the future location of the Legislative Council. Now I have the greatest respect for the Council, but I think that every member, at heart, must realize that that is only one aspect of the problem; the larger question really is, where are you going to locate your administrative machine? As an example of the misapprehension arising from a too limited aspect of the question, I may refer perhaps to the suggestion which one Hon'ble Member made, namely that Allahabad should be the capital. I think that the Hon'ble Mr. Sastri made the suggestion, coupling with it the happy inspiration that Parliament should take a holiday when it becomes too hot. But what is going to happen to the administrative machine? Is it to work at high pressure in Allahabad all the year round without a holiday? For that is the meaning of the capital being located at one centre all the year round. I believe that many of the members who have spoken have failed to appreciate the problem which embraces more than the question of the location of the Legislative Assembly. 3-26 P.M.

"In regard to that point I would like to suggest to the Council that India stands now in a situation of very great responsibility with regard to the future. India is about to enter upon a new and metamorphosed life.

"Now India, it will be conceded I think, has in the past suffered, as compared with her pre-existing greatness, from what, I think, may be justly described as her climatic conditions. It has been the practice in the past to ease off work during the hot weather throughout India, and one reason why the hill-station tradition has sprung up, is that it has not been the practice of the British administration in India to slack off work during the hot weather. Well, in the future, India will not be able to slack off. India will be in competition with the other nations of the world and India will have, year in and year out, month in and month out, and week in and week out, to compete in regard to efficiency with the other nations of the world. She cannot afford in her capital to have periods of slacking off. In other words, if it is a question of India finding one centre for her capital, she must find that centre in a place where there is no question whatever but that work at the highest possible pressure can be conducted throughout the year. It is not merely the question whether the Legislative Council can sit for six months or nine months in the year, but the question is of the administrative machine carrying on at high pressure, and I suggest to this Council that that aspect of the case has not been fully realised.

"Then, Sir, I find it somewhat difficult to follow the reasoning in favour of the different places—I believe 13 in number—which have been suggested as possible capitals. While my Hon'ble friend Mr. Sarma brought forward several well-reasoned arguments for taking a careful stock of possible alternative sites, and emphasised, quite rightly, the desirability of having one capital, he did not dogmatise as to where that capital should be. But the point I want to make, if I may, Sir, is that the considerations, which have occurred to Mr. Sarma and which he put very well, have been the subject of investigation for years past on different occasions and were present to the minds of those who, in 1911, eventually came to the conclusion that Delhi was the best capital to select. In other words, the possibility of selecting some alternative place to Delhi has been very carefully, from time to time, gone into, and it is significant that there is not one single alternative, among the 13 places that have been suggested in this Chamber, which is a possible capital from the point of view of work and residence throughout the year. That, I think, would be the unanimous conclusion, assuming that a committee were appointed of the different members composing it, with the exception, possibly, of the individuals representing the provinces who thought they had provincial claims to advocate.

"But I should like to turn to another aspect of the problem which, I feel certain, has not been appreciated by the speakers hitherto; although it was referred to by my Hon'ble friend Nawab Sir Zulfikar Ali Khan; that is, it has been assumed that the question is merely one of scrapping the 3½ crores of direct expenditure on new Delhi or an aggregate of 5½ crores on Delhi including the new city improvement of scrapping that and going somewhere else and building a new city. That is very far from being the case. It will amount to tens and tens of crores to scrap what exists at the present time in Simla and to reproduce it elsewhere. One of the reasons why the existence of the capital at Delhi is compatible with a certain measure of economy is that, so long as the capital is at Delhi, in close contiguity with Simla, it may be practicable and possible for Army Headquarters to continue to have their head offices at Simla all the year round. I doubt very much whether, if one of the more distant places mentioned to-day were selected as the capital, Simla could continue as the centre for Army Headquarters. The result would be that in the new capital provision would have to be made, which has not been made at Delhi at present, for the construction of buildings for the whole of Army Headquarters while incurring enormous loss on account of the capital sunk in Simla. There is also the question of the Kalka-Simla Railway. That is the property of the State. I only mention it as a further item which has been omitted from the calculation. But what will happen to the Kalka-Simla Railway if Simla were abandoned? It will certainly cease to be a valuable asset to the tax-payer. So that when it comes to the question of considering the interests of the tax-payer, as has been rightly suggested as one of the points of view by the Hon'ble Mr. Sastri, I venture to assert that the consideration of the tax-payer compels us practically to abandon the thought of the other alternative capitals, seeing that these alternatives must involve enormously increased expenditure as compared with that on New Delhi.

"Then, Sir, in regard to some of the alternatives suggested, I think it is not altogether irrelevant to indicate, especially with reference to the very concrete proposition of Calcutta, what would be involved, or some part of what would be involved, by any question of going back there. In New Delhi we have acquired land for the new city at an all-round rate of Rs. 123 an acre I am not in a position to say precisely what the outlay for a revised capital of the Government of India in Calcutta would mean. Calcutta's congestion has already been referred to. A very considerable area would be required within Calcutta, and even if we take the cost of land to be acquired at the very moderate figure of 5 lacs an acre against Rs. 123, we shall not be exaggerating the relative cost per acre for the acquisition of the requisite properties in Calcutta; and, I think, the Hon'ble Mr. Crum would be the first to admit that there is no room whatever for the Government of India at present there, nor does there exist the requisite space for their accommodation. This would have to be acquired and provided.

"Well, Sir, that will give some indication to Hon'ble Members of the relative cost of acquiring land for the location of the Government of India in Calcutta and in Delhi. Then, as compared with another alternative, which had its attractions to my Hon'ble friend Mr. Sarma, I can tell him that the cost of acquiring land at Dehra Dun, which he suggested, would approximate to Rs. 400 an acre. The acquisition of land at Dehra Dun, requisite for the accommodation of the Government of India, will have to be approximately on the same level as the area acquired in New Delhi, and the cost in the former case would have been one crore and forty lakhs as against 35 lakhs.

"Then, Sir, the Hon'ble Sir Fazulbhoy Currimbhoy indicated quite clearly that, for his part, if it were possible for the Government of India to have their headquarters at Delhi for a considerable period, he suggested some seven or eight months in the year, then he was quite clearly of opinion that the Government ought to remain at Delhi and Simla. Well, I may tell him that the policy is to organise, at the earliest possible moment, a residence in Delhi from the 15th of October to the 15th of April in each year, and when conditions in New Delhi have reached the stage of comfortable and complete accommodation, I have no doubt that the question of extending that period will be further considered.

"Now, Sir, there was one quotation which the Hon'ble Mr Crum made from Lord Curzon which, I think, carries with it its own refutation. If I heard him correctly—I was unable to verify it—Lord Curzon expressed his dismay at the effect of the move from Calcutta on commerce. Well, Sir, I would ask the Hon'ble Mr. Crum whether that vaticination on the part of Lord Curzon has been fulfilled. The Hon'ble Mr. Crum also implied that he was not aware what official opinion was in regard to this question of the move. I am not in a better position to reply on that point than my Hon'ble friend Sir William Vincent, who has already indicated what the official view is in regard to our commitment based on His Majesty's proclamation; but if I may add my own personal view on the subject, it is that I cannot help feeling that the objections which have in some quarters grown up to Delhi are very largely due to a sense of impatience at the discomforts incidental to the delay in the provision of accommodation in the new city. Such discomforts are an inevitable accompaniment of any such movement. They are inevitable for those who have to live under canvas for so many years. It is hard on them that instead of the fleshpots of Calcutta they should have to live in a dusty plain in tents which become very hot in the month of March. I think that is human nature to entertain this feeling of impatience, but, I think, we may very well bear in mind that after all that is only a temporary ill which has been prolonged very greatly owing to the war; and that with the return of peace we shall be able to get on with the completion of Delhi far more rapidly; and I hope I am justified in believing that three or four years hence, when comfortable houses and accommodation have been provided for Hon'ble Members and for other residents in Delhi for the cold weather, the view taken with regard to this will be a very different one from that which has found expression on the part of some Hon'ble Members to-day. But I do suggest very strongly that that point of view is an additional reason why this Council should not commit itself to suggesting a re-consideration of this policy at the present juncture.

"And that brings me to my Hon'ble friend Mr. Surendra Nath Banerjea's reference to this assembly as a dying legislature. That seems to me to be the final reason, if I may say so, why we should not enter upon an inquiry of this kind. Again, the Hon'ble Mr. Sastri referred to this as being an opportune moment, when the constitution of India is undergoing a change, for considering the question of a change of *venue*. I suggest to this Council that, on the contrary, it was the change of *venue* to Delhi—this has already been hinted at by the Hon'ble Sir William Vincent—which as a matter of fact gave the stimulus, and was indeed accompanied by an indication of the intention to inquire into reforms and political changes for India which have since matured.

"In conclusion, Sir, I would only add this It has been rather a surprise to me, I confess, to find so very little reference made in connection with the present debate to the existence of a national spirit in India. My Hon'ble friend Mr. Sarma did mention that this was a matter which must be considered in connection with this question, but he rather put it aside as one on which too great stress should not be laid. But, Sir, I do suggest that it is a very important matter. It seems to me a very vital matter. India is about now, as I have already said, to enter upon a new existence as we hope, a homogeneous nationality, politically speaking at all events Surely, it is not irrelevant, when selecting a capital, to have regard to the glory, the traditions and the heroes of the past; and to take those things into consideration when deciding upon what is the most appropriate location of the new national capital? Now, I think, it is incontrovertible that, from that point of view, there is only one city in India which can in any sense appeal as a national capital, at all events to the great majority of the races which inhabit India. Who in Madras has ever heard of Ranchi? Without any disrespect to Ranchi, I still believe that Ranchi is unknown historically. Who has heard of Betul or any of these other places? Surely this is a consideration? I confess it is a consideration which I should have thought would have carried great weight. Muhammadan and Hindu tradition both centred in Delhi in the past, and I can think of no other capital which, from that standpoint, can in any way fulfil the prime requirements of a political capital. I think, Sir, in those circumstances, it is a matter for some surprise that, with the advent of political nationality, that aspect of the case should not have carried greater weight in this Council. But I do hope, I do suggest that it *should* be given weight, and that due weight will also be given to the reasons which have been urged by Sir William Vincent for not pressing upon this Council the resolution and the amendments which have been put forward to-day."

3-48 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"Sir, I have very carefully listened to the various speakers and their reasons for urging a change of capital and for appointing a committee, but I do not know what even a committee can do. I was at first in favour of appointing a committee in the terms of Mr. Crum's amendment, but after hearing the very weighty arguments urged both by the Hon'ble Sir William Vincent and the Hon'ble Sir Claude Hill, I am strongly of opinion that a committee at this stage will do no good. We may as well have 12 Diogeneses with 12 lighted candles in their hands going through the whole of India from east to west and north to south to find a place where the Government could remain throughout the year. I am afraid they would not find it. Taking into consideration the climatic conditions in the different provinces and also the other elements and factors mentioned, namely, of commerce and the public generally and one thing and another, I suppose it would be an ideal place if these 12 Diogeneses could ever find it, where the capital might be permanently located. I think the reason urged by Sir Claude Hill in his preliminary statement was exceedingly sound. The Legislative Council holds a somewhat subordinate position. We have to look, as far as all-India capital is concerned, to a place where what is called administrative machinery might be located—the administrative machinery, from where all branches of administration might radiate in such a way as to bring about the largest amount of efficiency. That place, of course, as Sir Claude Hill has said, is Delhi, particularly having regard to the military branch. I think Hon'ble Members should take into consideration that this military branch cannot be forgotten.

"In fact it is a most important branch and is going to be *the most* important branch of our future administrative machinery taking into consideration the political conditions of Central Asia and of the Near East. That being so, I do hope that my friend Mr. Sarma and my friends Mr Crum and Mr. Patel will very seriously consider, as Sir Claude Hill has suggested, whether each and every one of them ought not to withdraw their respective Resolution and amendments. As every one knows, history does not furnish examples of capitals being removed so often as our Indian capital is now sought to be removed. I want to know—perhaps some of my Hon'ble friends on the opposite side who are more experts in this line than any of us will instruct me—whether in the history of the world, say, in Europe or Asia or America or South Africa or elsewhere, capitals have been removed from one locality to another in the way suggested in this Council? Has London been remained ever since the time it was called Londonium? Has Paris been removed? Has Rome, which is always called the Eternal City, been removed? Has Constantinople been removed for centuries past? Again, take Moscow. It is true that St. Petersburg became the seat of Government in Russia some 200 years ago, but still Moscow was always recognised as the capital of Russia. As far as Washington was concerned, it was chosen haphazardly and has remained where it is. If India were like the United States and if some place had been haphazardly fixed round which might have grown great centres of interests to make a capital as suitable as Washington, say, commercial, political, engineering, technical and all other interests, it might have been a different thing. But I think, Sir, that as far as Delhi is concerned, it will happen like this that, were the Government to continue to remain in Delhi, perhaps, in the next ten years or more, you will see a vast city growing up; and as Delhi is a distributing centre, for commerce, public opinion and many other interests would be found to grow round about it, and in that way the capital will grow. I think, my friend, the Hon'ble Mr. Banerjea and others should congratulate themselves on the fact that, after all, that Delhi was the right place to go to for the capital.

"We have also to consider the question of finance. Suppose, you remove the capital from Delhi, and suppose you fix upon some other place. What will happen? You will have to build another capital at perhaps double the number of crores for which we are going to build Delhi. Where will the money come from? Here we are entering upon the Reform era, and as soon as the new Councils are formed, what will happen? They will say expenditure on education shall be so many crores, for sanitation so many more crores, and on new buildings so many other crores! Well, when all those crores are counted up and totalled together, I should like to know from my friends how are they going to adjust their Budget, and how are they going to balance the expenditure with the revenue? That is a rather serious question. Could a loan of 100 crores be raised? The question which would then arise will be whether you would be able to provide the annual interest charge thereon? All these are very grave and serious financial questions, apart from the pivotal question to which I have already referred, namely, the necessity of a central place where the administrative machinery could be suitably located. As I said in the beginning, I was previously in favour of having a Committee; but after having heard both the Hon'ble Members on behalf of Government I think, Sir, that on the whole it would be far better to allow Delhi to develop to evolve itself rather than abandon it. In ten or perhaps twenty years the evolution will, I am of opinion, be so great that we ourselves will be astonished at it if we survive till that time. My optimism on this evolution is great. In the circumstances I consider that this matter had better be left alone. Let Delhi rise and let it be a new Delhi of even greater historical importance than the Delhi of the past That being my opinion, I entirely agree with the Hon'ble Sir Claude Hill, that my friends the Hon'ble Mr Sarma, the Hon'ble Mr. Chanda, the Hon'ble Mr. Patel and the Hon'ble Mr. Crum would do well to withdraw their respective Resolution and amendments."

3-55 P.M. **The Hon'ble Raja Sir Rampal Singh**:—"Mr. Vice-President, I feel unable to support the resolution moved by my friend the Hon'ble Mr. Sarma. It is no good now to question the title or the privilege of Delhi to remain the headquarters of the Government of India. With all its shortcomings Delhi has a peculiar fascination for itself in the hearts of the Indian people in general, and no logic can convince them of the necessity or the desirability to dislodge it from the position which it has re-occupied after a long interval. Its hoary traditions of pre-historic times when the Hindus held the undisputed sovereignty over this vast land, its pre-eminence and greatness during the Muhammadan rule and not the least the well-deserved recognition of its superiority and suitability for all ceremonial functions during the British rule; all these and several other considerations have combined to impart to it an historic importance and reverence which cannot be claimed by any city or town in India. Then, again, I may remind the Council that the seat of the Government of India was changed from Calcutta to Delhi by Royal Proclamation, and the King-Emperor himself was graciously pleased to lay the foundation of the new city and to proclaim it as the Capital of India. Shall we go behind that Proclamation and select a new Capital? There is something of sacredness and sanctity attached to that Proclamation and to this city, and, I think, it is improper and unbecoming now to open that question. I admit that public opinion was not consulted when the seat of the Government was changed. I admit the change was so sudden and unexpected that nobody amongst the un-official classes could have a say in the matter. But that matters little now and, unless the extreme necessity of a re-change of the capital be established, I for one do not see my way to think it worthwhile to raise that subject for discussion. Moreover, apart from these considerations which my friend may set aside as sentimental, a large amount of expenditure has already been sunk over this new capital, and would it be in keeping with economy to let that expenditure go for nothing, and to begin anew our activities for the foundation of another capital. None can deny the fact that the geographical position of Delhi is not central, but on that account only it should not be discarded and a new seat selected in its place. Are all seats of Government in the world at central places? I think not. My Hon'ble friend Mr. Sastri has suggested Allahabad as one central place to which the seat of the Government might be transferred. If convenience is the only criterion in the decision of this question, the change would be quite welcome to the people of the United Provinces, but the question ought to be adjudged from a higher standard than that of convenience. The saving of a few hours journey is not such as to warrant a change of such magnitude.

"Great stress has been laid that the seat of the Government of India should be at a place where they might be more amenable to public opinion and where it could be exercised with greater ease and feasibility. No one can question the correctness or the soundness of this view. But such public opinion should not be of one place or locality, but it should be an all India public opinion because the Government of India have their jurisdiction not over one province or locality, but over the whole of India. They have to guide and mould their policy in the interests of the whole of India, and this will not be achieved if the seat will be shifted to Calcutta or Bombay or Karachi. In the end I take very strong exception to the observations that have fallen from the lips of the Hon'ble Mr. Sastri to the effect that Sir Harcourt Butler has changed the capital of the United Provinces from Allahabad to Lucknow. Nothing of the kind. His Honour left the question of the building of the Council Chamber in the hands of the non-official members of the Council. and they decided the matter by an overwhelming majority in favour of Lucknow. The development of Lucknow does not in any way commit the Government on the question of the capital of that province and the remarks that were made were uncalled for."

The Hon'ble Mr. W. E. Crum:—"Sir, the Hon'ble Sir Fazulbhoy Currimbhoy, in addressing you, spoke of the Hon'ble Mr. Surendranath Banerjea's speech as honest in that it clearly designated that he wished to return to Calcutta. He was comparing my speech with that of Mr. Banerjea and, therefore, I suppose, he considered that my speech was not honest. ....

The Hon'ble Sir Fazulbhoy Currimbhoy:—"Sir, I never meant that."

The Hon'ble Mr. W. E. Crum:—"Well, Sir, I purposely did not make any reference to Calcutta or any other place as a suggested capital, and I did so, because I thought that if the Government accepted the suggestion that a committee be appointed, that committee would consider the question where the capital should be. But, Sir, since the Government do not wish to appoint this committee, and since every other gentleman in this Council has, I think, suggested some place as a capital, I would like to say one or two words on this subject. Now, Sir, I consider that the return of the Government to Calcutta as a capital is impossible. I have thought that matter out very carefully and we have discussed it in Calcutta in our Chamber Committee, and that is the conclusion that we have come to. I cannot quite agree with Sir Claude Hill's estimate of five lakhs an acre. I think he has added an extra 'o' on somewhere, that is to say, for land which can be acquired somewhere outside Calcutta for the creation of a new capital But there is a serious consideration now, in that we have a Governor; and that the Presidency Councils will assume greater importance as the years go on, and, therefore, I do not see that it is feasible to bring the Government of India back to Calcutta. But, since many other suggestions have been made, I would like to make one myself. It is a suggestion that has been made before and the objects of this suggestion are two; first, to curtail, if possible, the expenditure on Delhi, and, secondly, to as much as possible bring the Government of India into association with public opinion. As long ago, as February 1912, the Bengal Chamber suggested that the capital of India should be located in Simla, and that the ceremonial capital of India should be at Delhi; that the work of the Legislative Councils should be undertaken in Simla in the hot weather, say, between the months of March and October, and that during the cold weather months the Government of India, that is to say, His Excellency the Viceroy and Members of the Executive Council, and, I hope, the Secretaries to Government, should make it their business to travel in India and visit all the large Presidency towns. Now, Sir, Sir Claude Hill has made a great point of the fact that it is very necessary that the administrative part of the Government should be in the most suitable place, and it is possible that it may be objected that Simla would not be a suitable place. Well, we have already been told that the Army Department does remain in Simla all the year round, that is to say, the machine of the Army Department remains in Simla all the year round. If that is so, I think it would be possible for the machine of Government to remain there all the year round, and I merely put this forward as a suggestion to be considered, because I understand that Government are considering various suggestions that have been put forward. It would have this great advantage, Sir, that the expenditure on Delhi itself could be enormously curtailed, and that the Government of India will, in the cold weather months, be brought into contact with opinion throughout India.

"As regards my amendment, Sir, I can quite understand that the Government are unable to accept it; I see their position, in that they are a Government under another Government and under His Majesty the King, and therefore they cannot accept a resolution which deals with an announcement made by His Majesty the King. We have their assurance that they will consider the various points which have been brought up to-day, and therefore, Sir, I would ask your leave to withdraw the amendment which I have proposed to the resolution."

The amendment was, by leave of the Council, withdrawn.

4-6 P.M. **The Hon'ble Mr. V. J. Patel**:—"Sir, I wish I could follow suit and withdraw my amendment. The main reason why my friend, the Hon'ble Mr. Crum, was inclined to withdraw his amendment, and did actually withdraw it, was that he saw constitutional difficulties in the way of Government accepting his amendment. He thought that this Government was under another Government and therefore it was not possible for it to accept the resolution. Well, I am afraid, I cannot take the same view as he takes. As a matter of fact, there is nothing to prevent this Council from making a representation to the Government under which this Government is. All that this Council, by passing this resolution, and the Government by accepting it, would be doing would be to make a representation to the British Government and to His Majesty the King-Emperor that under the changed circumstances, it would be desirable, in the interests of the people of India, to change the Capital. After all, as has been observed during the debate, the King does no wrong; the King is a constitutional Monarch and he acts on the advice of his Ministers, and it is the duty of this Council, I think, and of the Government to lay the facts of the case before His Majesty's advisers in order that those advisers may see their way to advise His Majesty to re-consider the position in the light of the discussion that has taken place. It is wrong to give up the cause we have taken up in despair on the ground that constitutionally there is some objection. There is in fact, no such objection. I think it is our duty to place our views before His Majesty, otherwise he cannot know, and will never know, that we are suffering. The facts are quite clear, there are many Hon'ble Members of this Council and, as my Hon'ble friend, Mr. Crum, has told us, including among them a good many officials feel the position, they think there ought to be a change, that it was a mistake to have the capital in Delhi, and if that is so, why should we on alleged constitutional grounds keep quiet and not say anything about the matter? The reply of the Hon'ble the Home Member is entirely on a wrong basis. Both my friend Mr. Sarma's resolution and my amendment do not really debar the possibility of having the capital in Delhi. We do not for a moment suggest that; we want you to be in one place all the year round. If you could do that, in Delhi, stick to Delhi; we do not for a moment suggest that you should go out of Delhi. All that we say is, have the capital or the headquarters of the Government of India in one place. Do not run about from place to place. Do not go to Simla. That is our principal objection If you can all the year round stay in Delhi, as two hundred thousand people stay and live all the year round, if you can do that, by all means keep your headquarters in Delhi. What we object to is the Government of India going about from place to place Very recently the President of the all-India Moderate Conference Sir S. Iyer, remarked that the disturbances in the Punjab would not have taken the serious form they did had the Government of India been on the plains. Public opinion is decisive on this question. You must also be prepared to face the fact that after twelve months you will have Resolutions coming in over and over again dealing with this question. It will then be more and more difficult and intricate as the time passes, and the best thing is to solve the question now before it is too late. I, therefore, trust, that my amendment will be accepted. As I have said it does not exclude the consideration of the headquarters of the Government of India being at Delhi."

The Hon'ble Mr. Kamini Kumar Chanda:—" Sir, I desired by the amendment which I submitted that the matter should be investigated and the claims of Calcutta be again re-considered. Well, since the speeches made and since the withdrawal of Mr. Crum's amendment the principle has somewhat shifted. I deliberately did not ask for a Committee but prayed that the matter should be carefully investigated. I am glad to hear from the Hon'ble Sir William Vincent that to some extent he will accept that suggestion. We desire that our views in this matter should be placed before the Home Government for consideration. So far as Delhi is concerned, I think this debate has shown that the great majority of non-officials are in favour of leaving Delhi. I think very few of my official colleagues have tried to defend the claims of Delhi, and what is more my Hon'ble friend, Mr. Crum, has openly challenged the Government to deny the fact that official members in their individual capacity are in agreement with the plan. I read in the *Englishman* of the 14th February the following passage :— 4-12 P.M.

> ' From expressions of opinion made in private by members of the Government here in India, and in England, it is perfectly clear that there is no whole-hearted defender left of Lord Hardinge's silly policy. It is pathetic to see the Viceroy and his Council paying periodical prolonged visits to Calcutta and tearfully complaining, by way of apology, for the mistakes committed, that they have no abiding place where public opinion can assist them. '

" The whole article is worth perusal. It is clear that the official members in their individual capacity are in agreement with the views I submitted to the Council. We know that officials are bound to oppose, the first article in their creed is belief in the infallibility of official wisdom and decision. What is, is for the best and must not be disturbed at the instance of non-official opposition. We have had an instance of this before, when in 1904 the Bengal partition was being considered it was said Bengal was too much overgrown and was too big a charge for one ruler. Indian opposition suggested the creation of an Executive Council to give relief to the Government. Government poohpoohed the idea. They said it is unthinkable that there should be an Executive Council, that Orientals preferred a one-man rule. The partition then took place and seven years later when Calcutta was to be abandoned the Government of India had no difficulty in demonstrating the excellence of Council Government. As regards my motion I did not seriously expect that it would be accepted by Government at once. What I submit is that the Government of India should submit our views to the Home Government. When the Government proposed the change of Capital, it is well known that there was great reluctance on the part of the India Office and that its consent was only given when it was said that His Majesty had consented to the proposal. I think the matter should be re-considered.

" My Hon'ble friend Mr. Crum has discussed the grounds given in the Despatch . . . . .

The Hon'ble Mr. A. P. Muddiman:—" I rise to a point of order. Is it permissible, Sir, for a Member to make a second general speech when replying on his amendment ?"

The Vice-President:—"If I could hear all that the Hon'ble Mr. Chanda was saying I should probably have stopped him. I will only now say that the Hon'ble Member must confine his reply to his amendment and must refer to nothing outside it."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, with regard to the opposition to my amendment, it was firstly on the ground of cost and, secondly, that it was an act of His Majesty the King-Emperor. Now with regard to the question of cost, I submit, Sir, my Hon'ble friend Mr. Crum has shown that the argument is the other way. No doubt, we have spent five crores on New Delhi, but if you are going to complete the capital on the scale contemplated, you will have to spend many more crores to make it complete, whereas if you remove the capital to Calcutta, only a small fraction of it will be needed because the old Government of India offices will be available there. They remain practically unused, there is the Belvedere, the Victoria Memorial Hall and other large buildings which could very well be used for offices . .

The Hon'ble Sir Claude Hill:—"Am I in order, Sir, in merely stating that the Hon'ble Member is stating diametrically the opposite of what the Hon'ble Member stated?"

The Hon'ble Mr. Kamini Kumar Chanda:—"I think, Sir, the Hon'ble Mr. Crum said that at least 10 crores of rupees will be required to complete the New Delhi, and I say only a small fraction would be needed if the Government of India is removed to Calcutta.

"Then with regard to the argument that it was an act of His Majesty the King, may I point out, Sir, that you have already shifted the foundation which was laid by His Majesty the King-Emperor, several miles distant. Of course, as has been rightly said by one of the previous speakers, His Majesty acted on the advice of his advisers, and if His Majesty is now advised by his Ministers that a mistake has been done in not consulting popular opinion and that the mistake has been found out after some years' experience, if His Majesty is advised to undo what he has done, there is an unique opportunity now because His Royal Highness the Prince of Wales who is coming out to India can rectify the mistake if a message is sent with him. These are my grounds for placing this amendment before this Council, but as my Hon'ble friend Sir William Vincent has given some indication that the matter will be investigated, I beg leave to withdraw my amendment."

The amendment was by leave of the Council withdrawn.

4-20 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, I must cordially appreciate the very satisfactory manner in which my Hon'ble Colleagues have generally tried to approach the problem, and I am extremely thankful to the Hon'ble Sir William Vincent for his promise to place the whole discussion before His Excellency the Viceroy to see if the Government of India can consider the question. I could not help regretting, however, that he did not leave the choice to the official members to vote as they pleased, because, after all, a resolution of this Council is only a recommendation which the Government may or may not accept and the Government need not pledge themselves beforehand to accept any recommendation, and I have not asked that the Government should accept the Resolution; but however let that pass.

"I am thankful to the Hon'ble Sir Claude Hill for the importance he has attached to the debate and for the manner in which he tried to approach the We are fundamentally opposed to one another on a question of principle, and therefore there cannot be much agreement between him and me. He looks upon the future Legislative Councils and the work which they would have to perform in the future, remote and near, as not of such great importance as the work which the administrative machine would have to perform . . . . .

The Hon'ble Sir Claude Hill :—" I should like to explain, Sir, that I said nothing whatever to indicate that the work of the future Councils would be of less significance. "

The Hon'ble Rao Bahadur B. N. Sarma :—" I am glad that there is not much difference after all between Sir Claude Hill and myself. Well, I did make the mistake, if it was a mistake, in thinking that he was of opinion the Legislative Councils were a matter of comparatively less significance than the machinery of administration. I am glad to be told that it is not so . . . . .

The Hon'ble Sir Claude Hill :—"I drew no comparison at all. "

The Hon'ble Rao Bahadur B. N. Sarma :—" Well, Sir, I think and I ask this Council to consider also whether it is not so, that the real work of the Government of India would have to be performed by the Legislative Councils of the future, that the policy which has to determine the conduct of the administration would be largely in their hands, that minute control over the details of administration would be exercised by the Committees of the whole Council; and the real factors which would determine the situation hereafter would be not so much, as I have put already, the convenience or efficiency of the administrative machine, though they would also count, as the facility for members to meet and consider carefully the various problems so as to arrive at correct conclusions. That is the reason why I tried to show that while Delhi would be convenient only to about 30 or 35 out of 100 members at the most and a population of 60 millions, any other centre like Ranchi in Bihar or a place in the Central Provinces would be convenient to 65 representatives and 150 to 200 millions of people in British India; and consequently both from the point of view of the representatives of the people and of the people themselves, Delhi is comparatively ill-suited for the purposes we have in view. Of course, if we are to have two capitals and Simla is to be one of them, then I do not think the proposition would admit of much controversy. The second capital may be Delhi, it does not make any difference whether we travel twelve hours more or less, but if it is the convenience of the people, and the Members of the Legislative Councils that is to count in the future, then I submit there is no alternative left to us but to consider as to whether we should not shift to another centre before a large expenditure of money is incurred either at Delhi or Simla, or at both places. Here it is, I cannot help thinking, that Sir William Vincent very adroitly confused the issues and tried to show that my proposition was not entitled to as much support as otherwise it might be. He said that I pleaded to a certain extent the claims of Ranchi from the climatic point of view. Sir William Vincent did not seem to take any very great objection to Ranchi being a place suitable for work practically all the year round, but then he naively asked where is public opinion to be had at Ranchi? Where are the leading men in commerce, in law, in administration of justice and so on to help us? Ranchi is in the midst of Chota Nagpur, it is in the midst of wild tribes practically that we are to be settled; and therefore the suggestion is that Ranchi need not be considered. I put it to the Council that we have to come to some determination on one or two points. Are we in fixing our capital to have regard to the existence of public opinion and the locality being a commercial centre, or are we to have regard to the fact that it is salubrious all the year round so that the administrative machine can work efficiently, that people can visit the place easily and Members do their work in the Legislative Councils with ease and comfort? If the claims of public opinion and commerce are to find favour then we have no option but to choose Calcutta, Bombay, or Allahabad, but if we are deliberately to shut our eyes to their importance and have regard to other considerations, then certainly nothing can be said against Ranchi or a place, in the Central Provinces. Ranchi is admittedly very salubrious because it is the summer headquarters of a responsible Government just as Pachmarhi is of the Central Provinces. Therefore, from the point of view of climate and central position, there is nothing to be said against either of these places, and as public opinion is not to be a very great or relevant factor, I submit that the arguments proceeded upon a confusion of the issues involved.

"Then we are not very much worse off at Ranchi or in any of these places because there is not much of public opinion either at Simla or Delhi. From the central position they command, from the point of view of the convenience of the people and their representatives, coupled with salubrity either of these places has superior claims and neither of them is inferior in any way to Simla or Delhi. I think the argument is therefore in favour of changing the venue from Delhi. But it is asked, are we not to attach importance to historical considerations? Historical considerations, I have already argued in the beginning, have their own importance, but this is an age of democracy, and this is an age when time is of some consideration and not as in the past. Therefore, whether a member has to travel for two or three days unnecessarily to reach the capital is a point worthy of some consideration and will become one of greater importance according as the people become a little richer, more business-like and educated. I therefore submit, Sir, that nothing has been really shown against the possibility of our fixing a single locality for our capital as we can find many places which have a salubrious climate all the year round and are central. The only difficulty would be one of cost. I have already advanced my arguments in regard to that and I shall not repeat them.

"One word, sir, with regard to administrative efficiency. Are not the commercial firms and other large business-houses especially those of Europeans in Madras, Bombay, and Calcutta carrying on work all through the year? Do you think that there would be such a serious lack of efficiency by reason of the capital being situated at one of the commercial centres? I respectfully submit not.

"Then there are one or two matters that I would like to advert to. I am sorry that my friend Sir Umar Hayat Khan has chosen to bring down the level of the debate somewhat. He has of course judged things by his own standard, and very naturally too, and brought in the question of Bengalee and Madrasee clerks as against the claims of the Punjabi clerks. I submit, Sir, that there is not a single official or clerk belonging to my community in the Government of India and I, at any rate, may be said to be impartial in this matter.

"Then coming to the question as to whether personal convenience darkly hinted at was not a factor which influenced me in drafting the Resolution; it would have been unnecessary but for the seriousness of this subject, for me to allude to it, but I may say that I gave notice of a similar Resolution in Simla on this matter. I love a hill climate and own some small property in a hill station and every year resort to it. Therefore it is not because I do not like a cold climate that I choose to bring forward this Resolution, but I do so in the interests of future good government of the whole of India. I am extremely sorry to have had to enter into such an explanation and would not have done so but for the fact that the personal element has been imported into the debate.

"There is another consideration which seems to be pressing very heavily on Mr. Sinha and others, and that is whether Bihar would not again be united to the Bengal Province if Delhi is not to be the capital inasmuch as the whole scheme hangs together. I think that is a misapprehension and I do not think there is any one who would suggest for a moment that if the capital is to go elsewhere, Bihar should again be united with Bengal and 80 millions of people be put under one Government. I think, therefore, that such considerations need not weigh with members in arriving at a solution of this problem. I submit, Sir, that this is a question of supreme importance for the future, though not of the immediate present or future, and has a great bearing on the success of the Reforms Scheme. Sir William Vincent and Sir Claude Hill were right in a certain sense in saying that this is a matter which it would be competent for the future Councils to deal with rather than this expiring Council. But if I do not rest satisfied with the assurance of Sir William Vincent that he will place the matter before the Council; and if I do not withdraw my resolution, it is not because I think any very great purpose will be served by pressing it, but it is with the purpose of showing that this is a live issue, that it is an issue about which I am optimistic, that it is an issue which can admit of only one solution, and that in my favour and with a view to not weakening the result of that issue, I regret I cannot withdraw the resolution."

The Hon'ble Sir William Vincent :—"Sir, I have very little to say in reply. I should like however to state in answer to Mr. Patel that I do not think he was putting the position very fairly when he said he had not excluded Delhi as a possible location to be chosen for the Government of India by the Committee. He has suggested one capital for all the year round, and it is well known, and it has been stated often in this Council from time to time, that Delhi is not a possible place for the location of the Government of India throughout the year. That is generally admitted, and it was perhaps a little disingenuous to suggest that Mr. Patel had not contemplated the exclusion of Delhi altogether. 4-31 P.M.

"I do not know if I am in order in referring to Mr. Chanda's remarks? He made a long speech on his amendment before he withdrew it . . . .

The Vice-President :—"I think the Hon'ble Member must confine himself to the matter before the Council."

The Hon'ble Sir William Vincent :—"Very well, Sir. The only other matter then to which I wish to refer, is the undertaking which I gave in respect of this Resolution. It is important that I should make my position quite clear on the point, if I have not done so before. Mr. Sarma suggested that I have said I would bring this question before the Council; other Hon'ble Members seem to think I had promised it would be placed before the Secretary of State in England. These are undertakings which I have not given. What I did say, and I repeat it now, was that I would cause the papers of this debate to be put before His Excellency in order that he may decide what, if any, further action is necessary. That is in accordance with the practice. In the circumstances, I hope that the Council will not ask this Government which has frequently been reproached as bureaucratic, to exercise an arbitrary power in removing a capital much in the manner adopted by one of the old Pathan Emperors; and that they will not press us to do that which we do not consider in present circumstances consistent with our duty *vis-a-vis* His Majesty's Government."

The Hon'ble Mr. Patel's amendment was put and the Council divided as follows :—

Ayes—6.

The Hon. Sir Gangadhar Chitnavis.
,, Mr. S. N. Banerjea.
,, Mr. B. N. Sarma.
,, Mr. V. J. Patel.
,, Chaudhuri Mohammed Ismail Khan.
,, Mr. G. S. Khaparde.

Noes—52.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
,, Sir George Lowndes.
,, Sir George Barnes
,, Sir William Vincent.
,, Mr. Shafi.
,, Mr. W. M. Hailey.
,, Sir Arthur Anderson
,, Sir Thomas Holland.
,, The Raja of Mahmudabad.
,, Mr. C. F dela Fosse.
,, Mr. E. M. Cook.
,, Mr. H Sharp.
,, Mr H. McPherson.
,, Mr A. H. Ley.
,, Sir William Marris.
,, Mr. R. A. Mant.
,, Maj.-Gen. Sir Alfred Bingley.
,, Mr. E. Burdon,
,, Sir Sydney Crookshank.
,, Mr. H. R. C Dobbs.
,, Sir John Wood.
,, Surg.-Genl. W. R. Edwards.
,, R. B. L M. Chatterjee.
,, Mr. G. R. Clarke.
,, Mr. H. Moncrieff Smith.
,, Mr. A. P. Muddiman.
,, Mr. C. A. Barron.
,, Mir Asad Ali, Khan Bahadur.
,, Mr. N. E. Marjoribanks.
,, Sir Dinshaw Wacha.
,, Mr. N. F. Paton.
,, Mr. E. H. Jaffar.
,, Sir Fazulbhoy Currimbhoy.
,, Mr. K. C. De.
,, Raja Sir Rampal Singh.
,, Mir Abdur Rahim.
,, Nawab Ali Chaudhuri Khan Bahadur.
,, Mr. L. F. Morshead.
,, Mr. S. Sinha.
,, Khan Sahib Shah Nawaz Bhutto.
,, Mr C. A. Kincaid.
,, Mr. P. J. G. Pipon.
,, Sir Umar Hayat Khan
,, Sir Zulfikar Ali Khan.
,, Sardar Sundar Singh.
,, Mr. H. A. Casson.
,, Mr. A. E. Nelson.
,, Rai Sahib Seth Nath Mal.
,, Mr. B. C. Allen.
,, Mr. G F. S. Christie.
,, Maung Bah Too.

The amendment was, therefore, negatived.

The original Resolution was then put and declared to be lost.

The Hon'ble Mir Asad Ali, Khan Bahadur :—"I ask for a division".

The Vice-President:—"The Council will divide by a show of hands."

A show of hands resulted in 5 being in favour of the Resolution.

The Vice-President:—"I do not think I need count those against the Resolution".

The Council then adjourned till Thursday, the 19th instant, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department

DELHI:
The 26th February, 1920.

APPENDIX A.

Statement to be laid on the Council table showing the number of persons arrested and the number released without trial in connection with the disturbances in the Punjab as promised in the reply given by the Hon'ble Sir William Vincent to questions nos. 40 (e) and 7 asked by the Hon'ble Pandit M. M. Malaviya on the 10th and 25th September 1919, respectively.

Serial number.	District.	Number of persons arrested.	Number of arrested persons released without trial.
1	Rohtak	49	29
2	Hissar	...	...
3	Karnal	1	...
4	Gurgaon	2	...
5	Ambala	...	...
6	Simla	...	...
7	Kangra	...	...
8	Hoshiarpur	...	...
9	Jullundur	1	1
10	Ludhiana	...	...
11	Ferozepore	...	...
12	Lahore	885	251
13	Amritsar	705	193
14	Gurdaspur	22	17
15	Sialkot	...	...
16	Gujranwala and	1,062	179
17	Sheikhupura		
18	Gujrat	119	23
19	Jhelum	...	...
20	Rawalpindi	...	...
21	Attock	...	...
22	Mianwali	14	4
23	Montgomery	2	...
24	Dera Ghazi Khan	...	...
25	Muzaffargarh	...	...
26	Multan	8	...
27	Shahpur	...	...
28	Lyallpur	170	42
29	Jhang	4	...
	TOTAL	3,044	739

APPENDIX B.

(Referred to in Answer to Question No. 1.)

Statement showing by Provinces the names of candidates selected for the Indian Civil Service referred to in part (d) *of the Hon'ble Sir William Vincent's reply to the Hon'ble Mr. Sachchidananda Sinha's question on the subject.*

MADRAS.

(1) V. Ramakrishna.
(2) M. K. Veilodi.
(3) T. B. Rao Nayudu.
(4) C. K. Vijayaraghavan.
(5) Mohammed Shahabuddin.

BOMBAY.

(1) C. B. Nagarkar.
(2) U. M. Mirchandani.
(3) S. Aminuddin.

BENGAL.

(1) S. K. Ghosh.
(2) T. I. M. N. Chaudhuri.
(3) R. C. Sen.

UNITED PROVINCES.

(1) K. A. Khan.
(2) Krishna Prasad.
(3) C. A. Husain.
(4) Harish Chandra
(5) K. Pratap Bikram Shah.

PUNJAB.

(1) Pratap Singh.
(2) Harnam Das.
(3) Hamid Ashgar.
(4) Saidullah Khan.

BURMA.

(1) Maung Tin Tut.

BIHAR AND ORISSA.

(1) Rashid-uz-Zaman.
(2) D. P. S. Sharma.
(3) S. N. Mazumdar.

CENTRAL PROVINCES.

Kunj Behari Lal Seth.

ASSAM.

Inamul Majid.

NOTE.—The following gentlemen have also been selected by the Government of India, but as they were already in England the necessary preliminaries are being carried out by the Civil Service Commissioners:—

BOMBAY.

BENGAL.

Kalyan Kumar Chatterjee.

UNITED PROVINCES

Shaikh Ikbal Mushir Kidwai.

BURMA.

Maung Tin Tun.

BIHAR AND ORISSA.

Nilamani Senapati

CENTRAL PROVINCES.

Mohammed Inamur Rahim.

The cases of one candidate for Bengal and one for Bombay are still under onsideration.

APPENDIX C.

(*Referred to in answer to question No. 19.*)

Statement showing railways on which intermediate class accommodation i
not provided.

(1) Barsi Light Railway.
(2) Bhavnagar State Railway.
(3) Burma Railways.
(4) Darjeeling Himalayan Railway.
(5) Dholpur Bari Railway.
(6) Gondal Railway.
(7) Guzerat Railways.
(8) Gwalior Light Railway.
(9) Jamnagar Railway.
(10) Pipar Bilara Light Railway (portion of Jodhpur-Bikaner Railway).
(11) Junagad State Railway.
(12) Morvi Railway.
(13) Mysore State Railway.
(14) His Exalted Highness the Nizam's Guaranteed State Railways.
(15) Nilgiri Railway.
(16) South Indian Railway.
(17) Bombay, Baroda and Central India Railway.

SGPI Delhi—308 LD—26-2-20—750.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Thursday, the 19th February, 1920.

PRESENT:

The Hon'ble SIR CLAUDE HILL, K.C.S.I., C.I.E., *presiding*, and 54 Members, of whom 47 were Additional Members.

RESOLUTION *RE* PUBLICATION OF A PATNA SERIES OF THE INDIAN LAW REPORTS.

The Hon'ble Mr. Sachchidananda Sinha:—" Sir, I rise to move the resolution which stands in my name and which runs as follows:— 11-2 A.M.

> 'This Council recommends to the Governor General in Council that he may be pleased to authorise the publication of a Patna series of the Indian Law Reports containing decisions of the High Court of Judicature at Patna, as in the case of all the other Chartered High Courts.'

Sir, the reason for my bringing up this resolution is the existence on our Statute-book of an Act of this Council, Act XV of 1875, called the Indian Law Reports Act, which lays down that there will be different series of law reports for the various Chartered High Courts, and section 3 of the Act lays down that no Court shall be bound to hear cited or shall receive or treat as an authority binding on it the report of any case decided by any of the High Courts other than a report published under the authority of the Governor General in Council. Now, as I understand this section, it amounts to this, that unless a decision of a High Court be reported in an authorised series of reports bearing the imprimature of the Government of India, it is open to a Court even in the provinces in which the High Court has jurisdiction, to refuse to look at the report or be guided by it. It, therefore, seems to me a serious matter that the decisions of the Patna High Court should not be binding on the Courts even in Bihar and Orissa unless there be an authorised series of the Indian Law Reports. All the other High Courts have got such series; even the Lahore High Court, which was established last year, has recently started its own series. I do not know why it is that the Patna High Court alone, which has now been in existence for five years, has no authorised reports yet. This question has exercised the minds of the people of the province for the last few years, and at the session of the Bihar Provincial Conference, held at Monghyr in July 1917, the President made reference to this particular point. I, therefore, think that it is desirable that there should be for the Patna High Court also a series of authorised law reports as there is for the other High Courts. For one thing, it gives the Patna High Court the semblance of an inferior sort of a High Court compared with the other High Courts, in that it has no series of authorised reports of its own. I understand that at present the Bihar Government subsidise a privately issued journal which contains the reports of the Patna High Court, and in that way assist a private firm which, I am told, has got a contract for publishing it; but I do not think it is desirable that in a matter like this a private firm should have a monopoly. I shall not trouble the Council with this subject at any great length. I hope the Hon'ble the Law Member will accept my resolution."

11-5 A.M. **The Hon'ble Sir George Lowndes**:—"Sir, I cannot suggest to the Council that the Hon'ble Member is not in order in bringing up this resolution before our Council here. But I can see that the matter of the Patna Law Reports is not one of burning interest to this Council, and I hope, therefore, that we shall be able to dispose of it very shortly. The Hon'ble Member's motion is 'that the Governor General in Council should be pleased to authorise the publication of a Patna series of Indian Law Reports.' I may say at once that the Governor General in Council will be very pleased to authorise a series of Patna Law Reports; but I have in my mind a very homely proverb which says that you must catch your hare before you can cook him. It seems to me fairly obvious that before the Governor General in Council can authorise a series of Patna Law Reports, there must be a series of Patna Law Reports. Well, from the very inauguration of the new era in Patna we have pressed the Local Government to have such a series and they have told us frankly that during the war they cannot manage it. Their statement that they wish to keep up the existing journal under their direct supervision was supported very strongly by the High Court, and they told us they could not start a series of their own. The High Court, I may add, invoked the assistance of the local bar who do not appear to have been very helpful in the matter. Under those circumstences we were constrained to agree to the existing series of reports being retained, in the first place, until the 31st March 1918. About the expiry of that period they came up again and they said that it was still impossible during the war for them to start a series of their own, that they had not got the press machinery, and that they could not get it and then they said (I will quote their words) 'that they hoped at the end of two years to be able to make a satisfactory arrangement on a permanent basis.' Well, the department over which I have the honour of presiding are of a notoriously trustful disposition, and we accepted that statement that at the end of that period a series of Patna Law Reports would be started such as we had always desired. I am not quite sure now that it was not a merely intelligent anticipation of events, because I feel no doubt that by the 31st March 1921 the question of law reports will be a purely provincial matter in which the Governor General in Council will take no doubt a beneficent and, I hope, intelligent interest, but will have very little other concern, and, therefore, when the period for which we have sanctioned this continuation of this journal comes to a close, it will be at all events a matter for the local Council to deal with. I hope myself that they will deal with it in the way we have always wished them to deal with it. I can only say that if my Hon'ble friend is unkind enough to desert the serene atmosphere of this Council in order to find a more practical arena in his own province and there presses the qustion which he has raised to-day, he will carry with him the cordial wishes of the Governor General in Council for his success."

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, as I felt that this question of the Patna Law Reports was not of great interest to the other members of this Council, I made my submissions on it in as few words as possible; and I find that the Hon'ble the Law Member has been equally so in replying to my resolution. I am glad to learn that the present contract with a private firm will expire in April 1921, and I hope that after that the reports will be published with the imprimature of the Government, either the Governor General in Council or the Local Government, as the case may be. The Hon'ble the Law Member has not tried, however, to solve my difficulty in regard to the interpretation of the section which I read out from the Indian Law Reports Act, as to whether I am right in my view that, unless the reports of the Patna Court are published with the imprimature of the Government of India, it is open to Courts even in the province of Bihar and Orissa not to look at them or be guided by them. If that contention be correct, then, I think, it is a matter for very serious consideration, and the fact of some kind of arrangement having been entered into previously by the Local Government with a private firm should not be allowed to stand in the way. However, as I understand that in about a year's time the matter will come up for consideration, I shall not press my resolution now, and I ask leave to withdraw it." 11-9 A.M.

The Hon'ble Sir George Lowndes:—"I would like to say that we shall be very happy to call the attention of the Local Government to the difficulty which the Hon'ble Member has mentioned; but my experience in the past with High Courts, even with the Patna High Court, has been that they pay no attention whatever to the matter." 11-10 A.M.

The Hon'ble Mr. Sachchidananda Sinha:—"I am much obliged to the Hon'ble the Law Member for his assurances."

The Resolution was, by leave of the Council, withdrawn.

[At this stage the Hon'ble the Vice-President took the Chair.]

RESOLUTION *RE* HIGH COURT RULES.

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, I beg to move the Resolution that stands in my name:— 11-11 A.M.

> 'This Council recommends to the Governor General in Council that a mixed Committee of non-officials and officials be appointed to consider and report upon the expediency of assimilating the rules and practice of the various High Courts in regard to the administration of criminal justice and other matters.'

"I may say at the outset that this Resolution stands on an entirely different footing from that on the subject of the Patna Law Reports, in the sense that it is a matter of great public interest, which is not only confined to the people of Bihar and Orissa, but to the country at large. I may also be permitted to say that I am moving this Resolution in response to a general desire expressed by the Bar, both of the Calcutta and Patna High Courts. My Hon'ble friend Mr. Chanda has told me that he has also received from the Calcutta High Court Bar some instructions on the point that this Resolution should be moved before this Council in view of the important matters involved in its consideration. There are in the country at present six High Courts which have co-ordinate jurisdiction. Each High Court has the right to frame its rules and regulations as to procedure, with the approval in some matters of the Governor General in Council or the Local Government. Now I find that in some very important matters, especially in regard to the practice of determining criminal cases, these High Courts have framed rules which are divergent on important points, and the practice of the Courts differs materially on certain important aspects of criminal administration. In comparing the rules of the various High Courts—which I have been enabled to do through the courtesy of the Hon'ble the Home Member—I find that the Calcutta High Court has laid down for half a century or more a system of procedure for deciding criminal cases which has found favour with the public at large, in the provinces of Assam, Bengal, and also Bihar and Orissa, which latter were until lately under the Calcutta High Court's jurisdiction. Other High Courts, however, differ from the Calcutta High Court in this matter on certain important points, which I shall presently place before the Council. Now, without going into unnecessary details, it may be broadly said—and here I have the advantage of speaking before the Hon'ble the Home Member who was himself a Judge of the High Court of Calcutta—that in the Calcutta High Court all criminal cases, except those in which there is a sentence of fine, are disposed of by a divisional bench of two judges, both when applications are presented for admission and also when the admitted applications come before the Court for final hearing. But in all the other High Courts (except Patna, about which I shall have a word to say later) the rules lay down that a single judge not only can and does hear all applications when they are filed for admission—which except in cases involving sentence of death or transportation for life he may reject summarily—but that a single judge can and does dispose of the cases, when they come up for hearing later, except those involving sentences of death or transportation for life. This, to my mind, is a very serious matter, that all these cases, except those of death or transportation for life, should be admitted or rejected and disposed of by a single judge. From personal experience in the province of Agra, where I practised for many years and having been for now twenty-five years in intimate touch with Allahabad, I may say that there is great dissatisfaction in that province with the system of criminal justice as administered by the High Court at Allahabad, as compared with the provinces which are or have been under the jurisdiction of the Calcutta High Court When the Patna High Court was established in 1916, Sir Edward Chamier, the first Chief Justice of the High Court, declared from the Bench as follows:—

> 'On the criminal side we have made rules regarding the jurisdiction of a single judge more elastic than Calcutta, but we do not intend ordinarily to make over to a single judge at present any but trifling and unimportant criminal cases.'

This was regarded as the thin end of the wedge, and things have unfortunately turned out exactly as we apprehended. In Sir Edward Chamier's time the practice of the Calcutta High Court was more or less conformed to, but since he left the Court, the practice has been introduced of putting before a single judge cases involving even six months' rigorous imprisonment, and when the Court is closed for the long vacation, a single judge disposes of all criminal cases, except those of sentence of death and perhaps transportation for life. Now Bihar and Orissa naturally regard it as a very serious departure from the practice and traditions of the Calcutta High Court, to which we had been used for fifty to sixty years. It seems to me, therefore, that in view of the divergent practice in the various High Courts on this the most important matter —the administration of Criminal Justice—Council would be well-advised in appointing a committee of experts, official and non-official members, to consider the expediency of assimilating the rules and practice of the various High Courts. It may be asked by some people, not members of the legal profession 'what difference does it make whether a criminal case is admitted or disposed of by a single judge or a divisional bench?' I will, therefore, give a concrete example to illustrate my point. Sometime back I filed an application before a divisional bench of the Patna Court. The judges differed in their view as to whether my application should or should not be admitted; the senior judge thought that the application should not be admitted, the junior took a different view, he thought that the application should be admitted. A rule was, however, granted to me for the hearing before a divisional bench of two judges who acquitted the accused. Supposing the practice prevailed in Patna, as it does elsewhere except Calcutta, of appointing a single judge to dispose of such applications, my clients would have had in that case to serve the term to which they were sentenced. I, therefore, hope that I have been able to convince this Council that it is desirable that in the matter of administration of criminal justice the practice of the Courts should be the same, and that the practice which obtains in the Calcutta High Court should preferably be adopted in the other Courts. It may be said that, if this proposal be adopted, the other High Courts will require a larger number of judges, and that that would add to the cost of the administration of justice.

"I had tabled a question on this subject and asked for information giving me the figures for the last five years to show what has been the net loss or gain from the administration of justice in each province The information has not been vouchsafed to me yet, but I have reasons to believe that, when supplied, it will show that in almost every province the Government derive a very handsome income from the administration of justice. If, therefore, the Government are called upon to add to the number of Judges in the various High Courts for enabling the Courts to dispose of criminal matters in divisional benches, they should not grudge the additional expense, as it will give much more satisfaction to the people and inspire greater confidence in their mind ; and I do not think we are unjustified in asking that the expense to be incurred by Government in increasing the number of Judges should be made available.

" This, Sir, is shortly my submission on the question of the assimilation of the rules and practice of the various High Courts in regard to the administration of criminal justice. In the resolution I also refer to 'and other matters.' Now these 'other matters' are very many, but I have no desire to exhaust them here I will indicate briefly only some of the questions on which it is desirable that there should be uniformity of practice and procedure in the various High Courts. One is the question of the right of audience of counsel from other Courts. This has now formed the subject of discussion for the last thirty years or more on many occasions, and you, Sir, are aware that in some very important trials in the Bombay High Court emiment counsel from Calcutta who appeared for the accused, were refused admission, after going all the way from Calcutta to Bombay. There are also other Courts which resort to a similar practice, and it is certainly desirable that some uniform practice should be adopted in this matter so that the clients may know as to what will happen if they engage counsel from outside their own Court. My friend, Mr. Chanda, has requested me to bring up the question of the Vakils, who are allowed in the Madras High Court to practise on the Original side, but are not so allowed in the Bombay and Calcutta High Courts. Surely there must be some uniformity of practice in this matter. If the Vakils are allowed to appear in the Madras High Court on the Original side, it does not stand to reason why they should not be allowed to do so in Calcutta and Bombay.

"In regard to the question of audience in different Courts, I may mention this. When the Patna High Court was established all of us were asked, or rather induced, to withdraw our names as Advocates from the Calcutta High Court, by being told that thereby we shall be assisting the Court in shutting out Calcutta lawyers from making a raid upon the Patna High Court. We, the simple and gullible folk in Bihar, accordingly withdrew our names from the Calcutta High Court, but in spite of our having done that, we find that the Judges of the Patna High Court are so much enamoured of Calcutta lawyers that a number of them have been allowed to appear in the Patna High Court. Calcutta lawyers have been repeatedly appearing in the Patna High Court. We make no grievance of that, but I will just cite an instance of what happened the other day when a Calcutta client wanted to take to Calcutta from Patna Mr. Hassan Imam, who was himself for years a Judge of the Calcutta High Court. The Calcutta Judges said: 'No, we are not going to allow a man from the Patna High Court to come here'. Now it is obviously unfair that we should have been made to withdraw our names from the Calcutta High Court, and while lawyers from the Calcutta High Court are allowed to appear in the Patna High Court, yet a leader of our Bar was refused permission there. Although I am not trying to exhaust all the points, I hope I have indicated sufficiently the various matters, apart from criminal administration of justice, on which it is desirable that there should be uniformity of procedure. I, therefore, hope that the Hon'ble the Home Member will in this particular matter not adopt that policy which he often does—I do not say he does it willingly—of *non-possumus.* I think in this matter, which is not a political one, he will see his way to accept my resolution."

11-25 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, as the only member of the Calcutta High Court Vakil Bar present in this Council—I may be wrong, as I believe my Hon'ble friend Rai Sita Nath Ray Bahadur is still a member of the Vakil Bar of the Calcutta High Court, in any case as a member of that Bar, I have much pleasure in giving my cordial support to my Hon'ble friend Mr. Sinha's motion. As he has said, many matters are in an anomalous condition. Take for instance one glaring case. In Madras, the vakils who have got a worthy representative here in my esteemed friend the Hon'ble Mr. Sarma, have the right of audience on the Original side of the High Court, but in Calcutta a lawyer of the eminence and position of Dr. Sir Rash Behari Ghose has no right of appearing on the Original side of the Calcutta High Court. This and other matters require to be looked into, and with these words I support the motion."

11-27 A.M. **The Hon'ble Sir William Vincent:**—"Sir, when I first saw this resolution I was in some doubt as to the particular rules which the Hon'ble Member had in his mind. Rules are issued by the High Courts on the criminal side under the Government of India Act, under enactments of this Council and under the Letters Patent. Thus, rules for the guidance of the lower Courts are issued under section 107 of the Government of India Act and under certain sections of the Criminal Procedure Code. The procedure for the exercise of the ordinary original criminal jurisdiction is prescribed by the Letters Patent, and is contained in the Criminal Procedure Code. The procedure on the appellate side again is regulated partly by rules and partly by the Code of Criminal Procedure; the particular rule to which the Hon'ble Member drew attention now about divisional benches is framed under the authority of the Government of India Act. I will read section 108, sub-section (1) of that Act:—

> 'Each High Court may by its own rules provide as it thinks fit for the exercise, by one or more judges, or by Division Courts constituted by two or more judges, of the High Court, of the Original and Appellate jurisdiction vested in the Court.'

There are numerous other rules, but I do not think I need detain the Council by drawing attention to them if I make the essential point clear, namely, that all these rules are made in exercise of the statutory authority vested in the Courts either by Act of Parliament or by the Letters Patent, or by specific enactments of the Government of India. Now, in such circumstances, I suggest that the High Courts might well resent the interference with the prerogative that is vested in them by law, by a committee appointed by the executive. The Council must remember that a committee, such as the Hon'ble Mr. Sinha suggests, would not be appointed by this Council in a legislative capacity, but would be appointed by the Government as an executive Government acting on the advice of the members. If there is one principle to which I should have thought Hon'ble Members in this country would always adhere, it is that of avoiding any possible interference with judicial discretion by executive authority.

"Further, I do not think that the Hon'ble Member has fully realised what the attitude of the Courts might be in this matter, how jealous, how rightly jealous, they are of their dignity and independence. I myself have some knowledge of this matter. I have the greatest respect for the prestige of the Court, and I should be very unwilling to enter upon a course for which there is no legal sanction, or to create any impression that the Government sought in some way, to restrict the authority which has been vested in the High Courts by Statute. I apprehend myself that the Government of India by entering upon an undertaking of this kind might invite a biting rebuff from the various High Courts. I have some experience of Registrars, at least of the Calcutta High Court; I know that their pens on occasions can be dipped in gall, and this is one of the occasions on which, I think, they might justifiably be so dipped. Nor are the Hon'ble Judges of any Court, I think, so ready to admit that the procedure of other Courts is better than theirs. On such a point again they are, if I may say so, rightly sensitive and unwilling to accept suggestions from outside the Court. It may be said of course, such great minds are above all petty feeling of this kind, but the real fact is, when you get below the surface, there is a great deal of human nature in Judges, and I should like to remind the Council of well-known historical facts in this connection and they will realize the danger of agitating any controversial questions between the High Courts and the executive Government. I need only refer to the old feud between the Supreme Court of Calcutta and the executive Government there.

"I put it to the Council also that what the Hon'ble Member really proposes would be an unmerited slur on the Courts, a suggestion that they do not exercise their powers properly. It would also be interpreted, if I may put it so, as an act of grave discourtesy. We have not even consulted the Courts in this matter, nor has there been any suggestion of that kind. I can imagine a Committee of this Council or a committee composed of officials and non-officials appointed by this Council being received by the Calcutta High Court very coldly, and their Lordships might well say: 'Surely you might leave us to manage our own business. What authority have you to come down here to investigate the exercise of powers which are vested in us by the law, by Statute, by the Letters Patent of His Majesty? If the Council thinks that we are misusing those powers, then, so far as may lie within their competence, let them alter the law, but do not let them appoint executive committees to interfere with the exercise of our judicial authority.'

"That is a line, I think, the Courts might very reasonably take, for I cannot believe that a committee of this kind would be approved either by the High Courts themselves or by the members of the bar. Many of the rules of the High Courts deal again with very technical matters and in each Court they are adapted to suit local conditions. They are the result of many years' work and experience, and I suggest to the Council that the authorities best able to deal with such matters are the judges themselves. The Hon'ble Member has criticised the procedure in several High Courts, in Bombay, Madras, Allahabad and Patna. Sir, I should be very unwilling indeed to be drawn into any discussion of the exercise of judicial authority in this Council, and I hope that Members of Council will support me in this line. The Hon'ble Member adverted in particular to the question of Judges sitting singly. He said, if I understood him correctly, that in the Courts, one judge sits in revision in all cases in which the sentence does not exceed one of six months' imprisonment and that they also sit alone for the admission of appeals and applications for revision in other cases. Well I myself can see very good reasons for this practice, and it is probably done, I should imagine, to save the time of the Court, and to save public money. But I do not want to enter into the merits of the procedure in any High Court, as in my judgment criticism of judicial action should be avoided in this Council.

"The Hon'ble Member then passed on to this right of audience and his complaint was of the practice of the Calcutta High Court in that some prominent member of the Patna Bar was not allowed the right of audience there. Surely that is a matter which the High Courts must have power to decide for themselves. It is an authority that is vested in them under the Letters Patent of His Majesty.

"Finally, he raised the question of the right of Vakils to practise on the original side of the Court. Well, Sir, I know of no more vexed question than that in Calcutta, and I daresay also in Bombay? Do the Members of this Council sitting here wish to interfere in a difficult and technical matter of this kind upon which professional opinion is very largely divided? I suggest that the action which the Hon'ble Member proposes would place the Government of India really in an impossible position *vis-a-vis* the Hon'ble Judges. I am however prepared to draw the attention of the Courts to this debate with special reference to the points raised for such action (if any) as they may think fit, but I hope that the members of this Council will not ask the Government of India to place themselves in the position which the Hon'ble Member invites them to take up. I have seen various hornets' nests stirred in this Council before now. I see in the list of business notice of at least one or two resolutions which may stir up fresh ones, but I, for my part, am very unwilling to stir up six such powerful hornets' nests as six High Courts by the appointment of such a committee as the Hon'ble Member proposes."

11-39 A.M. **The Hon'ble Mr. Sachchidananda Sinha**:—"Sir, if I had known at the time when I sent in my resolution that all these untoward results which the Hon'ble the Home Member apprehends from its acceptance, were likely to come about, I should certainly have refrained from sending in my motion; but I must state that after having heard the Hon'ble the Home Member carefully, I am not at all satisfied that they are likely to ensue. Sir William Vincent has, if I may say so, been very adroitly skating on thin ice in reply to my submissions to the Council. He has not had one word to say on the merits of my proposal, but he has drawn a most lurid picture of what will happen if a Committee were to be appointed to investigate these matters. Now I want to clear the ground by saying that I do not yield even to the Home Member in his desire for judicial prestige and independence; and it has been with us for years a standing complaint that our Courts are sometimes not given that amount of independence that they should have in certain matters. But my submission is that by appointing a committee of the kind which I advocate, you will not at all be affecting the question of judicial independence or prestige. I know that the High Court Judges are, as the Hon'ble the Home Member says, sometimes sensitive, sometimes too sensitive, but surely because they are so. . . .

The Hon'ble Sir William Vincent:—"May I rise to explain, Sir? I did not say too sensitive, I said reasonably sensitive."

The Vice-President:—"I think 'too sensitive,' is the Hon'ble Member's own addition."

The Hon'ble Mr. Sachchidananda Sinha:—"I say, assuming they are even too sensitive—which I believe they are not—assuming for the sake of argument that they are too sensitive—that is absolutely no reason why this Council should not do what it thinks to be right and proper in public interests. The suggestion is not that this Council or the Executive Government should at all interfere in any matter of judicial independence or judicial prestige. My resolution simply asks for a Committee to compare these rules, to consult the Judges, if necessary—and I do not think the Judges will resent such consultation—and then to submit a report to the Governor General in Council as to how far it was expedient or feasible to assimilate these rules on certain well-understood principles. I do not think it will be at all affecting either judicial independence or judicial prestige. But, if the Hon'ble the Home Member thinks that it will amount to that, and that it will bring about a hornets' nest of the judges of six High Courts about his ears from different parts of the country, I should be the last person to put him in that unhappy position. In the circumstances, I will be quite content if he will kindly communicate with the High Courts, as I understand he has promised to do, the specific points raised in this debate. In that view I shall ask your leave, Sir, to withdraw this Resolution."

The Hon'ble Sir William Vincent:—"May I explain, Sir, that what I intend to do is to have the papers connected with this debate sent to the Hon'ble Judges for such action (if any) as they may think fit." 11-43 A.M.

The Resolution was, by leave of the Council, withdrawn.

POINT OF ORDER.

On the Hon'ble Sir George Barnes rising to move his Resolution, the Hon'ble Mr. V. J. Patel said:

The Hon'ble Mr. V. J. Patel:—"May I rise to a point of order, Sir? I had given notice of my Resolution* No. 7, regarding fiscal autonomy earlier than my friend the Hon'ble Sir George Barnes did of this Resolution, and it ought to be given precedence ordinarily, unless you regard that Resolution† No. 3 is of such public urgent importance that it should have precedence." 11-44 A.M.

The Vice-President:—"The practice of the Council has been invariably to take Resolutions in the order in which they are set down on the paper. I am sure that no prejudice will accrue to the Hon'ble Mr. Patel by following this course. We are going to consider Resolutions both to-day and to-morrow."

RESOLUTION *RE* APPOINTMENT OF COMMITTEE TO EXAMINE TRADE STATISTICS.

The Hon'ble Sir George Barnes:—"Sir, I beg to move the Resolution which stands in my name, namely:— 11-45 A.M.

'That this Council recommends to the Governor General in Council that he appoint a Committee consisting of the Hon'ble Sir Claude Hill, the Hon'ble Mr. Mant, the Hon'ble Mr. Ley, the Hon'ble Mr. B. N. Sarma, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Crum, the Hon'ble Mr. Paton, the Hon'ble Sir Zulfikar Ali Khan, the Hon'ble Sir Fazulbhoy Currimbhoy the Hon ble Rai Sita Nath Ray Bahadur, the Hon'ble Dr. Tej Bahadur Sapru, the Hon'ble Sir Gangadhar Chitnavis and myself to examine the trade statistics and to consider and report to the Governor General in Council whether or not it is advisable to apply to the Indian Customs Tariff a system of preference in favour of goods of Empire origin'.

"This may seem, and indeed is, a very large question for a Committee of this Council to approach, and I want to explain why I suggest that it should be approached in this way. His Excellency the Viceroy, when he addressed the Association of Chambers of Commerce in Calcutta last month made it quite clear, as perhaps you will remember, that the Government of India do not wish to make any general change in the traditional policy of Government in tariff matters without the support of public opinion. It may be said that it is impossible for a Committee of this Council, in the time at their disposal during this Session, to go into the question as deeply as may be desired, and I quite realise the validity of this criticism. But it does seem to me that they can at any rate examine the statistical position, and without going into any very elaborate detail give their opinion on the question whether the admission of preference as a general policy into our Customs tariff would or would not be to the benefit of India. I feel sure that the publication of their opinion, and of such papers on the subject as they think fit to publish, will be a valuable guide to the formation of sound opinion by others outside the Council Chamber who are interested in the subject.

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* 7. **By the Hon'ble Mr. Patel**:—

"This Council recommends to the Governor General in Council that he may be pleased to appoint a Committee, consisting of an equal number of official and non-official members of this Council to investigate the question of fiscal policy to be adopted hereafter by the Government of India as a result of the recommendations of Lord Selborne's Committee and devise and suggest such tariff arrangements as seem to it best fitted to the needs of India as an integral part of the British Empire."

† 3. **By the Hon'ble Sir George Barnes**:—

"This Council recommends to the Governor General in Council that he appoint a Committee consisting of the Hon'ble Sir Claude Hill, the Hon'ble Mr. Mant, the Hon'ble Mr. Ley, the Hon'ble Mr. B. N. Sarma, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Crum, the Hon'ble Mr. Paton, the Hon'ble Sir Zulfikar Ali Khan, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Dr. Tej Bahadur Sapru, the Hon'ble Sir Gangadhar Chitnavis and the mover, to examine the Trade Statistics and to consider and report to the Governor General in Council whether or not it is advisable to apply to the Indian Customs Tariff a system of preference in favour of goods of Empire origin."

"I may be asked what is the object of the Government in raising this very difficult and thorny question at the present moment? The reason is that the principle of Imperial preference has been recently adopted in the tariff of the United Kingdom and in the tariffs of several of the Dominions. The question has consequently become one of practical politics for India, and it seems to the Government that the time has come for examining the question afresh. As, Sir, you are aware, the question was carefully examined during Lord Curzon's Viceroyalty, and the results of that examination are contained in an exhaustive Minute by Sir Edward Law. In the despatch which covered the Minute and which has been published, Lord Curzon's Government came to a conclusion against adopting a scheme of Imperial preference, and this Despatch and Minute must form the starting point for any new inquiry. My Department, I need hardly say, has made an examination of the statistical position as it exists at present in comparison with that which obtained when Sir Edward Law's Minute was written; but we believe that the practical knowledge which the gentlemen whose names have been suggested as Members of the Committee can bring to bear on the subject will be most helpful, and will do much to secure a true view of the effect of preferential duties on the trades in which British India is interested.

"If this Council, then, accepts the Resolution which I put forward, the first papers which will need their careful consideration are the Minute and Despatch of 1903. I do not propose at the present moment to weary the Council with a mass of figures, but, I think, they may be interested to know how the statistical position in 1903 compares with the statistical position for the year before the war which is the latest year which is really worth considering In 1903, the United Kingdom's share of our import trade was 66·5 per cent., the share of other parts of the Empire was 9·5 per cent., and the share of foreign countries was 24 per cent. In the year before the war, the United Kingdom's share had fallen to 64 per cent., the share of other parts of the Empire to 5 per cent., and the share of foreign countries had risen to 31 per cent. As regards the export trade, the United Kingdom's share had fallen from 25 to 20·5 per cent., the share of other parts of the Empire had risen from 13 to 14 per cent., and the share of foreign countries had risen from 62·5 to 65·5 per cent. As far as statistics of imports and exports go, the two positions in 1903 and 1914 are therefore similar to an extraordinary degree when we take into account the great changes which the world has undergone during the past five years. Indeed, the variations are so slight that they would not seem *prima facie* to vitiate the general conclusion reached in 1903 that India can have little to gain from a scheme of Imperial preference. There are, however, other sides of the question which will deserve the attention of the Committee if it is eventually appointed. In the first place, I would observe that the adverse decision of Lord Curzon's Government was based in some measure on the danger of reprisals by foreign nations. We should like to have the opinion of the Members of the Committee, who have many of them got special means of forming an estimate on this point whether that danger is to-day a real one, or as serious as it seemed to Lord Curzon's Government. The position is further changed, in the second place, by the adoption of a policy of preference in other parts of the Empire, including the United Kingdom. The Government desire that the question should be looked at quite dispassionately, and in the first instance from a purely interested point of view. What has India prospectively to gain or to lose? Supposing a scheme of preference to goods of Empire origin is generally adopted, as in fact in actual practice it already has been in portions of the Empire, will it be a wise policy in our own interests to abstain, or will it be wiser for India to join any such scheme? We must remember, I think, that we hope in the future to be something more than a source of supply of raw materials for other people's industries to work up. We look forward to the development of our own industries I think we are even justified in looking forward to the possibility of finding export markets for our manufactured products either within the Empire or without. I think I might reasonably say that there are some portions of the Empire, not far from our own shores, which we might justly look upon as a natural outlet for our goods. If we are to compete on unfavourable terms in those markets with other portions of the Empire which are admitted to preferential duties, it would seem *primâ facie* that we should be placing ourselves at the outset at a disadvantage.

"This, of course, is only one aspect of the case, which has many sides to it, and I do not wish to be thought in any way as suggesting a decision in favour of one side or the other. Nor again do I wish to be interpreted as suggesting that the matter should be looked at absolutely from a selfish point of view. As His Excellency the Viceroy remarked to the Association of Chambers of Commerce, while it is the interests of India to which we have first to look, it will be unwise to take a wholly parochial view, and in developing the tariff policy of the future, we ought to be able to evolve some system which will be to the advantage not of ourselves alone, but also of the Empire of which we are a part. And here, I may remind the Council that this is not the first occasion on which the question has been discussed in this Council Seven years ago, on 17th March, 1913, the Hon'ble Sir Gangadhar Chitnavis (who I am glad to say is still a Member of this Council) moved a Resolution in the following terms :—

> 'That this Council recommends to the Governor General in Council the desirability, in view of the loss of opium revenue, of considering financial measures for strengthening the resources of Government, with special reference to the possibility of increasing the revenue under a system of preferential tariffs with the United Kingdom and the Colonies.'

"In a carefully reasoned speech, he quoted the trade figures which were then applicable, and urged that India had nothing to fear from retaliation in the event of her increasing her import duties with the object of giving preference to other parts of the Empire. The figures on which the proposed Committee must work are of course the most recent figures. But there are parts of Sir Gangadhar's speech which apply to present conditions as much as they did when his speech was delivered, and I should like to make my apologies to him for quoting a few sentences from what he said. He asked :—

> 'What has India to gain by a scheme of Imperial preference? Her exports to the United Kingdom, for instance, are much smaller than her imports thence. She will have to give preference in a great many things and will receive a preference in a very few. Sir, I admit the premises, but I deny the conclusion. It is true that we ask for very little—favourable terms for our cotton goods, our sugar, our tea, tobacco and coffee, and it is true that we can give a great deal. But I maintain that this is not a question to be treated in the spirit of a petty huckster lamenting over a one-sided bargain. There are likewise other advantages to be reaped from Imperial preference, of which I need but mention one as an instance, the solidarity of the Empire.'

Those were Sir Gangadhar's words. Since then, the position has been somewhat changed by the adoption of the principle of preference in the United Kingdom Budget Our tea, tobacco and coffee are all given a preference on entry into the United Kingdom. Our sugar would be entitled to a preference if we had any to export, but, unfortunately, India is an importer of sugar and not an exporter With regard to cotton goods, the position is somewhat changed since the date when Sir Gangadhar made his speech. There was then an import duty of 3½ per cent on cotton piece-goods and a corresponding excise duty of 3½ per cent. The import duty has, as you all know, been raised since then to 7½ per cent., while the excise duty remains at its old figure of 3½ per cent., Thus, the excise duty at present forms a much smaller proportion of the import duty than it did in 1903 or in 1913. I only refer to this matter here because I wish to add that, in the view of the Government of India, it must be a condition of the acceptance of the principle of Imperial preference by India that the excise duty on cotton piece-goods should be totally abolished.

"Now, Sir, I want again to make it quite clear that this is not a Resolution in favour of Imperial preference. We only want the position to be examined. It is a Resolution for the appointment of a Committee whose duty it will be to give their opinion on the question of policy; that is to say, whether, viewed in the cold light of statistics, it will be consistent with the interests of India to apply to the Indian Customs tariff a system of preference in favour of goods of Empire origin."

The Hon'ble Sir Gangadhar Chitnavis:—"Sir, when I moved that Resolution about Imperial Preference in 1913 the issue was not one of practical and immediate importance to India, except in so far as it helped Government to make up partially the huge loss in opium revenue. British public opinion then favoured Free Trade, notwithstanding the activities of the party formed by the late Mr. Joseph Chamberlain. I could not have expected, however much I may have wished, that any practical results would soon follow the adoption of the Resolution. The difficulties in the way were enormous. There was a certain amount of feeling, one might say prejudice, in India against the Colonies. The motives of the United Kingdom were also suspected by the people in consequence of the history of our import duties upon Lancashire goods and the countervailing excise duty. There was no disposition in any quarter in this country to establish cordial relations with His Majesty's Dominions by initiating a system of preferential tariffs. The strength of our economic position in regard to certain raw materials certainly did not incline us to look ahead, and to prefer Imperial interests to our immediate gains. The situation was further complicated by the fact that the whole subject of Imperial Preference had been carefully examined by this Government in 1903, as has just been said by Sir George Barnes, and in their Despatch to the Secretary of State for India of 22nd October 1903 they had recorded their considered opinion, based upon a scrutiny of the trade statistics, that a scheme of Preferential Tariffs would not be advantageous to India. The reply of the Hon'ble Sir Guy Fleetwood Wilson clearly showed that Lord Hardinge's Government were not prepared to take a different view, although even according to the Finance Minister £28 million pounds sterling worth of Indian produce would be benefited under British Preferential Tariffs. I was not unconscious of the attitude of Government, and were it not for the signs of the times indicating the growth of a distinct feeling throughout the British Empire in favour of a closer union among the scattered units and of Imperial Preference supplying the bond, the Resolution would not have been moved. The problem then before constructive and Imperial statesmanship was, according to my lights, to reconcile the special economic, commercial and financial interests of India with the larger interests of the British Empire which could only be converted into an organic whole by a zollverein or a customs-union. India was frankly protectionist then as now, but she could not have a protective tariff so long as her fiscal policy had to conform to the policy of free trade England. It would be disingenuous on my part to disclaim some protectionist feeling. But protection was impossible and not within the range of practical politics. Imperial Preference offered, to my mind, a *via media* which was likely to secure to this country a modified form of protection at the same time that it supplied a bond of indissoluble union to the disjointed and *quasi*-independent units of the Empire.

"India had then as now certain Imperial obligations, and it was difficult to see how these obligations could be discharged if our tariffs were regulated on any policy except that of Imperial Preference. With a clear perception of the needs of the situation, it was not necessary for me to be inspired by outside influences (it has since been hinted in certain quarters I was) to claim for Imperial Preference a dispassionate hearing. Our Imperial obligations are more onerous now after the War than before, and we all, protectionist or free trader, must approach this subject of future Indian tariffs with a wide outlook and handle it with statesmanship. The development of inter-Empire trade is admittedly one of our principal obligations as an integral unit of the Empire. And human ingenuity will fail to discover any fiscal policy other than that of Preferential Tariffs which can be adopted consistently with this central object Imperial Preference is more than necessary in our present circumstances—it is unavoidable. There is no alternative to it. The substitution of Free Trade by it in the United Kingdom only makes its adoption in India imperative, apart from the question of gain or loss. I am glad to find that some of our people are coming over to this view. But if there is any loss in our dealings with protectionist countries, that will certainly be minimised through British economic, commercial and diplomatic pressure upon them. Britain, furthermore, is now in closer political alliance with powerful Powers, and it is extremely unlikely that these Powers would risk a severance of the ties by hitting India through exclusion of her exports. Any heavy duty, besides, on our exports by way of retaliation will be largely discounted by the increasing volume of our exports due to expansion of industries. It must likewise be borne in mind that the safety of our exports at sea depends upon His Majesty's Navy towards the cost of which, initial and recurring, we have so far contributed little, and it would be ungenerous on our part to refuse to reciprocate the friendly feelings of the Great British Power in commerce.

"But with all the advantages of Imperial Preference, I was not under any delusion in 1913 about its adoption by the Empire as a workable plan so long as England clung to Free Trade. I expected time would reveal its virtues. The War, however, has done for us which years of propagandist work would have failed to do. Truly, the world has covered in a few weeks, according to the vigorous words of the Prime Minister, the track of centuries.

"Sir, the federation of the British Empire is to-day a live issue; it is an absolute necessity. Imperial interests require it. There must be closer association in matters economic as much as military, between India and the Colonies on the one hand, and between them and the United Kingdom on the other. And the accepted ideal further is that the Empire should be self-contained and self-sufficient both as regards raw materials and manufactures. This can only be reached by the formation of a customs-union. And Imperial Preference is a *sine qua non* for its success. In the altered conditions it will not do for us or any other part of the British Empire to follow the attractive cry of Protection or Free Trade. (The federation of the British Empire is a real, stern necessity, and as practical men it is as well for us to recognise the equally stern fact that federation is only possible on the basis of Imperial Preference. We must abandon once for all our insular prejudices and take a broad view of things. If we want to remain citizens of the Empire, we must show preference to the other members in the matter of trade. (It will certainly not promote our interests and the interests of the Empire to allow Japan and the United States to be in undisputed possession of the market in India vacated by Germany and Austria.) Moreover, (the idea that all foreign sellers may be kept out by heavy protective tariffs may be patriotic and attractive, but in practical working will be productive of mischievous results. India cannot be self-contained as regards manufactures for long generations;) she cannot utilise all her raw produce herself; she has to sell her goods, raw and manufactured, abroad. A protectionist India will be a sufferer in all these matters, It is also a point for earnest consideration that India cannot be in the Empire and yet be out of it. If she is to be a self-governing Dominion of the Empire, she must submit to some restrictions in the matter of her trade with the outside world and to some discriminative principles in her trade with the other units of the Empire.

"Sir, the United Kingdom with a statesman like grasp of the situation, is gradually abandoning the fetish of Free Trade and introducing a modified system of Preferential Tariffs with the object of developing her trade relations with India and the Colonies, as also of strengthening the bonds of union with them. A reversion to either pure Free Trade or pure Protection is extremely unlikely. The only practical alternative is some such policy as Imperial Preference. And it is very necessary that its potentialities as a source of strength or weakness to Indian interests should be explored, and that as early as possible, by a committee in the light of the trade statistics of recent years The recommendation of Lord Selborne's Committee regarding the fiscal policy of India is qualified with the important proviso that the autonomy of India may be interfered with in case her action jeopardises Imperial interests. In this view our safest course would be to move along the lines of least resistance. This is noway a party question. The Commitee proposed will not commit the Council to the adoption of any particular policy but will only see, on an examination of the trade returns, if Imperial Preference would be seriously prejudicial to our economic interests, or whether India is likely to gain by it in the long run. And as the Committee is to be appointed for this examination, I beg to support the resolution."

12-9 P.M. **The Vice-President** :—"I think I must remind the Council that we are not going to discuss to-day the whole question of Imperial Preference, but only the appointment of a Committee to examine the trade statistics and report to Government, which is a very different question."

12-10 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy** :—"Sir, I am of opinion that this is a resolution which ought to have been brought before the new Legislative Assembly in which we will have more representative Indian commercial members; and I would have liked if the resolution were drafted on the lines of the resolution which was recently passed by the Indian Industrial Congress in Bombay. With your permission, Sir, I will read the resolution :—

> 'That this conference strongly disapproves of the policy of Imperial Preference attempted to be introduced as manifested in the recent legislation regarding the exports of hide and skins and urges that no measure of Imperial Preference should be adopted till the whole question has been examined by a committee fully representative of the various commercial interests of the country as indicated in the despatch to the Secretary of State reviewing the report of the Indian Industrial Commission, and until the Indian legislature is in the position of deciding for itself the fiscal policy best suited to the interests of the country and carrying it into effect.'

"Sir, when the Indian Industrial Commission was appointed, there were loud complaints in this Council and outside that the fiscal question was not included in the scope of its inquiry, but the reply of the Government was that owing to the war this question could not be taken up then, but that it would be taken up after the termination of the war. Sir, the questions of Tariff and Imperial Preference are interwoven. I will clearly say to this Council that I am a staunch supporter of Imperial Preference where we can adopt it with due regard to the interests of the Empire and of India. But before we settle the question of Imperial Preference, we have also to consider the question of tariff, as both are interwoven. At the same time, I do not wish to object to this resolution, because it recommends only the appointment of a committee to examine the trade statistics and make a report to the Governor General in Council. I hope the Hon'ble Mover has no idea of restricting the scope of this committee by not allowing evidence to be taken if it is needed; because on merely statistical grounds I do not think the Committee will be able to give the proper decision and advice which they ought to give. For instance, for the information of the Council, I will just quote one example, that of dyes; we want to protect the British dyes industry as much as we can, but if foreign countries like Japan are able to secure German dyes 50 per cent. or 60 per cent. cheaper and compete with us in the manufacture of dyed cloth, then if we are to protect ourselves we have to put a heavy duty not only on German dyes, but also on the foreign manufactured cloth which use German dyes. There are many such questions for solution, and, I think, this committee ought to be allowed to examine witnesses in big centres like Bombay and Calcutta before giving their opinion.

"Sir, I have heard with very great interest the statistics which have just been given by the Hon'ble Mover. We know that since the war, trade with the British Empire has decreased, while the trade with foreign countries has increased enormously. We are very anxious that we should make the Empire self-contained, but, at the same time, the Imperial question cannot be finally settled unless the whole tariff question has been gone through. I hope the Hon'ble Member for Commerce and Industry will take up that question also very soon, because we shall then be able to frame a definite policy and to develop our industries and make this Empire more self-contained. With these few remarks I support the resolution."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan:—"Sir, I have pleasure in giving my support to the Resolution moved by the Hon'ble the Member in charge of the Department of Commerce. India cries aloud for industries other than that of agriculture, and the only way to help the establishment of industries is to adopt a system of protection. Even Mill has advocated preference for nascent industries and educated opinion in India has always asked the Government to help Indian industries by a system of preference for Indian goods. Unfortunately this preference, though supported by the late Mr. Joseph Chamberlain and the Right Hon'ble Mr. Balfour, has never been adopted by the Government of India for the prosperity of Indian industries. The War, however, has brought about a change in the old state of affairs, and Imperial Preference has been adopted in the tariff of the United Kingdom. We can now hope to see the extension of the policy to India. But before the scheme is adumbrated, it is necessary to examine the situation with the help of statistics—which can be done by a committee competent to discuss the matter and examine the condition and possibilities of Indian Industries and Commerce under a system of Indian preference. Therefore, Sir, I welcome the proposal to appoint such a committee." 12-15 P.M.

The Hon'ble Mr. V. J. Patel:—"Sir, I am really very sorry to have to oppose this Resolution. I cannot understand why at this particular juncture this question regarding the adoption of Imperial preference in our tariff custom should be at all before the Council. If I understood the Hon'ble Mover aright, he gave the impression that because the British Government had recently accepted, perhaps tentatively, the policy of Imperial preference, therefore this Government ought to consider the question of Imperial preference afresh. Now it is a matter of common knowledge, Sir, so far as India is concerned, that the whole country is wholly and essentially protectionist. All public men are protectionists, and if my impression is correct, I believe the officials themselves were so far protectionists . . . . 12-17 P.M.

The Hon'ble Sir Dinshaw Wacha:—"I am still a free-trader."

The Hon'ble Mr. V. J. Patel:—"Yes, excepting my friend Sir Dinshaw Wacha . . . .

The Hon'ble Sir Dinshaw Wacha:—"And other people besides in the Indian world who are also free-traders."

The Vice-President:—"Order, order."

The Hon'ble Mr. V. J. Patel:—"I am glad to know that my friend is still a free-trader, though not in favour of Imperial preference. . .

The Hon'ble Sir Dinshaw Wacha:—"I have not said anything about Imperial preference."

The Hon'ble Mr. V. J. Patel:—"The point that I was driving at is that the Government of India were themselves, so far as I know, protectionists and they agreed with the general opinion of the country in this matter. Then, again, the matter was settled so far as protection *versus* Imperial preference was concerned by a thorough inquiry in the time of Lord Curzon. The question was carefully examined and the Committee arrived at the conclusion that Imperial preference would not be to the advantage of India. When I observed, Sir, that the Government of India were protectionists till very recently, I had the authority of the Secretary of State in that behalf. I invite the attention of this Council to the observations of the Secretary of State in the debate on the Government of India Bill in the House of Commons. The reference appears on page 396 of the Parliamentary Debates in the House of Commons on Thursday, the 4th of December 1919. Mr. Montagu said:—

> 'I hope I shall be able to convince the hon'ble and gallant Member (Colonel Wedgwood) that what he seeks to do is quite unnecessary. The proper plan of Parliamentary procedure is that fiscal proposals should be proposed by the Government. I am quite in agreement with the Hon'ble Member with regard to fiscal autonomy for India, and I would point out that it is not the Government of India which has been in disagreement on this point. It has been the Secretary of State. There has been no controversy between the officials and the non-officials. Most of the officials have been Protectionists. I myself, as the hon'ble and gallant Member knows, am a convinced Free-Trader.'

So it is perfectly clear that till this resolution was moved by the Hon'ble Sir George Barnes, the public in India were under the impression that the Government of India were Protectionists and were therefore entirely at one with non-official opinion in the country. I for one cannot therefore understand how, the Government of India have now suddenly developed a taste for Imperial Preference. But whatever the facts may be . . . .

The Hon'ble Sir George Barnes:—"I did endeavour to make it as clear as possible that we have not developed a taste for Imperial Preference. This is simply a resolution for a committee to inquire into the question and review the facts."

The Hon'ble Mr. V. J. Patel:—"I am glad to know that the Government of India have not developed that taste, but where is the occasion for this resolution then? The question has been settled; we are all Protectionists, the Government of India are Protectionists, why do you want to consider the question of Imperial Preference if you have not developed that taste?. . .

The Vice-President:—"I think the Hon'ble Member should not repeat such statements as that. The Government of India is not committed to the policy of protection."

The Hon'ble Mr. V. J. Patel:—"The Government of India is not committed to the policy of Imperial Preference, I am glad to know that."

The Vice-President:—"I said of protection."

The Hon'ble Mr. V. J. Patel:—"A reference has been made in the speech of the Hon'ble Mover to a resolution moved by the Hon'ble Sir

Gangadhar Chitnavis in 1913. Now when that resolution was moved by my friend he believed and the country believed that Protection was impossible and therefore Imperial Preference was the second best. Now that state of things has changed. My friend Sir George Barnes has quoted a passage from the speech of Sir Gangadhar Chitnavis on that resolution, but Sir Gangadhar, in moving that resolution, made it perfectly clear that it was altogether hopeless to expect protection at the hands of the British Government, and therefore the only possible thing was Imperial Preference. If Protection could be had and would be within practical politics he maintained that he was out and out protectionist. That being so, Sir, even the consideration of the question of Imperial Preference is out of the question at this time when we have been granted fiscal autonomy. Then again there is another consideration. With whom are we going to enter into this union for Imperial Preference? With the self-governing Dominions? Now these self-governing Dominions, South Africa, East Africa and the rest of them, have not been treating us even as human beings. We are outside the pale of civilization in their eyes, and are we going to consider the question of Imperial Preference, of entering into a union with these States who do not agree to regard us even as human beings? Look at the most deplorable, most disgraceful and humiliating treatement which is meted out to our brothers and sisters in South Africa and East Africa even to-day. So long as we are not self-governing partners of the British Empire, it is useless to even consider the question of Imperial Preference at all. Under these circumstances I strongly oppose the resolution. I think it is mischievous to consider the question of Imperial Preference at this juncture. We have now got fiscal autonomy and we are Protectionists, let us devise our own tariffs and regulate them. That being so why should we at all think of Imperial Preference?"

The Hon'ble Mr. W. E. Crum:—"Sir, as you yourself have pointed out, this resolution is in danger of becoming a discussion on the merits or demerits of Imperial Preference rather than merely a discussion as to whether this committee should be appointed. And the question of fiscal policy has also been brought in. Now I quite admit that it is not an easy matter entirely to separate the question of fiscal policy from the question of Imperial Preference, but, at the same time, I do not think that we can possibly ask a committee composed like this to tackle the whole question of the fiscal policy of India. But we have heard from the Hon'ble Member for Commerce that he is ready to put before a committee of this sort a very considerable mass of figures and papers which have been collected by his Department; and I submit that under the circumstances the best thing we can possibly do is to go through these figures and discuss them and form some opinion first of all on the question of Imperial Preference There is no doubt about it that, apart altogether from the fiscal policy of India, the question of Imperial Preference has been receiving a very large amount of attention in other parts of the Empire, and there is no doubt about it that England has, to some extent and in certain cases, granted Imperial Preference to India. I certainly think, therefore, that we should take this opportunity of discussing with a committee as proposed the question of Imperial Preference. 12-28 P.M.

"Now, the Hon'ble Sir Fazulbhoy Currimbhoy has suggested that it would be impossible to discuss the question of Imperial Preference without the Committee visiting the trade centres and taking evidence generally on the question. I do not think that this will be necessary for a Committee which is merely discussing the question of Imperial Preference. It would most certainly be necessary for any Committee or Commission discussing the question of fiscal policy. What I would like therefore to suggest to the Hon'ble Member is that he should go a little bit further with regard to the scope of the work of this Committee than he has gone, and that the Committee should also be empowered to recommend to the Governor General in Council the best methods of considering the future fiscal policy of India. I think that if this was brought within the scope of the Committee, it might even meet Mr. Patel's Resolution

*No. 7 which he is going to bring forward, and I think that then we could very well examine the question of Imperial Preference in some detail and make recommendations upon the methods which would be useful with regard to the consideration of the question of the whole fiscal policy in the near future. . .

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The Vice-President :—"Do I understand that the Hon'ble Member desires to move an amendment to the Resolution?"

The Hon'ble Mr. W. E. Crum:—"I did not know it was in order to move an amendment. I was making a suggestion."

The Vice-President:—"The position with regard to amendments is that any member can object to an amendment of which notice has not been given. But it can be admitted, if necessary, so long as a member does not object."

The Hon'ble Mr. W. E. Crum:—"In that case I would ask you leave to move the following amendment to the Resolution, by adding the words 'and on the best methods of considering the future fiscal policy of India'."

12-36 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"I feel myself rather in a difficult position as to how to vote on this proposition and that is my excuse for speaking. I am not an expert in finance, but the difficulty to me is, how this question cropped up at all. Is there an Association in India that asked for it? Was there any agitation or did anybody suggest that this matter should be taken into consideration at this time? I am unaware of anything of this kind. Not only was there nothing of that kind in the public press, but what little there was was against it. So the difficulty that occurs to me is, how the question comes up. The next difficulty is that we have not got any products to export. All that we do at present is to send out our raw products to other countries and get what we can without having anything to export in the shaped-finished articles. Why is it necessary for us to consider how we shall export it and what treatment we shall give to it? As it was aptly remarked in the earlier part of the debate to-day we must catch our hare before we think of distributing it or cooking it or doing what we like with it. So I thought we should devote our attention and concentrate upon producing more and having something finished that can be exported; and when we have got that, then it will be time enough to think out all these problems. So I thought myself that increased production, improved manufacture and facilities for producing finished articles would take precedence over all questions of this kind, and in that view of the matter I feel that it is rather premature to go into this question now and appoint a Committee.

"There is a further reason which weighs with me generally. I do not mean to discuss the proposition, but merely to state that there is a difficulty which I feel. There is the protection school; there is the fair trade school, there used to be the school of which we do not hear much now called the free trade school, and the fourth doctrine that appears to be coming in now is Imperial preference. Now if this is to be adopted or if the matter is to be considered, I would suggest to the Hon'ble Member for Commerce that, if possible, he would accept this fair trade principle also to be investigated at this time. If fair trade is introduced, then that meets all those questions which were discussed in 1903 and 1913 to a certain extent.

"With these remarks I wish to oppose this proposition."

12-38 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, I would heartily support the amendment of the Hon'ble Mr. Crum. I think it is

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**Vide* first footnote on page 785.

necessary that the Committee should have power to formulate some recommendations in regard to the tariff policy in order to be able to arrive at definite conclusions with regard to the question of preference.

"Then, coming to the question of the Resolution itself, there seems to be some misapprehension. We are not asked to commit ourselves one way or the other, as regards our future policy in the matter of Imperial Preference. The Government has at present under the law the power of regulating the tariffs in any way they choose. Under the Government of India Act also they would be supreme, and therefore the Governor General in Council can regulate the tariffs in any way he chooses, and the opinion of the Legislative Council would be really only of an advisory character.

"Therefore, I should have thought that we would welcome this Resolution coming as it does from the Government who want to take us into their confidence and ask us to discuss with them the *pros* and *cons* of the matter and to help them with our suggestions. We may agree with, or may finally differ from, the conclusions of the Government, but there seems to be no objection whatsoever to our giving our counsel to the Government when they place all the materials before us I should have thought that no objection could have been reasonably taken to this Resolution. The Government are in a position to do what they like at the present moment under the law, and all that they ask for, is our co-operation in the way of making recommendations. It is perfectly open to us in the Committee to say we regret we cannot endorse the grant of preference, and the Government themselves have told us that they have not pledged themselves one way or the other. I, therefore, think that the Hon'ble Mr. Patel and the Hon'ble Mr. Khaparde are labouring under some misapprehension with regard to the scope of this Resolution. If the Government had said that they had come to a conclusion, there might have been something to be said against this Resolution; but they have not taken up that attitude at all. I would put another suggestion also before the Hon'ble Members. We have practically in a way crossed the Rubicon. When we passed the Raw Skins Act we did give preference to the United Kingdom in the export duty, which the Government of India levies in respect of raw skins and hides. Therefore, the matter has become one of practical politics and the Industrial Conference which sat at Bombay objected to that and on reasonable grounds. They said the country had no opportunity of discussing the matter and the Government of India had chosen to embody in the Act a principle which has not been discussed by the people. I think the Government of India are now giving an opportunity to the people through their representatives of discussing the matter. Of course, if the composition of the Committee is not all that the members desire, we might ask for its enlargement and for other people to be included in it; but, I think, the Resolution is thoroughly sound and reasonable and should be supported accordingly."

The Hon'ble Sir Fazulbhoy Currimbhoy :—"May I speak on the amendment of the Hon'ble Mr. Crum?" 12-40 P.M.

The Vice-President :—"Technically, the Hon'ble Member is in order, but I hope he will be as brief as possible."

The Hon'ble Sir Fazulbhoy Currimbhoy :—"I will, Sir. I heartily support the amendment of the Hon'ble Mr. Crum. His amendment has solved many of my difficulties. By putting in those few words we shall be able to discuss also the principal question.

"Then, if we appoint some machinery like a commission to go into the tariff question, this Council will be free also to advise that the Imperial question, if it is found difficult, can also be entrusted to it. So I heartily support this amendment."

12-41 P.M. **The Hon'ble Mr. Nigel F. Paton**:—"I just want to say one word, Sir, and that is that I am in full agreement with Mr. Crum's amendment."

12-42 P.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"I just want to say a few words, Sir. I am not an expert in these matters at all, and I confess that I am a protectionist; but because I am a protectionist is no reason why, in the light of new circumstances and conditions, I may not change my opinion. There is no such thing as a principle in politics, and my authority for this is Edmund Burke himself. He says that there is no principle in politics, but adds this qualifying clause—which is most important—namely, 'that it is circumstances which impart to every political principle its colour and discriminating effect.' Those are his words. Therefore, every political principle, whatever it may be, is to be judged by the circumstances of its application. The world is moving; we are all moving; the protectionist finds that new circumstances and new conditions have arisen. Is he not to revise his opinions in the light of these new conditions and circumstances? If the Empire adopts the doctrine of preference and we people of India find that the doctrine is advantageous to us are we not to adopt it? Should we not revise our views in the light of new facts? I do not pin myself down to principles and convictions which will not prove beneficial to the interests of my country. That is the criterion. Is it beneficial to India that we should adopt the principle of preference or not? If it is, I say accept that principle and modify your opinions and views. What do you ask the committee to do? The Committee has to consider the principle of preference and also consider the methods by which the question of fiscal policy might also be discussed and judged. It seems to me to be a perfectly desirable and legitimate thing to do, and I really cannot understand the point of the objections that have been raised. I am prepared to give my support to the resolution, and I hope it will be agreed to."

12-44 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"Sir, I welcome this resolution moved by the Hon'ble Member for Commerce and Industry. My only difficulty is this, that whatever this Committee may do, even after examining all the statistics and taking into consideration Mr. Crum's amendment, the Government will not be in a position on the basis of the recommendations that Committee may make, to lay down a final policy which can be safely adopted in the future. This is a very large question, a question which will eventually affect vastly the economic conditions of the country. The country has not been given an opportunity at all of discussing the principles of the fiscal autonomy India should have, and what should be her future tariff policy, whether it should be preferential, or free-trade, or protectionist, or fair-trade or retaliatory or whatever you may call it. Therefore, I say, Sir, that unless the country is taken into the confidence of the Government, not this Legislative Council only of which not all of us are representatives of the people, it will be unwise and even mischievous simply, on the recommendations the proposed Committee may make, to start the hare of a preferential tariff. That is my fear on the subject. As far as the Committee itself is concerned, it is at liberty to examine the question and make any recommendation it likes, but its word can hardly be considered as final and binding on the country. The country has not been entirely taken into confidence by the Government. If anything is to be done, let the country be allowed in the first place a full and fair opportunity to consider the question, discuss it from all points of view, and offer a variety of opinions thereon. I think, Sir, that as regards preferential tariff my friend, Sir Gangadhar Chitnavis, was somewhat dogmatic when he said that England had adopted preferential tariff! I deny the proposition. England has not adopted preferential tariff as her future fiscal policy, though, no doubt, there has been some coquetting on the subject by the Ministry. . .

The Hon'ble Sir Gangadhar Chitnavis:—"I said 'she is thinking of adopting it'."

The Hon'ble Sir Dinshaw Wacha:—" Ah! I should say, Sir, that the present Government of England is called Government by coalition. This Government by coalition is a government of stopgaps, of compromises and of temporary expediencies. It is not a Government which is competent to lay down the sound fiscal policy which all England may approve. Nothing of the sort. ' This Government may be dissolved to-morrow; another Government may come in its place. Mr. Asquith is a strong free-trader and he denounces this preferential tariff, so do many other experts. The *Economist* of August 1919 went statistically into the whole question of preferential tariff and declared that preferential tariff—if you do not tax foods and other articles but merely manufactured goods—will be a preferential tariff in name only It would be 'a farce.' These are not my own words; they are the words of the *Economist*. To say therefore that in England they have finally adopted a preferential tariff or something approaching it is simple nonsense.

"Then there is another vital issue At the present moment the whole world is in what you may call an economic confusion or chaos. There is also the big but most complicated question of international exchange. Exchange problems, I need not observe to this Council, certainly affect all classes of trades and industries. Then, again, there is the more serious problem of unsettled Europe We do not know what the policy of a settled Europe will be; we do not know how trade with Germany, trade with Austria and other States of Central and Eastern Europe will be affected. Until all those countries with whom we have the most important trade settle down and declare what their own policy will be in the future, whether they will have preferential tariff with regard to their foreign trade or any other, it is of no use India rushing forward at this hour and committing itself one way or the other? I am afraid it cannot. The world's economics have been since the war in the melting pot. Maxims and dogmas current before the war, during the war, and after the war are all melting. New dogmas and maxims have come into being and are forging themselves These have not yet been tested and verified; and I consider that until the whole economic question relating to the old and new world is finally settled, which will not be for three or four years to come, one way or the other, it is simply futile for India to lay down an economic policy which may be deemed beneficial to the people. There is, however, no harm in appointing a Committee of the character proposed, although I do say that this Committee cannot be considered to be a representative committee for a final verdict. A handful of members of trade experience in the Legislative Council cannot be recognised as expressing the opinion of the country itself. The country may be protectionist, or it may be preferential, or it may be free-trading, but let it clearly and definitely declare itself. All these are considerations which cannot be ignored. My own opinion is, Sir, that the question is of so momentous a character that it would be most unwise to decide it so hurriedly as at present seems to be the case. I wish the Government of India had not put it forward at all, and that they had waited for sometime to see how Europe settles down, how the economic conditions there take a final shape, and how the exchange problem is going to be settled before rushing into this question. However, Sir, here is the resolution and as I feel very strongly interested in these problems, I shall certainly serve on the Committee and do my best; but I cannot say that our recommendations should be considered final. It is the country and the country alone which should make the final pronouncement on it, and the time will come when it will have to do so, though not immediately."

12-49 P.M. **The Hon'ble Mr. Sachchidananda Sinha**:—" May I know, Sir, whether Mr. Crum's amendment means the same thing practically as the resolution of Mr. Patel which stands as *No 7 on the list?"

The Vice-President:—" I did not catch what the Hon'ble Member said."

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* *Vide* page 785.

12-50 P.M. **The Hon'ble Mr. Sachchidananda Sinha**:—"I want to know for information whether Mr. Crum's proposed amendment means the same thing in fact and substance as the resolution of Mr. Patel which stands as No. 7 on the list."

The Hon'ble Mr. W. E. Crum:—"I rise to explain, Sir, that I do not mean quite the same thing. Mr. Patel's resolution is for the appointment of a Committee, but I am not sure that the best way of considering fiscal policy would be that. There may be other ways of considering it. I want this Committee appointed by Sir George Barnes to consider the best methods of considering that policy; that is my point; it may meet, I think, Mr. Patel's resolution partly, but it certainly does not actually follow the proposal which Mr. Patel has made."

12-51 P.M. **The Hon'ble Sir George Barnes**:—"I do not think there is much for me to say. Mr. Crum's amendment will solve many of the difficulties which were before the Council. It has solved Sir Fazulbhoy Currimbhoy's difficulties altogether, and, I believe, that it has to some extent solved the difficulties to which Mr Patel has referred. With regard to what Sir Dinshaw Wacha has said I can assure him that all that is intended is a statistical examination, more in the nature of a preliminary survey. I think that will meet his objections in the matter."

The Vice-President:—"The question is—'that this Council recommends to the Governor General in Council that he appoint a Committee to examine the trade statistics and to consider and report to the Governor General in Council whether or not it is advisable to apply to the Indian Customs Tariff a system of preference in favour of goods of Empire origin.' The Hon'ble Mr. Crum has an amendment that the following words be added:—'and as to the best methods of considering the future fiscal policy of India.' I will put the amendment to the Council first."

The amendment was put and agreed to.

The following motion was then put and agreed to:—

'This Council recommends to the Governor General in Council that he appoint a Committee consisting of the Hon'ble Sir Claude Hill, the Hon'ble Mr. Mant, the Hon'ble Mr. Ley, the Hon'ble Mr B. N. Sarma, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Crum, the Hon'ble Mr. Paton, the Hon'ble Sir Zulfikar Ali Khan, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Rai Sita Nath Ray Bahadur, the Hon'ble Dr. Tej Bahadur Sapru, the Hon'ble Sir Gangadhar Chitnavis and the Hon'ble Sir George Barnes, to examine the trade statistics and to consider and report to the Governor General in Council (1) whether or not it is advisable to apply to the Indian Customs Tariff a system of preference in favour of goods of Empire origin, and (2) as to the best methods of considering the future fiscal policy of India.'

RESOLUTION *RE* APPOINTMENT OF COMMITTEE TO CONSIDER AND REPORT ON RULES AND REGULATIONS UNDER THE GOVERNMENT OF INDIA ACT, 1919.

12-54 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"I beg to move that—

'This Council recommends to the Governor General in Council that a Committee of all the non-official members of this Council be appointed to consider and report on the rules and regulations framed and to be framed under the Government of India Act, 1919.'

"The first point I make is that there should be a Committee of non-officials of this Council to report on the rules framed and to be framed For this there is a precedent. When the reforms proposals came up they were placed before a Committee of that kind. There is a precedent and there is likely to be another, So far as these rules are concerned I consider they should be placed before the Committee that I propose. The next point is this; I know that there is an informal Committee appointed to consider the rules framed and to be framed. As regards this Committee I wish to submit that it may be necessary sometimes to appoint these informal Committees, but in my opinion these Committees are no good. These informal Committees are liable to run into grooves; we could not at such informal Committees raise objections, I mean no disrespect to them, but I am bound to say they are apt to be one-sided and to take only one view of the matter. I should like these rules to be discussed from all points of view and to be clearly understood by everybody. Another objection which I have to these informal Committees is, that there appears to be no real authority for them under the law. They make recommendations which may or may not be accepted but they cannot be debated upon. So I humbly submit that these informal Committees will not serve the purpose required, and I therefore desire to submit my motion. My point of view is that it is desirable to go into the question of ascertaining exactly what we have got under the Government of India Act and to try and get the utmost we can out of it; to try and discover for ourselves what is its full scope and fully utilise all that it gives to us, and that would be the way to make it successful. If we do not go far enough we shall discover this and if we go too far we shall discover where we are wrong. Before a person purchases a house he likes to see all the rooms and to walk over the whole compound, to find out exactly how he stands. Similarly, we have this new Act and would like to examine every portion of the rules and to see every thing that is prohibited or not prohibited by it. In my opinion the whole subject requires examination, as I have suggested, so that we may have the full benefit of it and not only a portion. That is one point; another is that some people say under the Act everything necessary is given; others hold that what is given is very little. A third set say something is given but it does not go far enough. I think that all these differences would disappear if we were to sit together and examine all the provisions of the Act and the rules framed under it. At such a meeting all misunderstandings would tend to disappear, and there would be only mutual co-operation and good understanding. Lastly, I should hope that on such a Committee the officials who attend will kindly give us such information as we require. The Government officers have given full consideration to this matter and the collective experience of the Government of India will thus be utilised to make these rules as workable as possible. I also wish that when we are discussing this matter, should we go wrong or ignore any points, we shall be set right—so that we may understand the whole Act as fully as possible. Somebody will kindly be deputed to give us that information so that we might read the whole thing, understand the whole thing as fully as we possibly can and, wherever necessary, we might get information from the officials deputed. So considered from this point of view, it appears to me very desirable that these rules and regulations should be examined by a committee consisting of all the non official members of this Council assisted,—I do not say that in so many words, but that is my suggestion,—assisted, where necessary, by the experience of the officials or by official explanation. With these words, Sir, I would submit this resolution for the consideration of this Council."

The Hon'ble Mr. Kamini Kumar Chanda.—" Sir, I wish 1-4 P.M. to give my whole-hearted support to the motion which has been brought forward by my Hon'ble friend Mr. Khaparde. Sir, the rules and regulations to be framed under the Reform Act are of vital importance to us, in certain respects they will be of greater importance than the Act itself. As was observed in the House of Commons the other day when this matter was debated after the Report of the Joint Parliamentary Committee was submitted, everything is to be left to the rules, but judging by our experience of the Reform Act passed under Lord Morley's scheme and the regulations framed thereunder, I think it our imperative duty to press that the rules to be framed should be considered from every possible point of view. Speaking for myself, Sir, I was inclined to move that the rules should be considered by a yet larger body, in fact I thought that this whole Council should go into committee, and I also thought that the draft rules might be published with advantage inviting public criticisms, and after criticisms are received from all sources, the matter might be considered by the Government. Of course, it will be said that the Government is being assisted by a committee and the rules will be published thereafter. Now as regards the small committee, we do not know how it is composed. Apart from that fact, I think, Sir, on principle we must object to the process of selection rather than election. We do not know the names of the members who are on this committee, and I am not quite sure that all important interests are represented on it.

"Then coming to the question of publication after the rules have been settled by Government, I have very great doubts, judging from our past experience, if Government will really make any change at all, however small it may be, when once it makes up its mind. I have known one learned judge who used to write his judgment and then hearing the arguments of pleaders. We know from experience, Sir, that that is the practice followed by Government usually. Once it makes up its mind and settles a thing, it will never change its opinion. No doubt, it invites public opinion and criticisms, but it is only formally done and much attention is not paid to such criticisms and opinions. On this ground, Sir, I am inclined to think that it would be better if the rules are now considered by a much bigger body. My Hon'ble friend Mr Khaparde desires that all the non-official members of this Council should go into a committee following the precedent that was followed in 1918 Sir, it is well-known that, from all points of view, we look upon the Reform scheme of Lord Morley as a failure, and that was due to the regulations. The scheme was all right when it left England, but here it became extremely unsatisfactory by reason of the regulations framed here; it was in fact wrecked. Let me mention by way of illustration that under these regulations even Lord Sinha is not eligible to be a member of any Legislative Council. I hope, Sir, we shall not commit the same mistake again, and I do hope that Government will see its way to accept the proposition of my Hon'ble friend Mr. Khaparade and allow the rules to be considered by all the non-official members of this Council."

1-10 P.M. **The Hon'ble Sir William Marris** :—"There is a preliminary point, Sir, in the resolution to which I should like to draw the attention of the Council, and it is that the Hon'ble Member's motion is so far incomplete in form. He has failed to indicate to whom this committee of all the non-official members should after consideration make their report, whether to the Governor General in Council, or to this Council itself. To pass from that however, I am glad, Sir, that the Hon'ble Member in putting this proposal to the Council made no suggestion that it is the object or the intention of Government in this matter to observe an attitude of secrecy. The Hon'ble Mr. Chanda did indeed darkly suggest that Government sought to take up a position comparable to that of the District Judge who wrote his judgments before he heard the arguments. I think I may with complete confidence ask the non-official members of the committee who have been good enough to co-operate in the work already done, to say whether the picture which the Hon'ble Mr. Chanda has drawn is or is not a complete travesty of the actual proceedings in the committee. A a matter of fact, we have had our informal committee working for some time. It has held several meetings; it has got through a good deal of work already; and if I may, Sir, I would gladly take this opportunity of acknowledging the entirely reasonable and conciliatory spirit with which the non-official members of the committee have met the Government, and the sense of responsibility which has informed the suggestions which they have made. I leave it to the non-official members of the committee to say, if they care to do so, whether they think there has been much to criticise either in the proposals laid before them or in the attitude of the Government members in supporting or discussing those proposals, and whether there has been anything at all in Government's attitude of the rigid or wooden or impracticable, anything at all to deserve any of those classical epithets that are from time to time applied to the operations of the Government of India.

"Now I will state, as briefly as possible, the reason why I do not ask the Council to accept the Hon'ble Member's resolution. What he asks us to do in effect is to swop horses in the middle of crossing a stream. But we believe in our own mount. For the purpose in view we believe our machinery to be the better. We have got a small, and with all deference to the Hon'ble Mr. Chanda, a thoroughly representative and competent committee, with the major provinces all represented on it, without at the same time making it so big as to limit informal discussion. The Council will readily appreciate the importance of this point. For, if instead of our small and manageable advisory committee we had a committee four times as big, as the Hon'ble Mover wishes, or indeed a committee five or six times as the Hon'ble Mr. Chanda would, as I gathered, prefer, everybody knows that it would be a quite impracticable body. General discussion would be impossible. You always come to a point in the process increasing the size of a consultative body where informal discussion can no longer take place because it leads to chaos. Beyond that point, therefore, you have to proceed by resolutions and amendments formally moved, because the body as a whole has become so big that it can no longer proceed by the quick interchange of ideas and informal discussion, and must be guided by formal rules. And let us remember, Sir, that the element of time in this matter is of great importance. I appeal again to the non-official Members of the Committee who have had experience of the difficult nature of some of the subjects we have had to discuss. I believe they will agree with me that if, for example, the matter of the composition of the future Indian Legislative Assembly where various interests inevitably clash had had to be determined by a series of discussions in a body such as the Hon'ble Mover or the Hon'ble Mr. Chanda suggests, a body four times as big as the Committee which has been considering the question and which has already come to its conclusions, the time consumed would be in geometrical progression; it would be not four times as long but sixteen times as long, and I for my part at all events should feel no confidence in our work being done in time for His Royal Highness the Prince of Wales to inaugurate the new constitution. It is obvious that time is of the essence of this matter, and for this reason we have a great deal of work to do; we also have to do it by a complicated procedure. We have first of all to discuss the rules here, then we have to send them to the Local Governments. The Local Governments are very much concerned with many of them, and they have to discuss them with their advisers. For exactly the same provision has been made by Local Governments. They also are not conducting their proceedings with an air of mystery, but their non-official members are freely consulted. After consideration by the Local Governments, the rules have to come back here and, if necessary, be re-examined. They have then to go Home and be laid before the Joint Committee, and a great many of them have to go before Parliament, and some of them have actually to be passed by a vote of Parliament. Now we have not got a whole year to do all this, and there comes a stage at which we cannot get on further until we have actual legally-made rules to work with. In the whole process of inaugurating this new constitution, I think there are two areas of uncertainty, two indeterminate portions in respect of which we cannot be quite sure how long the work will take to do. One is the actual formation of the vast electoral rolls. The agency, the machinery available varies very much in different parts of the country, and although we may say with fairly reasonable confidence that at almost all the places the work will be done in time, still there are places about which a certain anxiety may reasonably be felt. Nor until the whole ground has been explored do we know what hidden difficulties we may find ourselves up against and what time it may take to surmount them? That is one area of uncertainty. The other is the time which the Joint Committee and Parliament at Home will take to put these rules through the final mill. That matter is beyond our control entirely. Therefore, on both these grounds, it is absolutely essential, if the work is to be done in time, that we should have a certain amount of time in hand. That is why we have got to get on quickly now. I hope, Sir, that with the willing and eager co-operation that we have been receiving there will be no difficulty; but I repeat that I could not guarantee that we should be ready in time if all these rules, which it is essential to deal with at a reasonable pace now, had to be subjected to the very slow machinery, the incomparatively slower machinery which the Hon'ble Mover proposes. There is one point I omitted to mention. Let the Council think how difficult it would be for an enormous committee of this kind even to find time to meet at all with the pressure of their other work, both upon this Council and Select Committees. The mere difficulty of securing meetings at all would greatly impede progress.

"The Hon'ble Mover, gently as he pressed the point, indicated a preference for a committee selected by this Council and not by Government. Now as to that, Sir, there is just one word to be said. Whatever obscurities may be thought here and there to attend the Joint Committee's report, one thing is clear. That body had a strong belief in the efficacy of Parliamentary methods, and they have told us to model ourselves as far as we can on the august example of Parliament itself. Well, Sir, what would Parliament do in a case like this? In Parliament the discussion of a technical matter (and the whole of this is technical) would be conducted by a Select Committee. Even in the case of public Bills (other than finance and money Bills) the practice is to refer first to a Standing Committee. The Government of India Bill was a case in point. Now it is quite true—and I make a present of the point to the Hon'ble Member for all that it is worth—that Parliament appoints the Committee and takes its report. Well, Sir, I have no doubt we should be exactly the same, if the conditions were analogous. If we had a responsible Government here that would undoubtedly be the procedure. If in the alternative the Statute had directed that these rules and regulations should be made with the assent of the Legislative Council, the same line would have been taken; but we have to take our orders as they have been given to us and the orders are perfectly plain. These rules are to be made by the Governor General in Council with the sanction of the Secretary of State for India in Council. And therefore any committee assembled by the Government of India to assist it in framing these rules, as far as may be in accordance with ascertained public opinion, must necessarily be an advisory body, and the appointing authority must be the Government and not the Council. To admit the Hon'ble Member's suggestion would in fact be a constitutional innovation which we have no authority to make. I therefore trust, Sir, that after this explanation the Hon'ble Member may not be disposed to press his proposal, for I maintain that we have met him substantially, though we have not met him in form. If he does press his proposal, I trust the Council will be abundantly satisfied that the Government are only anxious to take Indian opinion fully into their confidence, and in taking the course which it is, are merely making use of the best machinery. I have only to mention one other fact, and that is, that two qualified representative Indian gentlemen whose position and experience enable them to speak with knowledge seeing that they have seen both sides of this question of the business and machinery and processes of making reforms, both from the side of Government and from the non-official side. Having had such experience of both sides they are entitled to speak with great authority; and they have expressed themselves as abundantly satisfied with the anxious care which Government is taking to meet, to ascertain and to satisfy non-official opinion; and indeed they went so far as to say the arrangements made by Government had exceeded all expectations which they had entertained in the matter. I, therefore, regret, Sir, that the Government cannot accept the resolution which has been moved."

The Hon'ble Mr. V. J. Patel:—"Sir, I rise to support the resolution of my friend the Hon'ble Mr. Khaparde. In the lengthy reply which my friend the Hon'ble Mr. Marris gave, we did not hear the names of the committee that has been appointed, the committee of which we have heard so much. Of course we heard the certificate given by my friend the Hon'ble Mr. Marris to the members of that committee. He says they are sober and very good people and experienced people and all the rest of it, but we do not know who those members are. We have not been told. I do not know why no Press Communiqué gives those names; this lengthy reply of my friend does not give the names, and why even up to this moment those names have not been given out by the Government to the public and to the members of this Council, I cannot understand. However, whoever they are, what I would like to see is this. This committee is charged with the duty of advising the Governor General in Council as to the rules and regulations to be framed under the new Act Well, those rules are to be framed, not only for the Legislative Assembly, but also for the local Councils and, therefore, I would certainly expect that that committee should consist of men who have had considerable experience in the local Legislative Councils. I do not know if that condition has been satisfied in the composition of that committee, and that fact has been taken into consideration by this Government. 1·25 P.M.

"But apart from that question, Sir, I lay very great stress on the point mentioned by my friend the Hon'ble Mr. Chanda. It is a question of election *versus* nomination. If you do not think that there should be a committee it is quite a different thing; you are not bound to appoint one; the rules are to be made by the Governor General in Council. Then, why appoint a committee, why give to the matter the semblance of the advice of the non-official members. But if you do appoint a Committee, why not appoint it by election and make it a reality? Let this Council decide who the members of that committee should be. I think it needs no words from me to convince this Council that a committee of this sort should be appointed by election rather than by nomination. Every one knows in what mysterious manner you sometimes find some names entered in the list of nominated members on committees or on other bodies also. My friend the Hon'ble Sir William Marris says that Government has no policy of secrecy; their attitude is not one of secrecy. If that is so, why are the names of the committee not published for so many days? He says the Committee has been sitting and has done work for several days, and that he has been very much satisfied and that other members are also satisfied. That may be all true, but we do not know anything about it. If there is no attitude of secrecy on the part of the Government, why do we not know anything about these things? And even at this last moment why does he keep back the names? I cannot for the life of me understand this.

"Then again, Sir, there is already complaint in the country. Perhaps this Council is aware that they have appointed a provincial advisory committee in Madras by nomination. There has been a protest by the Provincial Congress Committee against the method by which that committee has been appointed. Similarly, this is a protest, I understand, from my friend Mr. Khaparde, against the method by which this committee has been appointed. I really cannot understand why, if you want to take non-officials into your confidence, you do not say to the non-official members themselves, 'Well, gentlemen, whom do you want to send as your representatives to this Committee? Government want your advice, will you select your people?' Well, if the Government does not adopt that course and says, 'We will take the advice of such people as we like', they will get advice that they like and they will get such people as they like. That is quite true, but let them know that they are not the people of the choice of this Council much less of the public. I respectfully submit that if you want to make the Reforms a success, this is not the way. Why is this Committee appointed? Why are the non-officials to be consulted? It has been a complaint that the Morley-Minto Reforms were made nugatory by the rules framed by the Government of India. No committee was appointed, non-officials were not consulted, and they made rules as they liked and the Reforms became a failure. That has been the complaint, the general complaint. In order to provide against similar mischief it has been insisted, and very right insisted by the Secretary of State, I understand, that public opinion must be taken into confidence. Therefore, the Government of India has thought it right to appoint a sort of advisory committee by nomination. It is playing the same old game. You can select your own men, and you take their advice. The public knows nothing about it. You say 'we will publish the rules.' Of course, you will publish the rules and afterwards you will consider them. We have no say in the matter. We will send you our objections and they will go into the waste paper basket. If you really mean business you must take us into your confidence; you must ask us 'Well, whom do you select?' My friend says all the members should be brought together and they should form a committee. My friend the Hon'ble Sir William Marris says that is an impracticable proposition, it will cause delay, it will not be a working proposition. I do not know why. I think my Hon'ble friend is much mistaken about the wisdom and the capacity of the non-official members. Only the other day, as my Hon'ble friend Mr. Khaparde pointed out, a committee of non-official members met under the presidency of the Hon'ble Mr. Surendranath Banerjea to consider the voluminous report on reforms, what is popularly known as the Montagu-Chelmsford Report, and in three or four days we went through the whole of the report and made our recommendations to the Governor General in Council. Every one had his say, the Indian and the European non-officials, and we got on very well and in four days we made the report and presented it to His Excellency the Viceroy. There was no difficulty. I think it was my friend the Hon'ble Mr. Surendranath Banerjea who went personally to present that report to His Excellency the Viceroy, if I remember aright, and there was no difficulty. Yet we hear that these rules are being considered for days together by a nominated committee, and nothing seems to have been finally settled. I think if we non-officials met together round the table, discussed matters and considered them, there would be no difficulty. We should present our side of the case and then it would be for the Governor General in Council to decide. I do not know whether the Hon'ble Sir William Marris sits on that committee, but I suppose there are some officials on it. That is not the way to get real non-official opinion. If we, the non-officials, are allowed to meet together, we talk the matter over, we discuss it in all its aspects and we express our opinions freely and independently. We say there what we feel. We are not used to speaking quite independently in the presence of high officials, and is it not much better if we are allowed to discuss these rules ourselves and place our views before His Excellency?

"With these observations I very heartily support my friend Mr. Khaparde's Resolution, and I trust the Council will accept it. There is no substance in what the Hon'ble Sir William Marris has said."

1-33 P.M. **The Hon'ble Mr. Surendranath Banerjea:**—"Sir, I did not want to speak at all on this question, and if I do speak it is in response to the invitation of the Hon'ble Sir William Marris as to the attitude of the Government in regard to those who are members of that committee. I am a member of that committee and with regard to the attitude of the Hon'ble Sir William Marris and of the Hon'ble Mr. Muddiman I will say this, that it has throughout been most conciliatory and even deferential towards the views of the non-official members of the committee. I think I re-echo the sense of every member who has been put on that committee . . . . . .

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"Yes."

The Hon'ble Mr. Surendranath Banerjea:—"I think we all agree that the Government has given us throughout the utmost latitude of expression, has treated our suggestions with great consideration, and has accepted many of them that ought to clear the atmosphere.

"With regard to the decision of the Government to have a few and not the entire body of the non-official members, it is not for me to enter upon a defence of that proceeding. That point has been explained by the Hon'ble Sir William Marris, and I am not called upon to add anything to it.

"I desire to point out one mistake, which my Hon'ble friend Mr. Patel makes, namely, that the names of the members of the committee have not been placed before the public. I have reason to believe that the Associated Press did send a wire which has appeared in the newspapers giving the names of the members of the committee. I do not know that I should detain the Council with any further observations I would once again repeat that we have been treated with the utmost consideration, that we have done our best, and that our suggestions have been received with great attention and even with deference."

The Hon'ble Mr. Sachchidananda Sinha:—"May I say just a word, Sir, on this question? As one of those unfortunate non-official members on this committee whose position has been by implication impugned, and perhaps perfectly justly so, by my friends Mr. Khaparde and Mr. Patel, I would like to say a word in response to the invitation of Sir William Marris. I had no idea about this committee, until I got a letter asking me if I would care to work as a member of it. I felt I would not be justified in refusing the offer of the Government, simply because I was not elected, as I believe in doing what little I can for the country, even on sufferance; and I, therefore, accepted it. But I would like to take this occasion to say, and say it emphatically, that my leader, the Hon'ble Mr. Banerjea has stated the absolute truth, when he said that the members of the Government who were on the committee, Sir William Marris and Mr. Muddiman have been most deferential to us, and we have had a very full and fair and frank discussion on every point that has arisen in the course of the debates, and that after very long and careful consideration they have gladly accepted whatever views we expressed by a majority, I mean we the non-official members of the committee. At the same time I will not say that I would not have very much preferred if the Government had adopted the course of asking the non-official members of this Council to elect for this committee a certain number of members; that would certainly have carried much greater weight. The result of mere selection is that even a man of my sterling independence is being charged by implication as having come under the good grace of officialism. I certainly do not like that; I would personally prefer very much that I was a member of this committee by election, and I know the limitations of being chosen by selection. But, at the same time, I cannot honestly say that this committee, which contains all interests and members of most of the major provinces, was wanting in its loyalty to the country and its best interests. I would certainly, as I say, have preferred to be elected, but as the Government did not choose to do so, I am sure I cannot be responsible for their action. Therefore, Sir, I feel some difficulty in supporting my friend Mr. Khaparde who now wishes the matter to be brought before the whole Council, after the Reform Committee has already sat, I think, for five or six times. I think it would be very difficult to get through the entire body of work before a much larger committee of the whole Council. If we had not to prepare the whole scheme and send it to the Secretary of State in a limited time, and if the time at our disposal were unlimited, it might have been a better arrangement; but as Sir William Marris has said the whole thing must be done quickly and laid before the Houses of Parliament soon, as they have got to consider them. In view of this, I think, I cannot give my support to the proposition put forward by Mr. Khaparde that the matter be referred now to the whole of the non-official members of the Council. My friend, Mr. Chanda, had 1-34 P.M.

even a wider suggestion, that the whole thing should be put before the Legislative Council—the non-officials as well as officials together. On that principle Mr. Patel might feel justified in asking that there should be a still larger body, including members of all the Provincial Councils also; all that is a counsel of perfection, and far be it for me to say one word to detract from the value of such suggestions. But having regard to the very limited time at our disposal, these are not, I regret to say, working propositions. For these reasons I regret I am not in a position to support my friend's proposition."

1-33 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"Sir, I have listened with great interest to all the debate that has taken place on my motion, but I regret to say that I still feel that I ought to move this Resolution and press it on the attention of this Council as strongly as I can. I do not like to make a speech now in support of it, but with your permission, Sir, I shall briefly reply to some of the allegations that have been made. The first is that these gentlemen, who have been selected on the informal committee are very good people and that they have been doing their work very well, and we have heard two of these gentlemen getting up in their places and saying that they have been freely making suggestions, and that the said suggestions have been accepted with very great care and all that. Well, it was never a part of my case that these people who were on the committee were not good people, nor was it on that account that this has been put forward. The next question is that a big body is an unworkable body subject to certain limitations. If at all it is an unwieldy body, then why have they been invoked into existence by legislatures at all? I believe these big bodies have some virtue of their own for they have been constantly invoked. Then, again, Parliamentary practice was referred to. Fortunately last year when I was on a short visit to England I saw something of the procedure in Parliament. In Parliament there are definite bodies; when Government wishes to form a joint committee then they ask each party to nominate. Government say 'We want a body of ten and we shall take six and for the remaining four you nominate from members of your party,' and then the parties nominate their men, and then the joint committee comes into existence. The joint committee on our new Government of India Act was formed in this manner. Well, now this was not the procedure followed here. I am sorry that the further argument was rather difficult for me to understand, namely, that it is the Government of India that has got to make these rules and send them to the Secretary of State, and therefore this Council has no right to ask for anything; and that if we are consulted, it is as a matter of favour that we are consulted and we need not have been consulted at all. This same matter occurred with regard to the reform proposals; they were made by two great officers of State, His Excellency the Viceroy and the Right Hon'ble the Secretary of State, and they were not bound to consult us, and we certainly could not possibly have asked for that, and yet why was it placed before us? I believe the essence of co-operation is that you invite the other people to come and help you when you are not bound to do so. If you are bound to do so, then I do not thank anybody for asking me because he was bound to do it. Co-operation means that you call in the assistance of people when you are not bound by law to do so. Well, judged from that point of view, if my view is right, then this speaks rather ill for co-operation, namely, Sir William Marris saying 'The Government of India has to make the rules; you have no *locus standi*; if we call you it is a matter of favour.' I submit this is not right. Anyhow I shall not press that point further.

"Then comes the further proposition that there is no time to bring them before this Council; there is no time even to refer them to the committee which I propose to be composed of non-officials. I heard this in the debate in the House of Commons when I was there; they said there was no time; I believe it was Colonel Yate who raised the point and said that he did not like to give his adherence to the Act then. To the answer that there was no time, the reply came from many quarters of the House that it was a very unfortunate thing that most momentous issues had to be decided and most far-reaching conclusions had to be reached in a hurry. I believe it was Colonel Yate who said that if that was so, if we had to act in a hurry, better not act at all; it does not matter; India has waited for so many years, she may well wait a few months more, but let us give her a good constitution. Similarly, in this case also, there was a hurry in getting this Act through, there is hurry in framing the rules; it is said that they cannot be brought before the non-official members of this Council. It is not a very large body; we are a small body as we are, and there is not much harm in that, as was pointed out by my Hon'ble friend Mr. Patel. On a larger question like this we all submitted our report, and there would be no difficulty in doing the same here.

" A further point that was taken was that there was a technical difficulty in my Resolution, in that I did not say to whom that report should be submitted. Well this is, I believe, a technical defect. I maintain that if these rules are placed before this Council without consultation, that is a serious objection. The serious objection is this. I have great respect for my friend Mr. Banerjea. I agree he and his colleagues are good men, but unfortunately I do not worship in the same temple with them. I deny the statement that I have no business to exercise my own judgment. Therefore I submit my Resolution for the acceptance of the Council."

The Hon'ble Sir William Marris:—"I will not detain the Council for more than a short time. In reply to the allegation of secrecy that was made by the Hon'ble Mr. Patel and repeated by Mr. Khaparde to some extent in his reply, I may remind the Council of the answer given a short time ago in reply to a question put. It was said in it that the Government of India proposed to forward a copy of the suggested rules, and that every non-official member in this Council was requested to forward any observations he wished the Government to take into consideration. In view of that statement and in view of the practice which has been followed of circulating papers to non-officials, I do not think the Council will agree that either the Hon'ble Mr. Patel or the Hon'ble Mr. Khaparde have really any substantial grounds for suggesting that they have been kept in the dark. As to evidence of the desire of the two Hon'ble Members to participate in the framing of these rules, I think I am right in saying that I have not received any comments from either of them . . . 1-48 P.M.

The Hon'ble Mr. V. J. Patel:—" I rise to offer a personal explanation. The rules were sent to me on Tuesday night at 12 o'clock and they were asked for on Thursday."

The Hon'ble Sir William Marris:—" I am grateful to the Hon'ble Mr. Banerjea and to the Hon'ble Mr. Sinha for their testimony as to the way in which the business of the committee has proceeded, and to the evidence it affords of the way in which the non-official wolf may lie down with the official lamb. As regards the question of the control of the committee, I mean the Hon'ble Member's desire that it should be elected rather than appointed by the Governor General in Council, I can only say again that the act of election connotes control. If you elect a committee you give it a mandate to do so and so, and it comes charged with that mandate and is more than an advisory body. But the responsibility for the rules is with the Government, and therefore all that the Government can do is to call in advisers of its own selecting."

The Hon'ble Mr. G. S. Khaparde:—" I ask for a division."

The Vice President :—" I shall take a division by a show of hands."

The Council divided and four voted in favour of the motion, the majority against it.

The motion was therefore rejected.

[At this stage the Council adjourned for lunch.]

RESOLUTION *RE* APPOINTMENT OF COMMISSION TO INQUIRE INTO CONDITIONS OF FACTORY LABOUR.

2-49 P.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer** :—" Sir, I beg to move—

> 'This Council recommends to the Governor General in Council that a strong commission be appointed to inquire into the condition of factory labour and to consider the desirability of establishing committees of arbitration for the purpose of going into and settling disputes between employers and workmen in centres of industry and to make other suitable recommendations.'

" Sir, during the past few months, India has witnessed labour unrest of unprecedented dimensions and unparalleled intensity, which, at one time caused grave anxiety to Government and people alike. The chief and the direct cause of the labour troubles has, of course, been the high prices which have prevailed in the country for the last few years. War conditions and the failure of the monsoon over large areas in 1918 were responsible for the abnormal rise in prices, but owing to the disturbed state of things over a great portion of Europe and Asia, the level of prices has remained high in spite of the termination of the war. Wages of labour in our industrial centres did not increase in proportion to prices and the working classes had to suffer severe hardship. The continuance of these conditions became intolerable to labour and a wave of discontent and unrest has passed over the whole industrial field in India. The unrest has found an outlet in strikes which have occurred in almost all parts of the country; and the discontent of labour of all kinds is smouldering everywhere. Strikes are indeed not an altogether novel phenomenon in this country; we have had strikes now and again in the past, and they have become inevitable under the factory *régime* which is being established in our midst. India is at present on the eve of a great outburst of industrial activity; and new industrial concerns are being started almost every day. This means that a larger number of workmen will be engaged in factories of the modern type and will have to live in conditions which are associated with large scale industry. Overcrowding, insanitary dwellings, insufficient wages, etc., are evils which will accompany this industrial development unless proper safeguards are provided from the outset and a policy of farsighted social amelioration is adopted.

" Sir, it is unnecessary for me to recall here the history of the strikes which have taken place recently in different parts of the country and of the circumstances under which they were settled. Let me, however, refer to one or two features of the labour unrest which deserve our careful attention. Workmen in mills, workshops, on the tramways and elsewhere have not only demanded a higher wage, but a reduction of the hours of work and other important concessions. The conditions of work in factories and the terms of what is called the wage contract, which is imposed upon the labourer, have likewise been in dispute. In fact all the relations subsisting between employers and workmen have been scrutinised with a view to their modification in favour of the wage-earning classes, and thus the labour problem in India seems to assume a shape similar to that in Western countries. What is, however, particularly interesting to note in connection with this question is the fact that with a growing unrest and self-consciousness among the Indian working classes, they are not yet organized enough to be able to formulate their demands in a proper way and to represent them in a responsible manner. A few labour unions have been formed among them, but they are not yet effective organizations that may be trusted to promote, in a systematic regular fashion, the well-being of the workers, nor to negotiate with the employers in cases of dispute. The history of the recent mill strike in Bombay is instructive from this point of view. For more than a fortnight the operatives in the Bombay mills remained outside the factories, collected in masses and made occasional demonstrations. But they could not speak through the mouths of accredited representatives and had no recognized leaders. The employers, all the while, knew their own minds but could not hold converse with representatives of labour that could commit the strikers to any particular course of action. This chaos among the ranks of the operatives and their divided counsels rendered it difficult for outsiders to intervene with advantage in the dispute. It was only after bodies like the Social Service League and the Labour Settlement Committee had taken up the question, that something like regular discussions could be carried on between the workers and the organized employers. And the kindly intervention of His Excellency Sir George Lloyd was of material importance in bringing about an understanding between the two parties.

"Sir, I have referred to these facts to illustrate the peculiar conditions of labour in this country which have got to be faced. We already have a Factory Act that is intended to ensure certain provisions in factories and to check certain abuses to which large industries are subject. The Act was passed after conditions in Indian factories had been exhaustively studied. But I have to urge that the time is now come when the whole problem must be re-considered in the light of the new facts and tendencies which are visible in the industrial sphere. In other countries, the State has played an increasing part in the regulation of the relations between the employer and the workmen, and the terms on which labour should be engaged and made to serve in factories. It is a matter for sincere satisfaction that a special department of industries has been organised by the Government of India, and the provinces also have their industrial departments. I think one of the important questions which the Government of India Department of Industries will have to tackle, will be the question of labour. The International Labour Conference which recently met at Washington, and at which India was represented, is a movement of great potentialities, and its deliberations and resolutions are bound to have a profound effect upon our industries and labour. The Department of Industries will have to deal with questions connected with this world's labour movement into the vortex of which India has been already drawn. The lines of policy to be pursued with regard to labour questions will now have to be determined, and the decision must be based upon the fullest information about conditions of factory labour obtaining in the different parts of the country. It is for these reasons that I am pressing for the appointment of a commission to inquire into the whole question of factory labour and factory legislation. The labour situation in India is not now what it was only a few years ago, and it is necessary that questions concerning the employment of women and children in factories, the wages of workmen, their hours of work, the condition of their housing, and, in particular, the desirability of devising some suitable machinery, by means of which disputes between employers and operators may be settled by arbitration, will have to be considered. In the absence of well-organized labour unions in India the importance of some agency of the nature of committees of arbitration is extremely great. And the responsibility of creating such agencies rests primarily on the shoulders of Government. In other countries, the State has taken steps to instal appropriate machinery to this end, and I feel that Government in India will have to do likewise Our methods of dealing with industrial disputes may perhaps have to be different so as to suit our peculiar requirements, but the principle underlying the arrangements has to be admitted. Sir, I believe, I have said enough to show why Government should accept the suggestion embodied in my Resolution, and I therefore move the resolution."

3 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I am in agreement with the proposal made by my friend the Hon'ble Mr. Haroon Jaffer. A Resolution similar to this has already been passed by the Commercial Congress. At the same time I think this resolution is a little premature. We want first of all to know what the Government has done about the Industrial Commission's report. They asked for opinions on these industrial questions from the different Local Governments. Have they obtained that information? That is the first point. Then, as one of those who were affected by the strikes in Bombay, and being in the know, I can inform this Council that our present Governor, Sir George Lloyd, is doing his best in getting all the information he can to solve the problem of labour trouble. The first question in Bombay is about housing. We have to settle how houses should be built and how they are going to be financed. Then the question of labour checks has also been discussed with the millowners. Then comes the third question of my friend about conciliatory boards. When the strikes occurred in Bombay, the Millowners' Association as a body were very willing to join the Conciliatory Board and abide by the decision of that Board; but the question, whether the decision of the delegates who might be appointed by the labourers should be binding on them, was a very difficult problem. And, therefore, although it is the very best solution, unless the people are educated and unions are formed, I think it is rather a difficult problem. I think the Government of India first of all ought to get all the information from different provinces about the conditions at different industrial centres, about sanitation, about the housing problem, about the working hours, After getting this information, I think the Government ought to appoint a commission of Inquiry into all these things on the lines mentioned by the Conference. They say:—

> 'In view of the present condition of labour, this Conference respectfully requests the Government of India to appoint a commission fully representative of labour and capital fully to investigate the labour conditions in India, such as wages, education, housing, hours of work, etc., and to submit such proposals for improvement as may be compatible with the healthy growth of the industry.'

"With the healthy growth of the industry,"—that is the chief problem. Suppose, for instance, the Government might think or the people might think an eight-hour day suitable, then it would not be possible for Indian industries to compete with the other industries of the world. All these are very difficult problems, and I think my friend the Hon'ble Mr. Haroon Jaffer should keep this resolution in abeyance for some time until all the different provinces have made up their minds definitely and have recommended to the Government of India what action they should take. Then only, I think, will the Government of India be able to appoint a commission and have an inquiry. I am always for all-India legislation. Supposing the mills in Bombay worked ten hours, the mills in other parts of India—in the Punjab and in Calcutta—ought to be made to work the same number of hours. There ought to be uniformity in this industrial legislation, and therefore I would welcome legislation later on."

3-1 P.M. **The Hon'ble Mr. W. E. Crum**:—"Sir, I am very much in sympathy with Mr. Jaffer's Resolution, but I agree entirely in what Sir Fazulbhoy Currimbhoy has said regarding its being inopportune at the present moment to appoint a committee of this sort. The Industrial Commission went very fully into the question of labour and examined the position of labour in all provinces. They have made certain recommendations, and I understand that these recommendations have been for some time before the Government of India, and are now to a large extent being acted on. There is another very important matter, and that is that the Government of India have presumably only just received the report of the International Labour Conference at

Washington. At this Conference the Government was represented, employers were represented and labour was represented, and until the reports of the various sections that were represented come to India, and indeed until the actual people who represented these interests come back again and are able to discuss the matter in person with Government, I think it is premature that this committee should be appointed. What I would like to suggest to Government is, that they should accept the principle of the Resolution, but I suggest that as regards the actual wording of the Resolution, it should be opposed."

The Hon'ble Sir Dinshaw Wacha:—" Sir, I wish to say a word. I entirely agree with what has fallen from my friends the Hon'ble Mr. Crum and the Hon'ble Sir Fazulbhoy Currimbhoy. 3-5 P.M.

" As far as the labour unrest in India is concerned, there are many factors which are contributing to it. Of course, labour unrest is universal throughout the world, and there is no doubt that it is slowly penetrating into different parts of India A great deal of misunderstanding has taken place in reference to the recent Bombay strikes, and public opinion was for a time against the millowners, as if they were a hardhearted lot of people who did not like to increase the wages of their labourers. To have thought so was a great mistake as events have proved The millowners themselves had their own case; but so long as the strikers were on the warpath nothing could be done. In fact, it was a 'lightning' strike such as had never occurred before except in January 1919. Then the mill operatives organised themselves in a very threatening manner, looted shops and did one thing and another, made a great deal of row and committed a lot of mischief; and it was only when the aid of the military was invoked, that the trouble was checked. This time the arrangements were perfect, but still the operatives organised themselves even better than last year For the Hon'ble Mr. Jaffer to say that there was no organisation, no labour unions, is not quite correct. There was some kind of union and something behind the strike. There were some agitators of a political character who have been known to have dissuaded the mill operatives from going to their work. The millowners had notified from the very first hour of the strike that the operatives should first resume their work, and then they would be offered the terms which they considered fair and reasonable. But as a preliminary they deemed it right *to enforce discipline*. It was not right on the part of the strikers, some hundreds of thousands of men, to go out on strike in an hour without giving previous notice in conformity with rules at all mills, and then say ' we will not return till you do this, that and the other.' There may be grievances on the part of the operatives, but there are grievances also on the part of the millowners. The latter have their own complaints to make against the operatives. Not that they are entirely against redressing the grievances of the labourers. Nothing of the kind. There has been a great deal of misunderstanding (I may say even misrepresentation) on the point which, by and by, will be cleared up, but to accuse the Bombay millowners of being a hardhearted lot and of doing nothing is simply fiction. I can assure the members of this Council that my friend Sir Fazulbhoy Currimbhoy and I, who are members of the Millowners' Association, that the allegations hurled against the millowners are ill-founded or unfounded, are doing our work and we know about these things much better than the outside public. I am afraid the Hon'ble Mr. Jaffer has been misinformed on many points, but I do not want to waste the time of the Council by referring to each and every one of them. The long and the short of it is that the hours of labour must of course be reduced. I myself have been agitating on the subject for the last fifteen years, and my speeches at the annual meetings of the Millowners' Association will show, how far I have been in sympathy with labour. I think that the status of labour, their wages and other kindred matters will have to be recognised. But that does not mean that the millowners themselves are so very apathetic and indifferent to the real grievances of their operatives as a certain class of pseudo-humanists have tried to make out, "As to the question of housing and education, I am afraid that it has been misunderstood altogether. I ventured to observe that employers of labour in no part of the world are bound to provide houses for their workers. They give them liberal wages, *i.e.*, wages commensurate with the cost of living including shelter. It is the duty of the State anywhere to provide houses for the working classes of every kind : not only for factory operatives, but for workers in a variety of industrial establishments The same is the case with education. It is, of course, the duty of the State to give elementary education to all classes of people, and in this Council for the last three years I have every year been putting interpollations on the subject as well as for housing, and I got the Government last year to admit, as it were, that the State has its own obligations as far as sanitary dwelling-houses and education of the working classes are concerned. I think a step has now been taken in that direction, though it is only of a most elementary character. In England, the Government have given a grant of 3 million pounds for 1919. The Indian public knows very little of the Indian labour question so far as Bombay is concerned : of course, I can only speak for my own Presidency I have no doubt that the Hon'ble Mr. Jaffer has brought this Resolution in a very sympathetic spirit ; but I am afraid he has not thoroughly understood the question ; possibly he has been misinformed on many points. No doubt the millowners could have settled the whole trouble between themselves and their labourers if the latter had only been willing to listen to reason and had not been instigated by other people. Then it would not have been necessary for Sir George Lloyd to have at all intervened in the matter. It was only when the situation became a little more threatening and mischievous on account of the way in which the parties began to move here and there in large numbers and when the military had to be brought in (and even motors had to be requisitioned), that His Excellency was constrained to intervene.

"The labour unrest in Bombay was in a parlous state in the third week of January last, and justice and fair play demand that no partisan view should find place in this Council. I frankly recognise the services which Sir George Lloyd rendered in bringing both parties together towards a settlement ; but even before his intervention, the millowners were willing to do everything reasonably possible in their power to do consistently with the principles of labour and production. At the same time, it must be observed in the interest of truth that the mill operatives were so recalcitrant, that they were obdurate enough not to resume work. That was the chief difficulty. Otherwise, I think the strike could have been brought to an end in much less time. But where the mill people were so obstinate, the millowners thought it was their duty to hold out too. I ask the Government, supposing there was a mutiny in a regiment, what would the Government do? Would they not enforce martial discipline? The Government are large employers of labour. Suppose there has been a strike at the Docks or other places, what would the Government have done? Would they not have enforced discipline before all else? If there was no discipline, the strikers would with impunity repeat every six months or every three months what they had done. The millowners really believe and fear that this recent strike will not be an end of the matter, and that the mill operatives may again perhaps have another strike six months or three months hence. The question of future economic wages has, it is true, to be considered; but surely it has to be considered in connection with capital. If capital were not there, there would be no wages, and I do not know what the operatives would do. But these are large problems which cannot be satisfactorily settled in a day or a month. These are very large and important questions in the abstract which have to be taken into consideration from the practical point of view and by the light of experience and my friend does not know anything of these large labour questions which have been going on for the last fifty years elsewhere. I am indeed sorry that the Hon'ble Mr. Jaffer should have brought up this question at this time. The Hon'ble Mr. Crum was quite right in saying that the Industrial Commission is now really going through this large question. After all the information has been collected by the Government, it will be time to appoint a Commission. Nobody is unwilling to appoint a Commission and I believe such a Commission could be easily appointed by the Government themselves without any Resolution by Mr. Jaffer or by any other member of the Council. Of course the Government fully understand what the situtation is. If Government are going to legislate they cannot legislate only for Bombay. They will have to legislate for the whole of India, because there is a variety of industries and a variety of operatives to be considered, and in what way each kind of labour can be regulated and controlled. It cannot be that operatives should have it all their own way and that employers of large labour should sit with folded hands and even do nothing, not enforce discipline. In the recent strike the whole question depended entirely upon discipline. The men went off on strike without giving regular notice, notwithstanding the fact that there are notices posted on the boards of each mill to the effect that operatives going on strike should give previous notice, generally a notice of fifteen days, and the rule distinctly says no pay could be given while on strike. Yet they all organised and struck work. The millowners had no other alternative but to say 'come in, we must have discipline, we must not have a breach of discipline; when you resume work, we will consider your demands and satisfy them in a just and sympathetic spirit.' And the millowners did not go behind on their promised word, for, eventually, when the trouble was settled, the millowners had the same terms to put before the strikers as they had determined upon at the outset.

"I am afraid, Sir, that a great deal of misunderstanding and misrepresentation has taken place on the subject. Of course everybody sympathised with the operatives at first, but as days past the sympathisers, I mean the fair minded, admitted that operatives were a great deal at fault. To accuse therefore that the mill-owners of Bombay were hard-hearted people who wanted to cut the throats of the operatives and all that sort of nonsense, is simply unfair. I wish to take this opportunity of speaking very publicly on this question, as there seems to have been a great deal of misunderstanding with reference to the Bombay strikes, a misunderstanding deliberately propagated by designing persons. Whatever may be the question, so far as labour is concerned, Government are at liberty to do anything they pleased and none can dispute their authority to appoint a Commission."

The Hon'ble Sir Thomas Holland:—"Sir, I may state at once that the object which the Hon'ble Member has in mind in bringing this Resolution is absolutely identical with that which is inspiring Government action just now; but I propose to suggest other ways for tackling the questions than the appointment of another all-India Commission. The conditions of factory labour in India were regarded by the Industrial Commission as one of the three most important questions to be tackled in any measures designed to assist industrial progress. In their Report the Commission laid stress on two conclusions of fundamental importance:— 3-15 P.M.

(1) No industrial edifice can be permanent, which is built on such unsound foundations as those afforded by Indian labour under its present conditions; and

(2) the margin of improvement possible is so great that the problem is well worth solution.

"The Hon'ble Sir Fazulbhoy Currimbhoy wanted to know what the Government have done in these matters since the Commission reported. I will endeavour to show the Council what has been done. Since the Report of the Industrial Commission came under consideration by Government, other circumstances have conspired to stimulate activity in dealing with this difficult, and one might say vitally, important subject. I propose to indicate very briefly what has been done, and is being done, in order to deal with the conditions of factory labour. When I have finished, I hope my Hon'ble friend will realise that his object in bringing these questions to an issue, and the object which the Government have been actively pursuing, are really identical. I hope then that he and the Council will agree with me on at any rate two points :—

(1) that in some matters connected with labour action is immediately necessary;

(2) that certain inquiries already started must be completed, further data must be collected, and the essential facts must be classified before a Commission can be usefully employed, or whether special and local committees will not do instead.

Some of the factory labour questions are so urgent that action of some sort must be taken before a Commission can even be assembled.

"As every practical man knows, there are conditions sometimes when prompt action, no matter how imperfect, is better than further deliberation for the purpose of obtaining the most perfect advice. There are circumstances when first-aid methods, even by the amateur, are better than waiting for the consultation of professional surgeons. It is necessary to deal at once with those matters that will not wait for any Commission, and to separate those questions that can be left for more deliberative methods, for constitutional treatment under advice such as can best be secured by a representative Committee or Commission.

"I have already mentioned the attention given by the Industrial Commission to the troubles and defects of *factory labour*. The Hon'ble Sir Fazulbhoy Currimbhoy will bear me out when I say that that question received our most earnest and careful attention. Most of my colleagues possessed the experience necessary to entitle their opinions to be regarded with great respect. We collected facts and ideas from many witnesses who had made a study of Indian labour questions; and the oral evidence recorded was supplemented by visits to numerous factories, either collectively or individually. We had had at our disposal also the evidence collected by the Factory Labour Commission ten years previously, and were thus in a position to recognise the changes that had occurred in the interval.

"The recommendations of the Industrial Commission have been followed up seriously by Government, and I will just draw your attention to one point alone, which will be sufficient to show you the kind of attention that Government has paid to the recommendations of this Commission on factory labour questions. A circular letter was issued last June to Local Governments dealing with one of these questions in particular, *i.e*, the question of the hours of factory labour and the necessity, or possibility of there being a necessity, for a revision of the Indian Factories Act of 1911. I will read an extract in which my Hon'ble friend will recognise sentiments similar to those of his speech :—

'I am directed to invite your attention to paragraph 252 of the Industrial Commission's Report, in which they state their views in regard to the question of hours of labour in factories in India. This paragraph should be read with other passages of the Commission's Report, especially their remarks in Chapter II regarding labour in the various mills, in paragraph 142 on the necessity of primary education among the labouring classes, in paragraph 149 regarding the position and prospects of skilled artisans, in paragraphs 235 and 236 on the effects of the low standard of comfort of factory labour on its efficiency, and in paragraph 254 on welfare work among factory workers. The effect of the complete picture drawn by the Commission is disquieting. There is a keen and increasing demand for factory labour, but little apparent desire on the part of labourers to increase their efficiency and little prospect of their being able to do so under present conditions The pressing problem of housing, which is under separate consideration, is becoming acute in some of the most important areas Labour is growing more conscious of its own wants and power; it is showing signs of a capacity for organisation; and is generally unsettled. Industrial India, as the Commission point out, will have to face more intense foreign competition than before the war, and it is incumbent alike on the Government and on employers to examine the position together, and to decide, as soon as possible, on a remedial policy.

'2. The prospects of improving the efficiency of Indian industrial labour appear to be promising, if proper measures are taken. These measures, which include education, housing and social welfare, will require to be dealt with by a co-ordinated policy, if the future industrial position of the country is to be adequately safeguarded. The efficiency of workers is closely connected with their education, their standard of comfort; the shortening of factory hours may not prove an unmixed good, if the workers are not put in a position to make a proper use of their spare time.

* * * * *

On receipt of replies to this letter, the Government of India will consider what further action should be taken; whether, for instance, it will be necessary to appoint a Committee of Inquiry, or whether the opinions received warrant the framing of legislation, either with or without further discussion with Local Governments. You will doubtless desire to obtain the full assistance and advice of the various interests concerned in forming your views on this important problem, which cannot be satisfactorily solved without the fullest co-operation between Government and all classes of the industrial public.'

I think that letter shows, Sir, that the Government has taken up the proposals of the Industrial Commission very seriously, and have taken steps to secure the views of Local Governments and has invited Local Governments to obtain the views of industrial and commercial bodies in their own Provinces.

"The replies of Local Governments are now coming in, and we should soon be in a position to decide which matters permit of immediate reform, and which it may be necessary to refer to a special Committee or, if the Hon'ble Mr. Jaffer wishes it, a Commission.

"My Hon'ble friend, the author of the Resolution, stated that the 'discontent of labour of all kinds is smouldering everywhere'. There is no doubt about the accuracy of his description of the labour world in India. But the conditions which he describes in some cases call for immediate action rather than reference of the question *as a whole* to another deliberative Commission.

"I have just referred to the action taken by Government to settle the question of factory hours and to discover in what ways the Factories Act of 1911 requires revision to meet modern conditions of labour. I am quite prepared to find that certain specific questions may be referred, but I am not at present in favour of referring the question, as a whole, to another Commission. There are other questions which seemed to the Industrial Commission even more important than those covered by the Factories Act. Among these are the housing of the workers, their social welfare and education. Educational reforms will not affect the present adult workers: they will help the next generation, but will not quench the smouldering discontent that is now threatening our industries.

"Following the lead of Bombay, where a Primary Education Act (due to the persistence of my friend, Mr. Patel) was passed at the end of 1918, most of the Provinces have passed legislation to facilitate compulsory, or partly compulsory, primary education in municipal areas. So far as this goes, the movement helps to carry out one of the recommendations of the Industrial Commission, and I hope the local authorities will soon find it practicable to apply and to extend these Primary Education Acts. Legislation, however, has not so far for various reasons produced much visible fruit. I realise that there are difficulties, financial and otherwise, in the way of this, but municipalities so far have not been able to show the great keenness for primary education that was shown before the Acts were passed. But, as I have said before, this is not a reform that will allay the existing industrial unrest.

"A question of more immediate importance is, that of the housing of workers, especially in those industrial areas that have recently developed at a rapid rate. The reduction of factory hours is of no use to the worker so long as his so-called home is even less comfortable than the mill. And the question is one of immense difficulty because of the enormous cost of effecting reforms in areas already congested, and because reforms of any value require land, as well as money. The Industrial Commission devoted much attention to this question, and their recommendations, having been analysed, are now being referred to Local Governments as matters of urgent importance.

"I think every member here will agree that repeated and overlapping Commissions on the same question must result in delay rather than progress.

To employ a Commission usefully, also, it is necessary to classify the questions and to prepare the raw material for its use. We have accumulated a mass of facts and are now busy sifting those that admit of immediate action from those that may require special study. It has been said that when the devil had exhausted all other devices for retarding progress, he invented the Committee; and the Commission, with this special object in view, is such an improvement on the Committee that its inventor might readily obtain, at any rate, provisional protection, without infringing the devil's patent rights. I would not in any circumstances suggest another general All-India Committee under present conditions for dealing with the material accumulated already.

"In addition to the general question, the Industrial Commission devoted very special attention to the alarming conditions at Bombay, where the difficulties are greatest and the necessity for improvement is most urgent. Every time there is a strike at Bombay, one cannot help sympathising with the strikers, because of the degenerating conditions under which they live; but all the time, strike or no, one sympathises with the mill-owners, because the conditions that have grown up without control make it impossible for them, either individually or collectively, to improve the life conditions of the mill-hands. I have had opportunities of studying the social welfare of workers in the principal industrial areas of India, in England, in America and Australia; but I have never seen anything quite so depressing as some of the labour quarters in Bombay. On the whole, I think, it not unfair or even indiscreet (which is worse) to say that I would rather see the mill industry of Bombay wiped out than accept an indefinite perpetuation of the conditions under which many of the workers are necessarily compelled to live. We have heard a great deal about the treatment of Indian labour in Fiji, and many of the criticisms have been endorsed by Government; but, after seeing Bombay, one feels inclined to suggest that criticism, like charity, should begin at home. No one class in particular can be blamed for the state of affairs at Bombay; it is just the result of rapid growth in a restricted area, and no one has so far been successful in removing the trouble. Fortunately, however, the question now promises to get out of the region of mere discussion, for His Excellency Sir George Lloyd has brought to the problem fresh ideas and fresh energy, with the result that a practical scheme for reform is now taking shape.

"In so far as the Government of India are concerned—whether as a channel to the Secretary of State or as a final authority for sanction in regard to the financial and legislative measures necessary—all necessary formalities are, under His Excellency the Viceroy's special orders, being treated as matters of extreme urgency. The Bombay representatives in this Council need no assurance from me that, with His Excellency Sir George Lloyd on the spot, there will be no avoidable delay in carrying out effective reforms. And these reforms will begin to take shape, I hope, before another Commission can even be assembled. At Bombay, the question is urgent on economic as much as on humanitarian grounds: each concession obtained by a strike does the worker little good, whilst it imposes on the industry an additional tax, which will be permanent, non-productive and serious.

"Another question that requires immediate action rather than reference to a commission, is the report of the recent Labour Conference at Washington. As a signatory to the League of Nations, India is committed in a qualified way to the agreements reached at this Conference, and we have now to examine our laws and regulations, with a view of effecting any necessary legislation. On cursory examination, the conventions adopted do not appear to be difficult for us to adopt, but on this point Local Governments and industrial bodies will have an opportunity of expressing their opinions. The conventions fall in fairly well with the majority of the replies now being obtained to the Government of India circular which I referred to. The principal features of importance are the adoption of a 60-hour week for a factory labour maximum; the prohibition of night-work for women in factories; the raising of the age minimum for children from 9 to 12 years; and the extension of the meaning of the term 'factory' to an institution using power and employing as few as ten workers. We have to be prepared to declare the decision of Government before the next Conference, possibly eighteen months hence; so that there is no chance of appointing another Commission to tour over the whole of India, and Hon'ble Members will have noticed that one of these conventions has already been anticipated by the insertion of a clause in the Census Bill empowering the collection of industrial information from factories employing ten or more workers. That was inserted on receipt of early information as to the conventions that were adopted at Washington.

"Another matter now under consideration is the difficult question of adopting in this country arrangements for the settlement of strikes possibly on the lines of the Industrial Arbitration Courts Act, which was passed last year at Home.

"The Hon'ble Member, who moved this Resolution, pointed out, quite correctly, that conditions elsewhere do not apply without modification to India, and that here, at any rate, there is an opportunity for a Commission to work. I agree with him partly, but I would go even further in one respect and point out that local conditions in India vary so greatly, that it is more appropriately a matter for Provincial Committees than for an All-India Commission to undertake this question of devising means for the settlement of strikes. I am willing to confess that I do not myself see any practicable way of utilising in India the provisions of the Arbitration Courts Act now in force at Home. This is a case in which I certainly feel tempted to shunt responsibility and postpone action by adopting the devil's device in referring this matter to a Commission. It seems to me, however, that the adoption of the English system is at present impossible, and so long as there are no labour organizations capable of undertaking and carrying out any form of obligations, it will not be possible to introduce anything in the way of Arbitration Courts along these lines. Similar systems, perfect enough on paper, have broken down in other countries where human nature inconveniently intervenes. This question is, however, naturally distinct and different from the actual conditions of factory labour which were studied by the Industrial Commission.

"It seems to me that by linking together in the same resolution the question of factory labour, the question of the settlement of strikes and the establishment of committees of arbitration for the purpose of settling labour disputes my Hon'ble friend, the mover of the Resolution, has unconsciously linked together, for treatment by the same Commission, questions which, in degree of urgency, are quite dissimilar, and, in nature, require treatment by slightly different kinds of specialists. To refer to a Commission all the questions included in the Resolution would be, from the administrative point of view, like running slow goods trains and fast expresses on the same pair of rails; each would delay the other. They are questions utterly distinct in nature as well as in urgency.

"As I have said I am in entire sympathy with the object of this Resolution, and as my friend the Hon'ble Mr. Crum pointed out, I should like to accept the principle of the resolution but not the wording of it. But I hope I have said enough to show the Hon'ble Member that the time is hardly suitable for the appointment of an all-India Commission just now; and I shall be very willing for him to put me into the witness-box, say, in the September Session, and cross-examine me as to what we have done to improve matters. Before then, I hope to have as a colleague the co-operation of Mr. Chatterjee, who is now fresh back from the International Labour Conference at Washington, and I hope that before then too we shall have received from the Local Governments answers to our inquiries with regard to the questions that have been raised by the Industrial Commission. I should like to clean up our shop before undertaking another Commission and proposing more chewing of the industrial cud. My Hon'ble friend, Sir Dinshaw Wacha, raised a question that I should like, with your permission, Sir, to speak about for one minute. It has a bearing on this subject, but I do not know that it actually supports my contention necessarily. It is a question that was raised recently by Sir Narayan Chandavarkar. I think everybody will agree that it would be futile to suppose that the troubles of labour can be cured only by commissions, by the constitution of Arbitration Courts, by the liberalisation of the Factories Act, or by any form of Government machinery, imperial or local. These will be of no avail if the employer fails to recognise the worker as a human being, with feelings and even ambitions like his own.

"Every one who knows the character and life of Sir Narayan Chandavarkar must have welcomed his intervention in the recent epidemic of strikes at Bombay. In an article published in the *Times of India* on the 13th, he describes the most important lesson that he learnt during the strikes as the general want of human touch between the mill-owner and the mill-hand. Referring to the settlement measures under consideration of the Local Government, he says—

> 'But all such institutional arrangements for the settlement of labour disputes and prevention of strikes will, I humbly venture to think, fail if they are not backed up by what is the essence of harmony between employers and employed—a human and humane attitude of mind and heart on the part of employers of labour. Let me not be misunderstood. Far be it from me to condemn mill-owners as wanting in sympathy for the lot of their operatives. There is sympathy, but it is *economic*, not *human*. What the operatives complain of is that the mill-owners, with an exception here and there, treat them on business and not human principles' . . .

The Hon'ble Sir Dinshaw Wacha:—"That is incorrect, whatever may be the authority."

The Vice-President:—"Order, order."

The Hon'ble Sir Thomas Holland:—"Sir Narayan goes on to say:—

> 'By all means create Arbitration Boards and Labour Unions, house the operatives properly and so on; but a mere adjustment of their outward circumstances will not give the right response unless the affections of the operatives are addressed within—unless the mill-owner moves among and sees and sympathises with them in their human relations and makes them feel that he and they are one family. At present the operative is made to move apart—his world is divided from the mill-owners. And yet the mill-owners complain that the operative goes on strike because he has become the dupe of agitators who love to fish with him in troubled waters. If that is so, the remedy is with the mill-owners themselves, with their hearts first and hands afterwards.'

The Hon'ble Sir Dinshaw Wacha:—"Sir, I rise to make a personal explanation. I do not think that Sir Thomas Holland is quite correct in quoting one-sided views of a particular gentleman. We can give another view, but this is not the place to do it, and it seems to me that Sir Thomas Holland has stated a one-sided view in this respect."

The Hon'ble Sir Thomas Holland:—"May I proceed, Sir?"

The Vice-President:—"The Hon'ble Member has already had his half hour. I hope he will finish now."

The Hon'ble Sir Thomas Holland:—"I will close in one minute, Sir. It will save me the necessity of stating the other point of view that Sir Dinshaw Wacha has so eloquently put before the Council. I was quoting Sir Narayan Chandavarkar and leave him responsible for his words; but I think Sir Narayan Chandavarkar may be accepted by everybody here as one of those who in his life was a practical exponent of one of Jeremy Bentham's tables of motives: 'If you want to win mankind, you must make them think that you love them, and the best way to make them think that you love them, is to love them in reality.'

"May I suggest to the Hon'ble Member who has moved this Resolution that the Government of India is unquestionably in sympathy with his object, but I would suggest that he should not press the Resolution until he has had an opportunity of seeing what we can do and what we are attempting to do in the matter of dealing with the factory labour situation in India."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 3-47 P.M. "Sir, my friends Sir Fazulbhoy Currimbhoy and Sir Dinshaw Wacha, as the representatives of the Mill-owners' Association, consider my Resolution premature and inopportune. In reply, I may tell them that that is what I had expected from them. Now I must thank the Hon'ble Sir Thomas Holland for the sympathetic attitude he has adopted towards my Resolution. I am very gratified to find that the Government are taking steps in the matter, and that when the necessary materials have been collected, they will consider the question of appointing sub-committees to deal with special questions. I should have very much preferred the appointment of an all-India committee to go thoroughly into the whole question, but . . . .

(The Hon'ble Sir Dinshaw Wacha made a remark while seated.)

The Hon'ble the Vice-President:—"Order, order."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— "With these few words, Sir, I beg leave to withdraw my Resolution."

The Resolution was, by leave of the Council, withdrawn.

The Council adjourned till Friday, the 20th February 1920, at 11 A.M.

DELHI:
The 28th February, 1920.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

F GPI, Delhi—321 L D—3-3-20—750.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Friday, the 20th February, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 62 Members, of whom 55 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. V. J. Patel asked :— 11-3 A.M.

Representation of the Sardars in Gujarat.

1. "(*a*) On what principles do Government propose to reconsider the special representation of landholders in the Provinces?

(*b*) Is it a fact that the Franchise Committee have recommended special representation of the Sardars in Gujarat in the Bombay Presidency, whether such Sardars are landholders or not?"

The Hon'ble Sir William Marris replied :—

"(*a*) It has been ascertained that the Joint Committee's intention was that the special representation of landholders in the provinces should be reconsidered on the lines indicated in paragraphs 15 and 16 of the Government of India's fifth despatch to the Secretary of State, and this is being done.

(*b*) The Franchise Committee have proposed that the Sardars of Gujarat should form a landholders' constituency. If the Hon'ble Member has any particular point to urge in this connection, the Government of India will be glad to bring it to the notice of the Government of Bombay."

[*Mr. V. J. Patel; Sir William Vincent; Mr. Shafi; Sir Claude Hill; Sir George Barnes.*] [20TH FEBRUARY, 1920.]

The Hon'ble Mr. V. J. Patel asked :—

Separation of executive and judicial function.

2. "(*a*) Is it not a fact that there is an unanimous demand in the country for the separation of the executive and the judicial?

(*b*) Do Government propose to take up the question in the opening of the new era?"

The Hon'ble Sir William Vincent replied :—

"Government believe there is a large volume of opinion in favour of further separation of the executive and the judicial. They have no doubt that the new Governments under the Reforms Scheme will give the question their early consideration."

The Hon'ble Mr. V. J. Patel asked :—

Resolution of the Government of India on Local self-Government.

3. "Which of the Local Governments or Administrations, if any, have introduced or passed legislation to give effect to the Resolution of the Government of India on local self-government?"

The Hon'ble Mr. Shafi replied :—

"Since the publication of the Resolution of the Government of India on local self-government in May 1918, the Governments of Madras and of Bengal have introduced into the local Legislative Councils measures of local self-government and those measures have been passed. The Governments of Madras, Bombay, Burma and the Central Provinces have also introduced legislation on local self-government."

The Hon'ble Mr. V. J. Patel asked :—

The silk industry.

4. "What action have Government taken on the report of the expert employed to make investigation into the silk industry?"

The Hon'ble Sir Claude Hill replied :—

"The recommendations contained in Mr. Lefroy's Report on the silk industry in India have been communicated to the Local Governments concerned. The Government of India have decided that the first problem to be solved is the production of disease-free seed, and with this end in view they have decided to establish a Central Seed Station at Shillong, and have engaged the services of a protozoologist, who is now conducting investigations into the diseases of silk worms. The policy to be pursued in the future will depend to a large extent on the result of these investigations."

The Hon'ble Mr. V. J. Patel asked :—

Liquor shops in Bombay.

5. "(*a*) Is it a fact that the Government of Bombay have vetoed the Resolution of the Bombay Legislative Council passed in 1918 to the effect that the power to determine the number and location of liquor shops should be given to select Municipalities?

(*b*) Do the Government of India propose to request the Government of Bombay to reconsider their decision?"

The Hon'ble Sir George Barnes replied :—

"(*a*) Yes.

(*b*) No. It would not be proper for the Government of India to interfere in the matter."

The Hon'ble Mr. V. J. Patel asked :—

Government assistance to moderates.

6. " (*a*) Has the attention of Government been drawn to the following observations of Lord Carmichael appearing at page 983 of the unrevised Official Report of the debates in the House of Lords of 12th December, 1919 :—

'I say that the Indians must themselves make this Bill a success, but I think it will lie with us, with the Government, to help the moderate men. It will lie with the members of the Civil Service to a great extent to help them and I believe they will do so.'

(*b*) Will Government be pleased to say how and in what way they propose to help the moderate men in order that they may prevail ?"

The Hon'ble Sir William Marris replied :—

" (*a*) Government have seen the report referred to.

(*b*) The Government of India understand that the reference is not to any particular section of political thought, but to the cause of moderation in general. They think that this will be best promoted by making the Reforms Scheme a success, as they will endeavour to do, so far as lies in their power."

The Hon'ble Mr. V. J. Patel asked :—

Irrigation and Land-revenue.

7. " (*a*) Has the attention of Government been drawn to the following query of Lieutenant-Commander Kenworthy and the reply thereto by the Secretary of State appearing at page 274 of the Official Report of the debate in the House of Commons of Wednesday, 3rd December, 1919 :—

'Lieutenant-Commander Kenworthy :—Did the Government of Bombay itself suggest and recommend that these subjects should be transferred ?

Mr. Montagu :—No, so far as my recollection goes, I think my hon'ble and gallant friend will find that they recommend the transfer of irrigation by a majority and the reservation of land-revenue by a majority.'

(*b*) Will Government lay on the table the recommendations referred to and state whether the above reply of the Secretary of State is correct ?"

The Hon'ble Sir William Marris replied :—

" (*a*) The answer is in the affirmative.

(*b*) The remarks under item 15 'Land Revenue' and item 26 'Irrigation' in annexure No. I to the report of the Committee on Division of Functions show that the facts are as stated by the Secretary of State in his answer to Lieutenant-Commander Kenworthy's question. As the recommendations of the Bombay Government have already been published, it is not proposed to lay them on the table."

The Hon'ble Mr. V. J. Patel asked :—

Consideration by Government of the recommendations of the people of India when framing rules under the new Act.

8. " (*a*) Is it a fact that the Secretary of State in the House of Commons gave an assurance that the recommendations of the people of India would be considered by the Government of India in framing rules under the new Act ?

(*b*) If so, how do Government propose to give effect to that assurance ?"

The Hon'ble Sir William Marris replied :—

" (*a*) The Hon'ble Member is presumably referring to the statement of the Secretary of State that the recommendations of various people would be considered in framing the rules in India.

(*b*) The Hon'ble Member is referred to the answer given to the question asked by the Honourable Mr. Khaparde on the 11th instant, which explains the steps proposed by the Government of India for the consultation of non-official Indian opinion in regard to the framing of the rules. Analogous action will be taken by Provincial Governments in regard to the rules, regulations and orders with which they are concerned."

The Hon'ble Mr. V. J. Patel asked :—

Rules governing franchise under the new Act.

9. "(*a*) Has the attention of Government been drawn to the remark of Sir J. D. Rees at page 467 of the Official Report of the debate in the House of Commons of 5th December, 1919, to the effect that the Government of India can make changes at any time in the franchise now settled?

(*b*) Do Government propose to include in the rules to be framed under the Government of India Act definite principles governing such changes?"

The Hon'ble Sir William Marris replied :—

"(*a*) Yes.

(*b*) The attention of the Hon'ble Member is invited to the remarks of the Joint Committee on clause 7 of the Government of India Bill. The Joint Committee have recommended that the franchise as settled by the rules to be made under the Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. It is not proposed accordingly that the rules should provide for any alteration of the franchise except in respect of women suffrage, for which it is proposed to make provision in accordance with the Joint Committee's special recommendation on this matter."

The Hon'ble Mr. V. J. Patel asked :—

Grant of the vote to ex-sepoys.

10. "(*a*) Has the attention of Government been drawn to the speech of Mr. Spoor appearing at page 257 of the Report of the 4th December, 1919, in which he says that the Joint Select Committee with complete unanimity once adopted the proposal to give the vote to *ex*-sepoys, but that later on that decision was reversed because of a telegram that came from the Government of India expressing disapproval of the proposal?

(*b*) If the above statement is correct, will Government state the reasons which prompted them to send the telegram and oppose the proposal?

(*c*) Do Government propose to reconsider their decision and give the vote to *ex*-sepoys in all the provinces in India?"

The Hon'ble Sir William Marris replied :—

"(*a*) Government have seen the report of the speech.

(*b*) The Government of India's views on the question of soldiers' voting were communicated in paragraph 7 of the fourth despatch. Later on after consulting Local Governments they telegraphed on October 16th recommending a strict adherence to the property qualification for voters as most Local Governments, with the exception of the Central Provinces, preferred it. The views of the Punjab Government were received and communicated later. That Government, which was more concerned with the question than any other Government, proposed that retired commissioned officers as such should be enfranchised, but not retired non-commissioned officers.

(*c*) It is now proposed that in all provinces retired commissioned and non-commissioned officers should be entitled to vote. The Government of India believe that this is in accordance with the views of the Joint Committee."

The Hon'ble Mr. V. J. Patel asked :—

Residential qualifications.

11. "Did the Franchise Committee or Lord Selborne's Committee reject the proposals of any Local Government in favour of residential qualifications, and, if so, for what reasons?"

The Hon'ble Sir William Marris replied :—

"The Hon'ble Member is referred to paragraph 29 of the report of the Franchise Committee and to paragraph (*l*) of the Joint Committee's report on clause 7 of the Bill. The Government of India are not in a position to add anything to the statements which the Committee themselves have given of their views on this matter."

The Hon'ble Mr. V. J. Patel :—"May I ask a supplementary question, Sir? Is it a fact that the recommendation of the Bengal Government in favour of residential qualification has not been accepted either by the Southborough Committee or the Joint Committee?"

The Hon'ble Sir William Marris :—"I ask for notice of that."

The Vice-President :—"The Hon'ble Member must give notice of that."

The Hon'ble Mr. V. J. Patel asked :—

Larger representation of the depressed classes.

12. "(*a*) What action do Government propose to take to carry out the recommendation of Lord Selborne's Committee in favour of larger representation of the depressed classes in each Province?

(*b*) In the rules to be made to give effect to this recommendation, do Government propose to provide that, as far as possible, no person who does not belong to the depressed classes shall be selected to represent them?"

The Hon'ble Sir William Marris replied :—

"(*a*) The Government of India have addressed all Local Governments in pursuance of the recommendation referred to. In Madras, where the representation previously proposed for the depressed classes was clearly inadequate, it is proposed, the Government of India understand, to raise the number of seats reserved for them from 2 to 7. In other provinces the Government of India will welcome some increase, if grounds for the same can be shown to exist.

(*b*) The Government of India do not, as at present advised, propose to limit by rule the discretion of the nominating authority in his selection of persons to represent the depressed classes. They have no doubt that, so far as possible, representatives will be nominated who are members of this section of the population."

The Hon'ble Mr. V. J. Patel asked :—

Pleaders and the Original Side of the High Courts of Calcutta and Bombay.

13. "Have Government considered the desirability of requesting the High Courts of Calcutta and Bombay to throw open the Original Side to pleaders?"

The Hon'ble Sir William Vincent replied :—

"The answer is in the negative. The matter is one entirely within the discretion of the Courts themselves."

The Hon'ble Mr. V. J. Patel asked :—

Passing of a Law under the new Act.

14. "Will Government be pleased to say whether under the new Government of India Act the Governor General can, without the approval of his new Executive Council (including at least three Indian Members), on signature make a Bill, which either Chamber has failed to pass in the form recommended by him, into an Act of the Indian Legislature?"

The Hon'ble Sir William Marris replied :—

"The Hon'ble Member is referred to the terms of section 26 read with section 47 (*2*) of the Act."

The Hon'ble Mr. V. J. Patel asked :—

Extension of the franchise to India.

15. "(*a*) Has the attention of Government been drawn to the observations of Mr. Spoor regarding the securing of a wider franchise which appear at page 325 of the Official Report of the debate in the House of Commons of Wednesday, 3rd December, 1919?

(*b*) Do Government propose to improve the proposals of the Franchise Committee as a result of the debate on them in the House of Commons?"

The Hon'ble Sir William Marris replied:—

"(*a*) The Government of India have read the report of the speech of Mr. Spoor.

(*b*) The Joint Committee have recommended that an effort should be made to remedy, in part at least, the present disparity between the size of the electorates in the different provinces. In accordance with this recommendation steps are being taken to increase largely the electorates in the provinces of Madras and the Punjab."

The Hon'ble Mr. V. J. Patel asked:—

Budget resolutions under the new Act.

16. "Will a non-official Member of the new Legislative Assembly be entitled, when the Annual Financial Statement is under consideration, to move a resolution recommending the increase of the expenditure provided in the Budget for any head?"

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member is referred to section 25 (6) of the Act, which does not empower the Legislative Assembly to increase the amount referred to in any demand."

The Hon'ble Mr. V. J. Patel asked:—

Representation of the Urban wage-earning class.

17. "(*a*) Will Government state what action they have taken or propose to take on the recommendation of Lord Selborne's Committee that an attempt should be made to secure better representation of the urban wage-earning class?

(*b*) Is it proposed to provide for the representation of the wage-earning class of the city of Ahmedabad under this recommendation?

(*c*) Do Government propose to call for the report of the Bombay Government on this question?"

The Hon'ble Sir William Marris replied:—

"The Government of India are anxious to give effect, wherever possible, to the recommendations of the Joint Committee. As the Hon'ble Member, however, will probably realise, the practical application of their recommendation regarding the representation of the wage-earners is attended with difficulties. It will involve the creation of a special franchise, and the preparation of a separate roll for which the materials available are scanty in the extreme. A large number of the wage-earners are not permanent residents of the centres where they seek employment; they come and go at uncertain intervals; and their earnings, which must necessarily form the basis of the roll, are not only hard to ascertain, but often subject to wide fluctuations. The Government of India have grave doubts, which are shared by the Local Governments concerned, as to whether it will prove possible completely to overcome these obstacles. But in deference to the views of the Joint Committee they have decided that the attempt must be made as regards the wage-earners in Bombay and Calcutta, the two cities in which this class is largest. They cannot ignore, however, the risk of a serious breakdown when the electoral machinery, devised for the purpose is put to the test of the elections, and they therefore do not think that in present conditions and with the limited organisation at their disposal, it would be prudent to extend the experiment to other towns in which the problem is less urgent."

The Hon'ble Sir Gangadhar Chitnavis asked:—

Rise in prices of ghee and butter

18. "(*a*) Is it a fact that ghee and butter have for some time past been exported from India in large quantities by Government or on private account, and that they have gone up very high in price in Indian bazars?

(*b*) If so, what is the quantity that has been exported during the last three years, and how long are such exports likely to continue?"

The Hon'ble Sir George Barnes replied :—

"The export of ghee and butter during the last three years have been as follows :—

Year.	Ghee.	Butter.
	lbs.	lbs.
1917-18	5,513,200	1,522,880
1918-19	4,389,352	690,142
1919-20 (For nine months ending December.)	2,802,915	436,212

It is correct that prices have risen. The exports during the last two years, however, have been considerably below normal. I cannot undertake to prophesy the extent to which exports are likely to take place in the future."

The Hon'ble Mr. G. S. Khaparde asked :—

Overseas allowance

19. "Will Government lay on the table the correspondence relating to the grant of overseas allowance to European British officials?"

The Hon'ble Sir William Vincent replied :—

"The Government of India are unable at present to place on the table the papers regarding the grant of overseas allowances. A further communication from the Secretary of State is awaited, and when the correspondence is complete, Government will consider whether they can publish it or not."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Waiting rooms for third-class lady passengers.

20. "(*a*) On what railways are waiting rooms for third-class lady passengers provided?

(*b*) Do Government propose to ask the railways which do not provide such accommodation to supply this want on important railway stations?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) Government are not in possession of detailed information as regards waiting rooms, but they understand that screened off accommodation in waiting sheds is provided in some cases.

(*b*) The matter is within the competence of railway companies and Government will bring the point to their notice."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Death of an up-country man at the Howrah Railway Station.

21. "(*a*) Is it a fact that on the 27th June, 1919, an up-country youth died at the Howrah railway station on account of overcrowding in a railway carriage and no doctor was available at the said station to render him medical help?

(*b*) Do Government propose to inquire who are responsible for allowing the carriage to be overcrowded at the *starting station*, and if the persons responsible have been punished?

(*c*) Do Government propose to issue necessary instructions to prevent a recurrence of such overcrowding?"

The Hon'ble Sir Arthur Anderson replied :—

"The Railway Board are informed that at Howrah station on 26th June, 1919, an intending passenger to Puri collapsed on the station platform. An ambulance was immediately sent for and the man was conveyed to Howrah hospital but expired on the way. His death is reported to have been due to heat stroke and heart-failure. There is no evidence to show that it resulted from overcrowding."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Reserved accommodation for females on railways.

22. " (*a*) Has the attention of Government been drawn to two letters published in the *Amrita Bazar Patrika* of the 25th September, 1919, in which it was alleged that on the 19th September a European soldier entered a second-class lady's compartment in the 97 Up train, Eastern Bengal Railway, and declined to leave it when asked to do so ?

(*b*) Has the matter been inquired into and, if so, what is the result of that inquiry ?

(*c*) Do Government propose to take necessary steps to prevent males, whether European or Indian, from entering female compartments ?"

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) and (*b*) It has been ascertained that on the 19th September, 1919, a soldier was noticed by passengers of a local train running between Calcutta and Dum Dum to be on the footboard of the Intermediate class female carriage. Some passengers pulled the communication cord and stopped the train. The soldier did not enter the female compartment. The matter was reported by the railway authorities to the Officer Commanding, Dum Dum, who stated that the man had returned to England.

(*c*) Section 119 of the Indian Railways Act, 1890, already makes provision for the punishment of the offence referred to."

INDIAN SECURITIES BILL.

11-19 A.M. **The Hon'ble Mr. W. M. Hailey** :—" Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to Government Securities."

RESOLUTION *RE* AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

11-20 A.M. **The Hon'ble Mr. Sachchidananda Sinha** :—" Sir, I beg to move the resolution which stands in my name that—

> 'This Council recommends to the Governor General in Council that a mixed Committee of non-officials and officials be appointed to formulate a scheme for the amalgamation of the Oriya-speaking tracts at present administered or controlled by the Governments of Madras, Bengal and the Central Provinces, with the existing Orissa Division of the province of Bihar and Orissa.'

"I may state, Sir, at the outset that I have placed this resolution before the Council in response to a demand made to me personally by the Utkal Conference, which is a representative gathering of the Oriya-speaking people, who inhabit various provinces of India. At the last session of that Conference a resolution was adopted by it requesting me and the Hon'ble the Raja Sahib of Kanika, who represents in this Council the Oriya-speaking people, to place this resolution before the Government, and it is in accordance with that wish that I have brought up this resolution. The Resolution is intended to ameliorate the condition of a large number of His Majesty's Indian subjects and, if I may say so, to relieve a long suffering race who, in this particular matter, have a just and genuine grievance. The Oriya-speaking population of India is roughly 15 millions. It has been now for a long time divided under different administrations, for historic or other reasons. These scattered remnants of a great race have for a long series of years been trying to coalesce into one compact body. The Resolution I am submitting has a long history behind it as regards the efforts of the Oriya people to be brought under one administration. I need not, however, take the Council earlier than the letter from the late Sir Herbert Risley, issued by him, as Home Secretary to the Government of India, in the year 1903, in which the suggestion I am now making to the Council was made by the Government of India themselves. In that letter Sir Herbert Risley propounded the whole problem in most lucid terms and pointed out that the division of the Oriya-speaking people under various administrations was the cause of great anxiety and difficulty to the Government of India and the various Provincial Governments concerned. His exact words are as follows: 'The difficulties arising from the problem thus created have been for years a source of anxiety and trouble to the different provinces concerned' and later on he says:—

> 'The Government of Madras have repeatedly complained of the anxieties imposed upon their administration, by the great diversity of languages (Oriya, Tamil, Telugu, Malayalam, and Canarese) with which Madras Civilians are called upon to cope and which render the transfer of officers from one part of the presidency to another a matter in any case of great difficulty and often of positive detriment to the public interest.'

The proposal made by Sir Herbert Risley on behalf of the Government of India was that the Oriya-speaking tracts should be amalgamated and brought under one administration. I find in a book called 'The Oriya Movement'—which has been recently published by some patriotic Oriya gentlemen, and in which the history of the movement is recorded at great length—that the proposal of Sir Herbert Risley evoked great interest. I find that my esteemed friend the Hon'ble Rai Sita Nath Ray Bahadur, as Secretary of the Bengal National Chamber of Commerce, endorsed the views of the Government, and he said that the proposal, if accepted, would conduce to much good. Similarly, I find that Mr. Parsons, the Secretary of the Bengal Chamber of Commerce (and this may interest the Hon'ble Mr. Crum) said the same thing. He said that 'the Committee do not anticipate that any such change would prejudicially affect mercantile interests'. The Bengal Chamber of Commerce thus supported the proposal. Unfortunately the Madras Government at that time under Lord Ampthill, took up, for reasons which I have never been able to understand, a hostile attitude towards the proposal. When the matter came up to the Government of India for final disposal, Lord Curzon had gone away. He had left the country and Lord Ampthill was acting as the Governor General for the time being. It is not surprising that the proposal did not find favour with Lord Ampthill and it was vetoed by him. But although it was vetoed by the Government of Lord Ampthill the Oriya people have kept up since a constant agitation, and they have never tired of bringing this matter to the notice of the Government. When Mr. Montagu came out here in 1917 the representatives of the Oriya race went before him, made a submission on this point and put their case as emphatically as they could, with the result that I find that in the Joint Report on Constitutional Reforms some reference is made to the subject in paragraph 246. It is said therein that 'we are bound to indicate our own clear opinion that wherever such re-distributions are necessary and can be effected by a process of consent the attempt to do so should be made.' So far as the 'process of consent' goes, there is not the least doubt that any inquiry made, whether by means of a Committee or otherwise, will satisfy the Hon'ble the Home Member that the Oriya people are in deadly earnest about this matter. So far as the people in Bihar are concerned, who are under the same administration as the people of Orissa, I may state that no politically-minded Biharee has any objection either to the amalgamation of the Oriyas under one administration or, if need be, to the separation of the Oriya tracts from Bihar and their formation into a separate province. I may here explain that I have been asked by some members why I advocate in my resolution the amalgamation of the Oriya-speaking tracts under the Bihar and Orissa Government rather than their formation into a separate province.

The reason is that of the two schemes the one I am proposing is perhaps the more feasible and the more likely to be accepted by the Government at present. The Hon'ble the Home Member seems to be in the mood of believing that the Government as now constituted are merely marking time, and that everything is to be done by the Government which will come in under the Reforms Scheme. It is, therefore, that I think that my proposal which is that these Oriya tracts should be brought under one administration of Bihar and Orissa is a more simple proposition than that of a separate Government. It is for this reason that I have put my Resolution in this form. If a Committee be appointed and the report be favourable to the proposal, then under section 16 of the Government of India Acts of 1915-16, the Governor General in Council can carry out the measure without any reference to the Secretary of State or the Crown. Under my proposal a whole district has not to be transferred, but only portions of certain districts. A reference to the Crown is necessary only when the Governor General in Council has got to transfer a whole district from one province to another. The most important tract outside Bihar and Orissa is Ganjam, a district in the Madras Presidency.

"Excepting one taluka (as a sub-district is called in the Madras Presidency, corresponding to a 'sub-division' in Bengal and Bihar) of it, called Chicacole, the rest of the Ganjam district is, broadly speaking, inhabited by the Oriyas. Similarly, in the Central Provinces (since the transfer in 1905 of the Sambalpur district to the Orissa division) there now remain five zemindaries, as they are called, but which are parts of British India, in the districts of Bilaspur and Raipur; and there is also a group of five Indian States in that province. In Bengal, I understand that a small portion in the Midnapore district, called the Cantai sub-division, and some other Thanas have got an Oriya-speaking population. I am not giving the Council exact figures and details, I am only stating the case generally of the Oriya people. These are the principal tracts outside Bihar and Orissa on the three sides of the Orissa division, which contain an Oriya population, and the case is that on the ground of convenience of administration, and also on linguistic as well as sentimental grounds, all these tracts should be brought under one Government—that of Bihar and Orissa—for the time being. Speaking on this subject, Sir, I may claim to have some personal knowledge, for when the province of Bihar and Orissa was formed I went myself, at the request of Lord Hardinge, to the Orissa division and even to Ganjam to talk over matters with the representatives of the people there, and I have seen with my own eyes the deplorable condition of the Oriyas in the Ganjam district in the Madras Presidency. I do not mean to say that they are worse off materially than the other populations in the district, I am not talking of their economic condition, but I do say that, detached as they are from the parent body, a small community living in the midst of a large non-Oriya population, their condition is certainly far from happy or enviable. Mr. Stanley Rice, a member of the Indian Civil Service, wrote many years back a very interesting book entitled 'Occasional Essays on South Indian Life', and in it there is a chapter on the Oriyas in Ganjam. I find this is what he says of them :—

> 'Orissa proper lies within the province of Bengal, and the people of Ganjam suffer in that they have been separated from their brethren; they are foundling children, alien from the more favoured, because better recognised Dravidian races; alien even in the origin to which their ancestry has been traced.'

Again :—

> 'The Oriya of Ganjam labours under two disadvantages He is very far from Madras, and he inhabits only part of a district. He speaks a language which is spoken in Bengal, but not in any part of the Madras Presidency save Ganjam.'

"Now, similar difficulties are experienced daily by the Oriyas, who are found in the Central Provinces or in the Midnapore district of Bengal. The Oriyas themselves place their grievance on various other grounds. But I need not expatiate on them, because the Hon'ble the Raja Saheb of Kanika, who will speak after me as a representative of the Oriya community, will tell the Council better than I can what these grievances are. I am quite sure that the Council fully realise that a small population scattered under various administrations and always in a minority in each province can never make itself effectively heard on any important question. Wherever they are, they are always bound to remain at present a hopeless minority. Even in Bihar and Orissa, where they are much more fully represented than in the Madras Presidency or the Central Provinces or Bengal, their numbers are only four or five in a Council of 25 non-official members. Well, this state of affairs can be but fully remedied when, as I hope before long, the Oriya people will get a self-contained province of their own, but that is a problem for time to come, which, I believe, the Hon'ble the Home Member will say, must be tackled by the Reformed Councils when they come into existence. But I do think that there is absolutely no reason why the Government should not be pleased to constitute even now a small committee to investigate the matter and to formulate a scheme just to transfer these fringe areas and the Oriya-speaking people in them from Madras, the Central Provinces and Bengal to the one administration of Bihar and Orissa. There will be a palpable advantage for the time being in bringing together all these scattered units under one administration. That being secured, the chances of their getting a separate self-contained province of their own will certainly be facilitated in due course. I do not think, therefore, that I need take up the time of this Council any more, and I leave it to my Hon'ble friend the Raja Saheb of Kanika to speak further on this important subject."

The Hon'ble Raja of Kanika:—"Sir, this resolution, so ably moved by my friend the Hon'ble Mr. Sinha, has my most cordial and emphatic support. This is a question, which concerns the very vital needs and aspirations of about eleven millions of His Majesty's loyal and devoted subjects. And, more than this, this is a question which has been agitating the minds of those eleven millions for years past, and, so far as present indications go, it will continue to do so until and unless their inmost national aspirations are finally satisfied. 'Unsettled questions,' it has been said, 'have no pity for the repose of nations' and Orissa is no exception to the rule. Orissa knows no peace and wants no repose until the problem, which the present resolution attempts to tackle, is satisfactorily solved. 11-35 A.M.

"Sir, the problem of Orissa is simply this; the real Orissa is something greater than the present Orissa division. The geographical demarcation is wholly misleading. Large tracts of land, with a predominantly Oriya population, now lie outside our geographical boundary and these people—more than two millions in number—most naturally and earnestly want to be united with the parent country. This is an aspiration which it will be the duty of the Government and, may I add, their privilege to satisfy. Orissa is a great country, with a very glorious past. Her history and her literature have been the delight of millions of people for centuries, her architecture has been one of the greatest glories of India. Her glorious civilisation is one of which any nation can be proud. More than two millions of people have been ruthlessly parted from those who are bound to them by the closest ties of blood, of race and of language. Common traditions, common ends and common aspirations bind them together. A common language and a common literature is their common legacy. The Oriya-speaking tracts now lie scattered in Bihar, Madras, Bengal and the Central Provinces.

"We want that all the Oriya-speaking tracts should be united to Orissa. This demand is not a new one. For a long time past, public opinion in Orissa and in these outlying tracts has made itself heard in no uncertain manner on this question. The Utkal Union Conference, year after year, has ventilated the public opinion on this all-important matter. The Oriya population of Ganjam have sent numerous memorials and petitions to Government, both Imperial and Local, praying for this union: An Oriya memorial to Lord Ampthill in 1905, speaks bitterly about the position of the Oriyas, and in 1909 the Oriya Samaj of Ganjam waited on Sir Arthur Lawley and prayed for union with Orissa.

"So far as the Government is concerned, as early as 1868, Sir Stafford North-Cote, Secretary of State for India realised the necessity of bringing Orissa under a separate administration on account of the grievous failure of the Government of Bengal to grapple with the great famine. Though nothing came out of it at that time, the matter again came to the attention of the Government in 1895, at the instance of Mr. Commissioner Cooke, and again in 1908, when the Government of India in its famous letter—known as the Risley letter—actually proposed to unite the whole of the Oriya-speaking peoples both hill and plain under the administration of Bengal. The public reception of this proposal was very encouraging, except that the Government of Madras under Lord Ampthill opposed the transfer of some of the Madras tracts under the pressure of Telugu agitation. When, however, the whole matter came back to the Government of India for a decision, the Telugus were extremely lucky, because just at that time Lord Curzon had gone home on leave and it so happened that Lord Ampthill officiated for him. It thus came about that Lord Ampthill, as Viceroy, was called upon to judge in a matter in which, as Governor of Madras, he had given his own opinions very strongly himself. The result was a foregone conclusion. The transfer of Ganjam and Vizagapatam Agency tracts was negatived, and only Sambalpur was transferred to Orissa.

"The next definite stage was reached in 1911 when the famous Partition of Bengal was undone. In the Despatch of 25th August 1911, the Government of India undertook to carry out such administrative changes and re-distribution of boundaries as might seem necessary. But this was never done, and Orissa remained as she was.

"Then, on the 6th February 1918, a resolution was moved in this Council by the Hon'ble Mr. Sarma urging the re-distribution of provinces on a linguistic basis. Mr. Sarma laid down three conditions of any such re-distribution, namely, that the people should desire such a change, that they should be sufficiently numerous, and that they should speak the same language. Although he pointed out that all the three conditions need not co-exist at the same time, yet it will be seen that in the case of Orissa all the three conditions operate. Mr. Sarma himself conceded the justice of the claims of Orissa. The opposition to the Resolution, however, came more on account of expediency than on principle. And the Resolution was in the end negatived.

"The next stage was the recommendation on this and similar subjects contained in the joint report on constitutional questions. The representatives of Orissa including the Oriya members of the Imperial Madras and Bihar and Orissa Legislative Councils had presented a long address to His Excellency the Viceroy and Mr. Montagu praying for a union with the outlying parts. The joint report conceded the propriety of distributing areas on the basis of language, but it suggested that such re-distribution on uniform linguistic or racial tests should be made after the Reforms were carried into effect, and that the creation of the Sub-provinces of Berar and Orissa at least might be taken in hand on an early date On the 7th March, last year when I drew the attention of the Government to it by a question in this Council, I was informed that the matter will not be taken in hand except by the Local Government after the Reforms. This, Sir, may be logical but not fair to us, for after the Reforms, we are not much better off. We are as we were, in a hopeless minority in Bihar, Bengal, Madras and the Central Provinces, and what chance is there that we would get the support that we deserve ?. In this matter at least, the Reforms do not help us at all, and that is why we ask the Government of India to give us a lead. On the contrary, the Reforms will greatly add to the strength of the other homogeneous peoples in these provinces, which will only result in their keeping us in a still more backward position. Unless the Oriyas are also made a homogeneous and united people they cannot possibly get the same benefit from the Reforms as these other people. Rather, their position will be very much weaker than even now. If the matter is left to be decided by the reformed local Councils of each province, it will practically mean a deliberate denial of justice to us. As Mr. Curtis in his evidence before the Joint Committee pointed out. The dictum . . . to the effect that re-distribution of provincial areas should only be effected 'by process of consent' is a case in point. From whom is consent required? The question is as vital to the whole issue as the question whether the Poles in Silesia can be re-united to their countrymen without the consent of the whole of Prussia.' Further, as this matter affects more than one province, I think it is only proper that the question should be taken up here in the Imperial Council.

"The evils of the dismemberment of Orissa are so great, and are so many, that I am sure this Council will recognise that the earliest opportunity should be taken to solve the problem.

"Sir, this dismemberment has divided the Oriya peoples into several provinces thus impairing their collective strength. In each province we are left to live with much stronger and more virile races with the result that in an unequal competition with such peoples the Oriyas always suffer. Since the arrangement is lasting too long, and there is no desire on the part of the Government to alter it immediately, it is necessary to speak out. How long is this unequal competition going to last? How long must we be left to the tender mercies of stronger peoples?

"In consequence of the above, Oriya national interests are always sacrificed involving the loss of their solidarity as a distinct community, and the loss of their social, ethnological and political identity. As the Durbar Despatch of 1911 pointed out 'Orissa has long felt uneasiness at a possible loss of identity as a distinct community'. The national characteristics and the national aspirations of Oriyas are always sacrificed to those of the predominant races. And, Sir, how could it be otherwise? This unequal harnessing will always have the most disastrous results for the weaker part. The weaker part is relegated to a comparative backwardness, all healthy growth is arrested, and its distinct cultural integrity, even its national psychology and habits of life, are transformed so that very little of their identity is left in the process of time.

"Then, again, the Oriyas are threatened with the loss of their language and therefore of their literature in these tracts. In these outlying tracts, Oriya is sacrificed either as a medium of instruction in schools or of administration in Courts, with the result that very great inconvenience is caused to millions of Oriya people. This persecution of our language is one of our great national calamities.

"Again, this dismemberment results in serious administrative difficulties. The Orissa famine of 1865 with more than a million deaths gave the first warning, but this was not the last. My friend has already quoted from the famous Risley letter of 1903. I may just as well do the same. It says thus:—

> 'The difficulties arising from the Oriya problem . . . has been for years a source of anxiety and trouble to the different provinces concerned . . . The Government of Madras have repeatedly complained of the anxieties imposed upon the administration by the great diversity of languages with which Madras Civilians are called upon to cope . . . Nowhere are these drawbacks more conspicuous than among the Oriya-speaking people distributed . . . between three (now four) administrations and a source of constant anxiety to each . . . The Oriya-speaking group, in any case, emerges as a distinct and unmistakable factor, with an identity and interests of its own.'

"This anomalous arrangement results in the want of a close touch between the rulers and the ruled. To the Oriyas the centres of administration, namely, Nagpur and Madras, are too far off and communication for them is by no means easy and quick. Under such a system it is idle to expect any efficiency in the administration.

"Further, the present arrangement constitutes a grave political danger to the Oriyas. The Oriyas, as at present constituted, are in a minority in each province, and thus they are most inadequately represented, not only in the Councils, but also in every public or semi-public body in the country.

"As a consequence of the above, the Oriyas suffer from a loss of position, power, privilege and prestige. The advanced peoples develop vested interests.

and all high-posts of trust and responsibility are monopolised by them. In matters of administration, they form an intermediate ruling race and being irresponsive and irresponsible, they most effectively keep the rulers and the ruled apart. Oriya interests thus fail to receive sufficient attention from each Local Government, and the Oriyas are not properly represented in the public services.) Their education suffers through a lack of uniformity as different systems are pursued in different provinces according to the different needs of the stronger races in each province. I can conceive, Sir, of no greater instrument of denationalisation than this frontal attack on our language, our literature and on the uniformity of our education. I will now, Sir, turn to the advantages which will follow the unification of the Oriya-speaking tracts under one administration.

"Sir, such an arrangement will be a very good preparation for the New' India, which His Excellency with Mr. Montagu want to bring about. Their 'conception of the eventual feature of India is a sisterhood of States, self-governing in all matters of purely local or provincial interests, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people'. You can rest assured that you will take India a long—a very long way—towards this ideal by making a real and earnest attempt to make Orissa what she really is and what she really ought to be. Orissa is really greater than her present geography. The dream of a federal India is no doubt dazzling though still far distant, but before we attempt to answer the question — shall India's dreams come true ? — we ought to try honestly to build all the steps necessary for that glorious realisation. The union of Orissa is and must always be one long step towards it.

"Then, again, it will yet save the language and literature of the Oriya people from the shackles of an arrested growth and even of stagnation. The literature of a people is its finest and greatest legacy, and that priceless asset of the Oriya people is threatened by the co-existence of other vehicles of human thought and human speech

"It will mitigate, and to some extent even arrest, the disruptive social tendencies now working in Orissa by giving her a national life of her own, and, lastly, it will prevent the economic and industrial backwardness of the area by greater attention being given to it. Increased railway facilities, development of ports, better irrigation and embankments, a more uniform policy of economic and industrial development —all these and many others will surely follow.

"Sir, I have done. The vital needs, the inmost aspiration of eleven millions of people are at stake. A Bureaucracy is not always the incarnation of wisdom and the partition of Orissa is one of the gravest blunders which the Bureaucracy has allowed to continue. We have, in our days, seen the partition of Bengal, we have seen the unparalleled conflagration it brought about in Bengal. We have seen it described at one time as the greatest blunder of British rule in India, and at another time by a Secretary of State as a settled fact which could not be re-opened. And yet in this remarkable trial of strength between the people and the Bureaucracy, the people won. We Sir, in Orissa, draw our lessons and our inspiration from this mighty episode of Indian history. We are determined to go on until we win. The duration of our fight must be the limit of our faith. Even repeated failures and endless repulses will not make us quit. We have no desire to let a gramophone Government go on refusing to satisfy our national aspirations indefinitely. The Resolution commits the Government to nothing. Even Mr. Montagu in 1912 in the House of Commons said, that the question might be re-considered at any time if accumulated evidence is forthcoming. The Resolution simply asks for a detailed inquiry to see if such evidence is available now—an inquiry which, let us hope, will produce more light than heat. That is a modest request which I earnestly hope this Council will grant."

[20TH FEBRUARY, 1920.] [*Haji Chaudhri Muhammad Ismail Khan; Mr. Surendra Nath Banerjea; Mr. Sachchidananda Sinha.*]

The Hon'ble Haji Chauduri Muhammad Ismail Khan:— 11-52 A.M. "Sir, it is with some hesitation that I rise to accord my support to the Resolution which has been moved by my Hon'ble friend. Being in close touch with the people whom I have the honour to represent in this Council, I am fully aware of the thousand and one inconveniences that the Oriya-speaking people feel in being placed under four different administrations, and I hope every member of this Council has sympathy with their desire for amalgamation under one province. And as long as it is not found possible to create a separate province for the Oriya-speaking people, the only course left open to Government is to place them all in the existing Orissa Division of the province of Bihar and Orissa. My friend Mr. Sarma has always advocated that provinces should be created on the linguistic basis and, I am sure, my Oriya friends, when they demand a separate province of their own, will find in him a ready champion. But that is not yet. And till that day arrives the only means of removing their inconveniences will be to amalgamate them under the existing province of Bihar and Orissa.

"I am aware that the Joint Committee in their Report observe. 'They do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the province.' And it may, under the circumstances, be necessary to refer the matter to four different Legislative Councils. But I am sure the present Council is competent to express an opinion on the subject, and that opinion will uphold the claims of the Oriya-speaking people under the Bihar and Orissa Government for the present."

The Hon'ble Mr. Surendranath Banerjea:—"Sir, I rise to 11-54 A.M. support the Resolution. I only wish it had been a little wider than it is in its phraseology and in its scope. My Hon'ble friend Mr. Sinha recommends that the Oriya-speaking population scattered all over India should be brought under one administration, and that administration should be the Government of Bihar. He recommends that a Committee be appointed to consider a scheme of this kind. I think the scope of the operations of the Committee might be enlarged. It seems to me that they should have discretion given to them not only to consider a scheme of amalgamation with Bihar, but also a scheme for the formation of the Oriya-speaking populations now scattered all over India under an administration of their own. I think that represents the definite, considered aspiration of the Oriya-speaking population in India. This is only a preliminary stage. They want to be brought under one administration to begin with, which will eventually lead to the formation of a separate administration of their own in which the Oriya element will predominate. . . .

The Hon'ble Mr. Sachchidananda Sinha:—"Yes."

The Hon'ble Mr. Surendranath Banerjea:—"That, I take to be the definite aim and object of the Oriya-speaking population, and with that feeling, Sir, I am in the deepest sympathy. I am sure after listening to the very eloquent—I was going to use the word 'pathetic'—appeal of the Hon'ble the Raja of Kanika, there will be a strong feeling of sympathy on the part of the non-official members of this Council with that appeal and with this Resolution which embodies it. My friend has referred to the fact that the Oriyas are in a minority all over India; they are in a minority in Bengal, in Bihar, in the Central Provinces and in Madras. What does that mean? It implies that in all matters affecting their well-being the representatives of the Oriya-speaking population have no determining voice, and the evil is likely to be aggravated when the Reform Act comes into operation. Is there any prospect of any representative of the Oriya-speaking population becoming a Minister? I do not think there is. One of them may, but on the sufferance of the representatives of the people of Bihar. That seems to me to be an intolerable situation, inconsistent with the self-respect of a growing and advancing community. Sir, if you read the despatch of the 25th of August 1911, which announced the modification of the Partition of Bengal, you will find one argument urged by the Government itself which I now appeal to the Government to apply to the present case. They said—I am not able to quote the exact words, but I am giving the substance of their argument—that it was an intolerable situation for the Bengalee Hindus in consequence of the Partition of Bengal, to find themselves constantly in a minority in the new as well as in the old Province, and they urged that as one of the strongest reasons for the modification of the Partition of Bengal. Does not that reason apply to the present case? I do think this Council and the Government ought to come to the rescue of the Oriya-speaking population. I do hope that my Hon'ble friend the Home Member will see his way to accept this Resolution or at any rate to encourage the movement which it embodies. I do hope he will be able to give us an expression of the sympathy of the Government with the movement.

"Sir, there are other questions of partition which will have to be grappled with sooner or later. If I may once again call attention to the despatch of the 25th of August 1911, I may remind my Hon'ble friend the Home Member of the concluding paragraph of that despatch. I have not looked it up, but I think I am right in giving the substance of it. The concluding passage of the despatch says that the arrangements for the re-distribution of territory made under it are more or less provisional, and that a final arrangement has to be arrived at later on, after consultation with the parties concerned. That was said on the 25th of August 1911. This is the 20th of February in the year of Grace 1920. That final arrangement has not yet been made; that final arrangement has yet to be made; that final arrangement must soon be made, and I hope that, when it is made, the claims of the Oriya-speaking population to an administration of their own will be considered.

"Sir, we are entering upon a new stage in the history of our country, a stage of self-development. Are the Oriya-speaking population alone to be left behind? Are all the other peoples of India to march ahead of them? I am sure this is a proposition which the Government will repudiate with indignation. We must take them with us. We cannot take them with us unless and until they form an administration of their own in which their voice will be the determining factor in questions affecting their welfare and their progress. I say therefore, that in the highest interests of the Oriya-speaking population and for the definite realisation of the policy which has now been declared as the policy of the British Government, it is a matter of the first importance that this Resolution should be accepted, at any rate, the Government should show their sympathy with the aspirations which it embodies.

"Sir, I have referred to the question of territorial re-distribution in connection with other provinces. In my own province that question is bound to crop up. My friend Mr. Chanda will, I am sure, speak about the necessity of re-incorporating Sylhet into Bengal. I may also add that Manbhum and Goalpara ought to form part of Bengal. I think my friend, the Hon'ble Mr. Sinha, will remember that in the year 1912 he and some of his Behari friends called at the 'Bengalee' Office and wrote a memorandum in which they distinctly declared that Manbhum should form a part of Bengal. I think I am right, Sir, in making that statement. I know it is, because my memory does not fail me in these matters. Well, there we have that outstanding question of Manbhum awaiting solution. Further Goalpara, which is a Bengali-speaking district, should be brought back into Bengal. Then, my friend Mr. Sarma has his grievance in this connection; the Tamil-speaking population and the Telugu-speaking people should be separated and should have different governments, the Andhra districts ought to be separated from the southern Madras. All these questions are awaiting solution. There is the Reform Act under which the Government is bound to consider them after an expression of opinion from the Legislative Council; that is under section 15 of the Act. Therefore you cannot burke this question; it is there. The resolution suggests a preliminary step which, I think, we should take. I know these controversies are very irritating. The controversy regarding the Partition of Bengal is now a matter of ancient history, but still it haunts the imagination of my Hon'ble friend over there, the Hon'ble Nawab Nawab Ali Chaudhury, disturbs his mighty dreams, frightens him out of his wits, and in his wild ravings he thinks fit to call the Calcutta politicians a body of unscrupulous and unfair agitators. Well, these are the lingering remnants of controversies which are past and gone, but we must not be frightened in the same way as my Hon'ble friend is from time to time. Let us take courage in both hands, face the situation, grapple with this problem and solve it. It is worthy of the Government, worthy of my Hon'ble friend, the Home Member, and I am sure he will approach it with that broad and sympathetic mind which he often displays in dealing with large public questions. I think I am right in ascribing to him this attitude, and I hope he will justify it in this connection. I trust, therefore, that the resolution will be accepted, or at any rate an encouraging reply will be given to it by the Hon'ble the Home Member."

The Hon'ble Sir William Vincent:—"Sir, it is always a 12-3 P.M. matter of great regret to me when I am unable to accept a resolution coming from the Hon'ble Mr. Sinha, a member who represents a province in which I have served, and my regret is the greater on this occasion, because I am informed, and, I believe, that there is a very great feeling in the division of Orissa on this question and indeed among Oriyas generally; and I think all of us who have been associated even in a small degree with the Local Government of Bihar have very great sympathy indeed with the Oriyas in their aspirations to be united. I would not also have this Council for one moment think that we are not alive to the disadvantages under which Oriyas suffer at present. I wish to make it clear therefore that the Government of India is in no sense opposed to an examination of this question. But it is an essential feature of the scheme of Reforms that territorial re-distributions should be postponed until the Reformed Councils come into being. May I read a passage from the very same paragraph of the Montagu-Chelmsford Report from which Mr. Sinha has cited?

> 'We believe emphatically that re-distribution of provincial areas cannot be imposed upon the people by official action, and that such a process ought in any case to follow and neither to precede nor accompany constitutional reform. But we are bound to indicate our own clear opinion that where such re-distributions are necessary and capable of being effected by process of consent, an attempt to do so should be made; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the Provincial Governments. In Orissa and Berar, at all events, it seems to us that the possibility of instituting sub-provinces need not be excluded from consideration at a very early date'.

"I should now like to refer to the opinion of the Joint Committee on this matter. They say:—

> 'The Committee have two observations to make on the working of clause 15. On the one hand they do not think that any change in the boundaries of provinces should be made without due consideration of the views of the Legislative Council of that province.'

That obviously refers to the reformed Legislative Councils.

> 'On the other, they are of opinion that any clear request made by a majority of the members of a Legislative Council representing distinctive racial or linguistic territorial unit for its constitution as a sub-province should be taken as a *primâ facie* case, on the strength of which a committee of inquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a commission that the majority of the Legislative Council of the province in question is opposed to the request of the minority.'

"I draw particular attention to the last portion because it has been suggested that in the Reformed Councils the Oriyas will still form a minority in all the provinces in which they reside, and therefore they will not have an opportunity of making their position known or pressing their views. The position at present is this, that we have, beyond what the Hon'ble Mr. Sinha and the Hon'ble Raja have said, no expression of opinion from the Local

Government or of the people concerned on the re-distribution of territory. I do not know, for instance, how far the people of the portion of Midnapore which it is proposed to separate from Bengal wish to be joined to the Province of Bihar and Orissa; perhaps my Hon'ble friend Mr. Banerjea who represents the Province of Bengal here has some information. I do not know how the people of that portion of the Central Provinces which it is proposed again to unite to the Province of Bihar and Orissa view this question; nor have we really any adequate information as to the views of the residents in that part of Ganjam which it is proposed to remove from a province with which they have been associated for many years. It may well be that they desire that this area should be joined; but these are points on which we have no information. In any case, I would ask Council to remember what was put very clearly both by the Hon'ble Sir Gangadhar Chitnavis and the Hon'ble Mr. Sastri on a somewhat similar resolution moved by Mr. Sarma in regard to a community in Southern Madras when they pointed out very lucidly that the linguistic test is not the sole one in this matter. Political, historical and commercial connections have also to be remembered. In 1903, when Lord Curzon proposed to unite the whole of the Oriya-speaking tracts into one province—I have forgotten whether he intended to unite it with Bengal or make it a separate province]. . .

The Hon'ble Mr. Surendra Nath Banerjea:—"Unite it with Bengal."

The Hon'ble Sir William Vincent:—"Papers were forwarded to the different authorities concerned and there was a considerable volume of opposition to the proposal. I quite admit that a great deal of that opposition was official. But I find also that the local bodies in the Ganjam district were opposed to it. I do not for a moment suggest that they would necessarily be opposed to it now. Similarly, opinion in the portions of the Central Provinces affected by the proposal was very varied then. The Feudatory Chiefs were opposed to the change that was then under consideration, and the Local Governments were definitely against the suggested re-distribution. It was in deference to these opinions that the proposals were finally abandoned. Similarly, I think Hon'ble Members will remember that when Mr. Sarma produced what appeared on paper to be a very reasonable Resolution a couple of years ago regarding a re-distribution of certain areas in Madras, opinions were very divided as to the advisability of making a change. I should like, if I might, to cite one opinion because it appears to me to be of exceptional value. It is an opinion by Sir Gangadhar Chitnavis. He said:—

> 'My humble experience has been against such territorial re-distribution. These re-distributions of provinces, as previous experience has shown, are not very often popular with the people and land the Government in difficulty. The general tendency seems to be to remain attached to the administration or the province under which they have long remained and with which they seem to grow in love on account of long association.'

"As illustrating the danger of embarking on such a policy as is now proposed, I will also draw attention to the speech of the Hon'ble Mr. Banerjea on this resolution when he immediately proposed the addition of Goalpara, Manbhum and Sylhet to Bengal. Council will see the endless vista of disputes and contentions once these questions of re-distribution of territory are re-opened, and I put it to the Council that this is a point of some importance . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"I simply pointed out that these were questions that await solution."

The Hon'ble Sir William Vincent:—"May I fortify this argument by quoting from what the Hon'ble Member said on Mr. Sarma's Resolution:—

> 'What I say is that as soon as you start an inquiry of this kind in any particular area that would constitute the signal for strife, for conflict, for controversy, for agitation, for

bitterness. I ask my friend is he prepared to disturb the prospect of responsible government that was opening up for us by the weird spectre of re-distribution of territory? We know what it is in Bengal. We know what fierce, what bitter and angry passions were evoked. Men lost their heads, they could think of nothing else, they could dream of nothing else, they could speak of nothing else. Would he like an agitation of that kind to wreck the fair prospect of self-government? I appeal to him most earnestly to withdraw the motion. Let responsible government be established, I hope it will be within a measurable distance of time, and then it will be time enough for those responsible governments to take up and decide matters of this kind in a way that will be satisfactory to all parties concerned, because they will control public opinion, they will know what public sentiment is, and they will know that their positions of responsibility, of trust and power will depend on the volume of public opinion.'

The Hon'ble Mr. Surendra Nath Banerjea:—" May I rise to offer a word of explanation. I think my Hon'ble friend has overlooked these words . . .

The Vice-President:—" The Hon'ble Member has already spoken."

The Hon'ble Mr. Surendra Nath Banerjea:—" I am asking for your permission Sir, I do not often get up. I should like to offer an explanation with regard to the statement just read which will bear a completely different interpretation. If you wish me to sit down I shall do so at once."

The Vice-President:—" I must call attention to the rules. If the Hon'ble Member desires to make a personal explanation I have no doubt the Hon'ble Sir William Vincent will give way. But I must ask the Hon'ble Member to restrict his observations to a personal explanation."

The Hon'ble Mr. Surendra Nath Banerjea:—" It is only a personal explanation. In the first place this is a re-distribution by consent. Therefore trouble will not take place. In the second place, responsible government has been established, therefore the controversy and the bitterness and the conflict I anticipated then must now disappear. We have got responsible government and this is to be partition or re-distribution by consent. Therefore the two elements which are at the bottom of these observations are non-existent. Therefore, may I say that the quotation of the Hon'ble Sir William Vincent is somewhat irrelevant."

The Hon'ble Sir William Vincent:—" I am prepared to leave it to the Council to decide whether the quotation was relevant or not. At any rate it has sufficed to elicit a somewhat laboured explanation from the Hon'ble Member."

(The Hon'ble Mr. Banerjea here interjected a remark while seated, which did not reach the Reporter.)

The Hon'ble Sir William Vincent:—" Did I hear the Hon'ble Member say that he has changed his mind? If so, that is a perfectly reasonable and justifiable position.

" I shall now turn to a more practical aspect of this resolution. I am sure the Hon'ble mover realises that I have every sympathy with his desire in this matter, but I feel that the Government of India is precluded by the recommendation in the report from which I have cited and by its own decisions reached in this matter on former occasions from appointing the sub-committee suggested. I am quite prepared however, if I can secure the sanction of His Excellency in Council to this course, to have a full investigation of the facts, to ascertain the views of the Local Governments and prepare such materials for the use of the new Governments as may assist them in arriving at a just decision in this matter."

12-19 P. M. **The Hon'ble Rao Bahadur B. N. Sarma**:—" Sir, if I speak now after the Hon'ble Sir William Vincent has explained the position of Government it is because I feel that the future safety and well-being of the Oriya-speaking people would consist in their having in time a province of their own and in their not being included in Bihar and Orissa. I believe that until lately that was the opinion of the vast majority of the Oriya-speaking people both throughout Orissa and in the Ganjam district. I will refer to a Resolution passed by the Utkul Union Conference specially convened for the purpose of discussing the constitutional reforms of Mr. Montagu and Lord Chelmsford. Paragraph 2 of the Resolution runs:—

> 'Believing as it does in the sympathetic recognition of the special claims of the Oriyas for a separate administration as evidenced in the illustrious author's scheme in their proposal for a sub-province for Orissa, this Conference desire to place on record its conviction that unless a separate province under a Governor in Council and a Legislative Assembly with an elected non-official majority be given to the Oriya-speaking tracts, a proper solution of the question cannot be satisfactorily reached and the legitimate aspirations of the people concerned cannot be fulfilled.'

"Then Sir, the book on the Oriya movement to which my learned friend Mr. Sinha has referred complains bitterly of the proposals of the Bihar Government with regard to the representation of the Oriyas in the Council. It says that the provision of ten is utterly inadequate and unsatisfactory, and that the minimum should be five of the elective seats, and the question is asked 'This apparently is the ultimate reward of joining Orissa with Bihar without its consent.' I need not read further from this book for the purpose of showing that it cannot be said that the Oriya-speaking people of Orissa, Ganjam, Vizagapatam and other places are unanimously of opinion that their interests would be served by a union with Bihar. The Hon'ble Mr. Sinha himself has stated that personally he would not have the slightest objection to the formation of a separate province for these people, but he brought this in only as a preliminary step. If he had asked for a separate province for the Oriyas, certainly I should have had very great pleasure in supporting it, although I would have had to point out, as the Hon'ble Sir William Vincent has pointed out, that any resolution on that subject would be a trifle too premature, because it is a matter for the reformed Councils in Madras, or rather for the Oriya-speaking people represented in Madras, Central Provinces, Bengal, Bihar and Orissa to say what form of government they require.

" Then, Sir, I have another objection also, I think, somewhat of a practical character to the union of the people of Ganjam and Vizagapatam with Bihar and Orissa when really their interests would not be served. I can understand their asking for a separate province. I have always believed that the future self-government of India cannot be achieved unless the provinces are arranged on a 'linguistic basis,' as far as possible, so that there may be homogeneity and cohesion, and I am still of the same opinion, but, Sir, that is not what this resolution asks for. If this resolution is accepted in lieu of the Oriyas being 4·9 millions out of 34 million people in Bihar, there would be about 6·9 out of a population of 36. That is all, and their position would not be much improved from the point of view of representation in the Bihar province. I fail to see, therefore, wherein comes any real advantage if any union is effected with Bihar. On the other hand, while it would be possible for an Oriya cultivator living in Ganjam to go to Madras within a day, and if the limits be lower down within less than a day, or say 20 hours, it would not be possible for him to reach Patna, the capital of the new province under anything less than two days or 36 hours; and if you go to the Agency tracts, and Vizagapatam has been dragged into this discussion unnecessarily, it will be three or four days, whereas they can reach Madras much earlier. Therefore, from the point of view of administration, from the point of, convenience, I do not see any advantages whatever except perhaps what may be based upon sentiment by reason of their association with Bihar. Of course, I do not despise sentiment and I am not objecting to the union of the Oriya-speaking people, where possible, but I am only pointing out that such a union instead of giving any real benefit to the people would prove a mere mockery and would merely add a little more territory to Bihar and also a little more to the difficulties of administration, because the officers from the headquarters will have to travel at least four days to reach the outlying parts, and new languages would have to be learnt.

"Then, again, a good deal has been said that in Madras the Oriyas have been cruelly suffering. While I fully sympathise with the aspirations of the Oriya-speaking people to come under one Government, I submit, Sir, the picture that was portrayed to us is overdrawn and does not represent the actual state of things. After all, you find that in the Orissa Province there are 4·9 or 5 million people roughly, and there are in Bihar and Orissa States about 4 million Oriya-speaking people, therefore the vast majority of the Oriya-speaking people about 9 millions are in Orissa itself, and surely they have not advanced to the extent that they ought to have advanced, and a mere addition of a million and a half or two would not very substantially improve the university or other attainments of the Oriya-speaking people.

"Then, Sir, I take exception to the statement made about Chicacole being the only Telugu-speaking taluq. What taluqs in Ganjam are to be included in Orissa is a question for a Boundary Commission, and we need not bring forward any controversial matters here for discussion, and it has no direct bearing on the question under consideration. I submit, Sir, hitherto we have been very much in the habit of talking as if the people belonged to a zemindary or to a province, and if a zemindari happens to be Oriya, all the talukas or all the people of that zemindary should be classified as Oriyas for the purposes of practical administration. I protest against that. The people everywhere have got an individuality of their own. It does not matter whether it is a Zemindari-taluka or a Government taluk. The question would be as to whether, in a particular area, the Oriya-speaking people or others are in a majority, excluding other considerations, for a moment, and I think my friend has unnecessarily, though incidentally, mentioned the Oriya limits in Ganjam.

"Then with regard to the administration of Oriyas in the Madras Province, they do labour under some disadvantages not being a majority race under that *same* Government. That need not be emphasised. It may be said of others also. But I do not know whether from the standpoint of secondary or higher education the Madras Oriyas are worse off than the Oriyas in Bihar and Orissa, and as they are as well looked after under Madras Government from an administrative point of view as they can be under the Bihar and Orissa Government, there is no necessity for drawing any comparisons of their inclusion in Bihar. I am in hearty sympathy with the essential principle underlying this resolution, namely, that all the Oriya-speaking people should be brought under one Government, and, while going so far as to say that I would join my friends in any agitation that may be necessary for securing a separate province for themselves, I think I must say that they would be jeopardising their own interests by coming under Bihar and Orissa where they would be an insignificant minority, with hardly any effectual representation on the University or on the Government of the Province. Nor do I think that the Oriya-speaking people are very much enamoured of being brought under Bihar and Orissa. I therefore do not think that I shall be justified in asking the Council to vote for this resolution."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, if I get up now after the speech of the Hon'ble the Home Member, it is only to express my sympathy with the spirit of this resolution. I entirely sympathise with the Oriya-speaking people who are now scattered in four provinces, in their desire to be united with their brethren, their kith and kin, with the main portion of the community who are now under the administration of the Lieutenant-Governor of Bihar and Orissa. 12-30 P.M.

"Sir, in a telegram which we received from Mr. Gopa Bandhudas, President of the Utkal Conference Council, he says:—'Oriya people bleeding in dismemberment.'

"Now the Council may consider this language as rather inflated, but speaking from my experience and as one whose community has been similarly treated, I can assure the Council and the Government that the feelings of a people who are severed in this manner are certainly very painful. It may be mere sentiment, it may involve even the loss or diminution of privileges or of material advantages which union such as is contemplated here involves, but all the same it is necessary to bear in mind that sentiment rules the world more than anything else. Well in this view, Sir, my whole-hearted sympathy goes out to the Oriyas for union under one administration. I am inclined to agree with my friend the Hon'ble Mr. Sarma that it would be far better for the Oriyas to be under one administration rather than under Bihar and Orissa, but that is a matter of detail. After what the Hon'ble the Home Member said, I do not think I need pursue the matter; an inquiry will be made by the Government of India and I only hope that as a result of that inquiry the demand of the Oriyas will be met by uniting them in one Administration."

12-32 P.M. **The Hon'ble Sir Dinshaw Wacha** :—"Sir, I am only prompted by one consideration to speak in favour of the Oriyas having their own nationality and their own territorial limits. I am a Bombay man and it is really a far cry from Bombay to Orissa. One is in the west and the other is in the east, and they are far apart. But what I do wish to say is to look at what has been happening just now in Eastern Europe? There, a large number of small nationalities are struggling in order to become homogeneous. There have been conflicts, and conflicts are still going on. The Supreme Council at Paris is not able to adjust all their differences; and I think the Hon'ble Mr. Banerjea was right in his speech, which was quoted by Sir William Vincent, when he said that conflicts and other jealousies and ambitions are, of course, to be deprecated in this country. That is the very reason which prompts me to say that were the future Government of India to be conducted under conditions of full responsibility, it is only natural that a people scattered in different places should aspire to become homogeneous in a single territory if they are not so now. I will give another instance. On the Bombay side there are two Kanaras, North Kanara and South Kanara, and some of the Kanarese wish to go back to Madras and some want to be with Bombay. And for many years before the Reform measure was passed the people of Sind thought that they ought to be separated from Bombay altogether and form a province for themselves, or be merged in the Punjab. All these are indications of the trend of public opinion; all nationalities want to be homogeneous. Sindh wants to be Sindhi, Orissa wants to be Oriya and so on. And I believe that in the future Government of India it will happen that all these small nationalities, which are now scattered on one side and another will aspire to become homogeneous That is a very good sign of the times, and I hope, if possible, the Hon'ble Sir William Vincent would see how far the resolution of Mr. Sinha could be met by the Government. I gather from the speech of the Hon'ble Mr. Sarma that he is against it for very strong and cogent reasons. I doubt not my friend Mr. Sinha will be able to meet them; but still there are these opposing reasons here also. The Hon'ble Mr. Surendra Nath Banerjee brings forward one set of reasons, Mr. Sarma brings forward another set and the sentimental Mr. Chanda brings a third set of reasons He is a great sympathy man. Of course, I can understand differences of opinion for one reason and another, and what I should say is that, looking at it from a broad point of view and at the condition in which small nationalities are struggling all over the world to have independence of their own and form homogeneous communities under a single territory, it might be better if the Government of India would consider, perhaps a year or two hence, that nationalities like those of Orissa should be allowed to form a homogeneous province of their own."

12-36 P.M. **The Hon'ble Mr. Sachchidananda Sinha** :—"Sir, I think I have every reason to congratulate myself on the trend of the debate on my motion. I must first express my sense of gratefulness to the Hon'ble Mr. Banerjea and the Hon'ble Sir Dinshaw Wacha for the very warm support they have accorded to my resolution, which has been moved, seconded and supported by the three members who represent in this Council the various constituencies of Bihar and Orissa. It has also received the support of distinguished leaders like Mr. Banerjea and Sir Dinshaw Wacha, and even Mr. Sarma, who has been trying to damn it with faint praise or praise it with faint damns, has, without committing himself, distinctly given it a qualified support. His support has been hedged in with all kinds of qualifications, limitations, provisos, ifs and buts, but even he has said that he sympathises with the spirit of it, and he would be glad to see the Oriyas brought under one administration. I would like to say one word about Mr. Sarma's objection. He seems to have a holy horror of the administration of Bihar and Orissa . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"I beg pardon, I ~~say~~ said no such thing *whatever*. I said I want a separate province for the Oriyas and not a union with Bihar."

The Hon'ble Mr. Sachchidananda Sinha:—"I think he said it not in so many words but by implication. My contention is that while I do want the amalgamation of the Orissa tracts, still the position of Orissa in public life now is certainly very much better than it was before Bihar and Orissa were brought together. For one thing, I find that when Orissa and Bengal and Bihar were together, and before the new Province was formed, there were never more than two representatives of Orissa in the Bengal Council. Now in the Bihar Council we have got five representatives of the Province of Orissa, and it is thus more adequately represented. When Orissa and Bengal and Bihar were together it never fell to the lot of a native of Orissa to be returned to the Imperial Legislative Council Since Bihar and Orissa were brought together Mr. Madhu Sudan Das was unanimously returned by the Provincial Council as a member of the Imperial Council. I think the position of Orissa has been improved by being bracketted with Bihar under a Government of their own. At the same time, as I have said freely and frankly, I should be the first person to press for a separate province for Orissa. I only brought the resolution in this particular form as a preliminary step to secure that object. And I shall beg the Hon'ble the Home Member, in the promise he has so kindly made of circulating the papers to the Local Governments, to include the suggestion of the Hon'ble Mr. Banerjea and the Hon'ble Mr. Sarma, which I most gladly accept, namely, that he may also include in the papers a consideration of the question as to how far it is feasible and practicable to constitute all the Oriya-speaking tracts under a separate Government of their own. The Hon'ble the Home Member in his reply to my submissions, for which I am profoundly grateful to him, for it is very sympathetic, coming as it does from him . . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"That qualifying clause nullifies it entirely."

The Hon'ble Mr. Sachchidananda Sinha:—"Then I did not mean what I said. He has done me the honour of criticising my proposals by citing a passage from a speech delivered in this Council by my old and esteemed friend Sir Gangadhar Chitnavis, who said that when the people of this country live under an administration they come to love it so much that they do not like to be detached from it. I think that was the substance of it. I have had the privilege of knowing Sir Gangadhar for a long time. He is himself of a most loving nature; he would love anybody or anything; he would love a stock or stone, leave alone an animate body like the Government. But I do not think Sir Gangadhar represents in this matter the correct attitude of the people.

Now we in Bihar were for about 150 years under the Government of Bengal, forming with Bengal one administration, but I frankly confess we never loved the Government of Bengal. We always clamoured for a separate government of our own and we were not content until we got it. It is not true, therefore, that people who live under a Government get attached to it in spite of its limitations, and I think that proposition is not correct. However, I have no desire to pursue that matter, or to answer the objection of the Hon'ble Sir William Vincent, who seems to be of opinion that after the observations made by the Joint Committee in their Report, it is not open to the Government to accept the resolution for the appointment of a committee for the purpose I am seeking. The Hon'ble the Home Member may be right in his views, but I am equally entitled to maintain that there is no bar to the Government doing so if they choose to do it. But in view of the promise which he has so kindly made to have the papers circulated to the Local Governments, it will serve no useful purpose to argue these points at the present stage I desire to express once again my profound gratefulness to him on behalf of the people of Orissa, in the larger sense of the term, for the promise he has made, and I hope, when he has circulated the papers, including the point of forming a separate administration for the Oriya-speaking population, and when the new Councils are formed, some good will ensue to the people of Orissa.

"I would ask your leave, Sir, to permit me to withdraw the Resolution in view of the assurances given by the Hon'ble the Home Member."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* FISCAL POLICY.

12-13 P.M. **The Hon'ble Mr. V. J. Patel**:—"Sir, I have the honour to move the Resolution that I read:—

'This Council recommends to the Governor General in Council that he may be pleased to appoint a Committee, consisting of an equal number of official and non-official members of this Council, to investigate the question of fiscal policy to be adopted hereafter by the Government of India as a result of the recommendations of Lord Selborne's Committee and devise and suggest such tariff arrangements as seem to it best fitted to the needs of India as an integral part of the British Empire.'

"Sir, the people of this country were agitating for years past for getting what they call fiscal autonomy. All shades of opinion in the country were at one on this question; to use the phrase used by my friend the Hon'ble Mr. Khaparde yesterday, all parties, all shades of opinion, worshipped in the same temple so far as that question was concerned and all the deputations that went to England to represent their respective cases were agreed on this one point and pressed the question upon the attention of the Joint Committee, and the Joint Committee, as a result of the unanimous opinion of the country on that question, made some recommendations which I have not yet been able to understand quite properly, but which I will read to this Council. I will read only the relevant portions of the recommendation. The Joint Committee says:—

'Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt; that there ought to be no room for it in the future is equally clear. India s position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by Statute without limiting the ultimate power of Parliament to control the administration of India and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assumed by an acknowledgment of a Convention. Whatever be the right fiscal policy for India, for the needs of her consumers, as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa.'

"In the opinion of the Committee, therefore, the Secretary of State should, as far as possible, avoid interference on this subject when the Government of India and its legislature are in agreement and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

"This is in brief the recommendation of the Joint Committee on what we call fiscal autonomy. Now the first part of the recommendation gives the reason for the recommendation. It says that there is a belief in India that the fiscal policy of India is dictated in the interests of Great Britain from Whitehall, and it further says that nothing is more likely to endanger the good relations between Britain and India than that belief, and that every attempt should be made to root out that belief from the minds of the people. Clearly, therefore, such a belief does exist at the moment, and I go further and say that that belief is certainly well-founded. The people have good reasons for holding that belief, because, when England was free-trader, then the free trade policy prevailed. An attempt was made in 1911, I think it was by Mr. Bonar Law, by issuing an appeal to the people of India in favour of Imperial Preference, but, as the Government of the day was free-trader, Lord Crewe came out with a long speech in which he said that such a course would be an insult to the people of India. It would be placing India in a worse position than Colonies, and it would be ruinous to the people of India I do not want to go into all that, but now, when the policy of free-trade has recently changed, we find a Resolution seriously moved by a member of the Executive Council in this very Council only yesterday to the effect that we should appoint a Committee to go into the question of Imperial Preference, because the Government at Home is now considering the question of Imperial Preference very seriously, and has in fact tentatively adopted that policy. So even after these recommendations of the Joint Committee which insist that attempts should be made to remove root and branch the belief in the minds of the people that the trade policy of India is dictated from Whitehall, the Government of India, instead of trying to remove that belief, is introducing, and adopted, a Resolution in this Council which will have the effect of furthering that belief And I am sorry to say that the correspondence that passed between the Secretary of State and the Government of India on the question of Imperial Preference is also denied to this Council. However, that is another matter.

"I now come to the actual recommendations that have been made and the scope and the meaning of those recommendations. I find that speaking about those recommendations the Hon'ble Member for Commerce and Industry some time ago in Bombay stated that something approaching fiscal autonomy had been granted to India. Well, Lord Curzon in his speech in the House of Lords in the debate on the Government of India Bill said that India had been given almost full fiscal autonomy, while Lord Sinha in one of his speeches in Bombay clearly gave the impression that we had been given full fiscal freedom He said that with regard to fiscal matters India would have the same right of regulating her policy as all other Dominions of His Majesty. These are three different versions. My Hon'ble friend, Sir Fazulbhoy Currimbhoy yesterday or the day before asked Government to explain what the extent and meaning of those recommendations were ; and in reply he was referred to the recommendations of Lord Selborne's Committee It is because of these different versions coming from different high quarters as regards the exact meaning and scope of these recommendations, that we seek to find out from the Government of India what they think of those recommendations, and the reply that we get is 'There are the recommendations of Lord Selborne's Committee ; you look into them and put your own construction.' Well, we have put our own construction on them. Mr. Petit, Chairman of the Reception Committee of the Industrial Conference recently held in Bombay—what does he say of these recommendations ? He says, after a critical examination of the recommendations of Lord Selborne's

Committee, 'Under these circumstances I hope I may be pardoned for insisting or maintaining that what has been vouchsafed to us under the Act is not real fiscal autonomy as we understand it. If it is only a step (he is not sure whether it is even a step) towards it, let us hope that the complete transfer of it to the representatives of the people will not be withheld for a moment longer than is absolutely necessary.' This is the state of things. We do not exactly know what the recommendations mean; but the only way to find out is, to try and put forward concrete proposals in regard to this matter in the form of legislation. Speaking for myself, I believe that the two qualifications or limitations which have been laid down in the recommendations deprive those recommendations of the pith and substance of them. But apart from that, if anything is really given in the nature of fiscal autonomy, it is not to the people of India, it is to the Government of India; and how far the Government of India in this matter will act independently of the Secretary of State and the British Cabinet and the British Parliament is a question for the future, because as I say, till yesterday we found that they were not free or acting independently in this matter. So long as the Government of India is responsible to Parliament, so long as the people of India have no control over the Government of India, fiscal autonomy, as has been recommended by the Joint Committee of both Houses of Parliament, has, to my mind, no meaning. But we have been assured times without number that fiscal autonomy has been granted by the Joint Committee and by Parliament, and therefore it is worth while now to try and see how far we can go in that respect. Of course I have stated the views that have been expressed from time to time, since the recommendations were made, by the politicians and public men and also by the Government of this country; but in the House of Commons also whilst this Bill was under discussion attempts were made by various members to find out from the Secretary of State himself as to what was the exact scope and meaning of those recommendations I will just refer to one or two speeches in this connection. At page 512 of the official report of the House of Commons Debates on December the 4th, Mr. Montagu was invited in express terms to explain the House what exactly those recommendations meant. Mr. Denniss, who represented the industries and commerce in the House of Commons, put a point blank question to the Secretary of State. He said :—

'It is necessary that one almost supremely important matter, which has scarcely been mentioned or thought of in the course of the Debate in Committee and here, should be brought to the right honourable Gentleman's attention so that he may tell us how far the fiscal policy of India will be controlled by the new Legislature That is a matter of profound importance to all in this country who trade with India, many of our principal industries, many of our great commercial men and traders. So far as I can see the Bill is intended to remove every check upon fiscal policy or fiscal control of the new Legislature. As far as possible we entrust it entirely to this body of men, who in the Legislative Chamber will consist, to a great extent, of the rich men, the manufacturers and merchants of India. I believe this Bill is intended, as far as possible, to tie the hands of the Secretary of State and prevent him from placing any check upon any of the fiscal measures which may be passed, which may impose fetters upon our trade with India. The importance of that to our industry cannot be over-estimated, and it would not become me as one of the representatives of the centre of the great cotton industry, to let it pass without a warning of what may, and is more than likely, to happen in the immediate future. Our cotton industry is our greatest exporter, and India is our best market Under the present law the Secretary of State for India has absolute control over the fiscal policy of India. So far as the Executive is concerned, he has the powers of superintendence, direction and control of all acts, matters, and concerns relating to the revenues of India.

'That power will be swept away by Clause 23 when rules are made under that clause There is a certain protection in that these rules have to be laid on the Table of this House and Resolutions of both Houses have to be passed before the rules become part of the Statute; but the intention is that immediately on the passing of this Act these rules shall be made, and the Secretary of State will then be deprived of his powers of superintendence, direction, and control of all acts, matters, and concerns relating to the revenues of India

'A further power which the Secretary of State has at the present time is that of disallowing the Acts of the Indian Legislature. He can intervene and advise His Majesty to disallow them, although passed by the Legislature and assented to by the Governor General. Up to the present time he has had control of the import duties into India on English goods. Some time ago we had a debate in this House on the Indian Cotton Duties. When India gave us her great contribution of £100,000,000 towards the cost of the War we agreed to the duties being raised, in consideration of a promise that there would be some day at the end of the War a system of Imperial Preference throughout the Empire in which the discrimination against English goods in regard to any of our Dominions and India would be done away with. It is the intention of the Bill that the Secretary of State shall no longer exercise his power of disallowing any Act imposing prohibitive restrictions upon the trade of this country with India. On this point the Report of the Select Committee referring to Section 33, says:

'He quotes the recommendations of the Committee and says:—

'That means that the policy apparently is that the fiscal policy of the Indian Legislature is to be based on the same lines as that of Canada and South Africa. That means complete fiscal autonomy. The manufacturers and traders should know that that is the intention of the Bill.

'In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on the subject'.

'That is to say, he is not to exercise his power of disallowing any such tariffs

'When the Government of India and its Legislature are in agreement'.

'Then he goes on further—

'I rather tremble for the future of many of our industries in this country. I know the views of the Right Hon'ble gentleman to some extent and perhaps this will give him an opportunity of making some statement on the matter'.

The Secretary of State was thus invited to make a statement as to scope and meaning of these recommendations by Mr. Denniss in his speech which I have read. I may say here that to this query by Mr. Denniss no reply was forthcoming. The Secretary of State took no notice of it. He did not touch the point about fiscal autonomy in his final speech although he was more than once asked to explain the meaning and the scope of these recommendations. There is perhaps some explanation forthcoming in regard to a similar query by Mr. Stewart This is what Mr. Stewart asked:—

Mr. Stewart.—'I had a motion down to leave out the clause my object being to ascertain what would happen in certain circumstances if the Secretary of State divested himself as he proposes to do, of his authority. As probably India will claim full fiscal autonomy under this Bill, what will be the position? Supposing India were to declare full fiscal autonomy, and try to make a bargain with some other country, giving that country better terms than she was prepared to offer this country. If the Secretary of State divests himself of all his powers, will India be able to legislate in this way, and will it not mean the breaking up of any system of Preference, the principle of which the present Government have accepted in a tentative form? I merely suggest that, for the Secretary of State to destroy his authority in this way is altogether unnecessary'.

This is the reply given by Mr. Montagu.—'I do not think fiscal autonomy comes into this clause at all: it is merely concerned with such matters as allowing the Government of India to act in administrative matters when it is in agreement with the Legislative Councils All measures connected with fiscal questions will be Bills, and all Bills will have to receive the sanction of the Crown. The King has a veto over all legislation, and therefore nothing that can be done under section 33 will, I think, be likely to affect that matter. I wish it were otherwise because if there is anybody in this House who think we ought still to manipulate the tariffs of India in the interest of any part of Great Britain, I should like to test that by a division. My hon'ble friend says 'How are we to guarantee that India will not manipulate the affairs to the advantage of some body else?' What guarantee have we that Australia will not do the same? There is nothing which would do us so much harm as the slightest suspicion that we want to alter the tariffs of India in the interests of British trade. We have the solidarity of the Empire to depend upon, and the Imperial goodwill, which has always been developed by mutual trust, and I think my hon'ble friend is perfectly right to have raised this question which ought to be decided, but I do not think it can be decided under this Bill'.

So the Secretary of State leaves us to understand the recommendations in the best way we can. The Government of India does not help us and public men both in India and in England put whatever construction they like upon the recommendations. It is therefore absolutely necessary that we should find out exactly the scope and the meaning of the recommendations. There is no doubt that something has been given; there is no doubt that nothing has been given.

to the people of India, that something has been given to the Government of India, but we do not know how far the Secretary of State will not interfere with the fiscal measures which are to be introduced and whether he will require the Government of India to consult him before any measures are undertaken at all. As a matter of fact if I read the recommendations aright, the Government of India have no business whatever to consult the Secretary of State in the matter before fiscal measures are undertaken. The Secretary of State may in the two circumstances mentioned in the recommendations interfere *at any later stage*, but so far as previous consultation is concerned, he should have no voice in the matter. It appears that even now correspondence is going on between this Government and the Secretary of State on the question of imperial preference. I do not know why. In these circumstances, it is absolutely necessary that we should find out what these recommendations mean. I say let us take these recommendations in hand, and let us proceed to formulate and revise our tariff arrangements and let us make the whole ground ready for the new Legislative Assembly. The Joint Committee say that India must have the same right of regulating her tariffs as the Colonies have. We should therefore devise and formulate our tariffs in the best interests of India. Let us see how far we can go, how far we are allowed to go, and how far the Government is free to deal with these fiscal questions. It is our duty to bring the matter to a head. That can best be done by a committee of officials and non-officials appointed by this Council for the purpose of formulating a definite scheme. With these words I move my Resolution."

1-10 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"Sir, after the adoption of yesterday's resolution with the amendment moved by my Hon'ble friend Mr. Crum, this Resolution ought to have been withdrawn, because the object was attained by the Hon'ble Mr. Crum's amendment, *i.e.*, the Committee will have power to devise the best method of considering the future fiscal policy of India. I think the Committee will fully consider in what manner the whole question ought to be considered . . .

The Hon'ble Mr. V. J. Patel:—" May I rise to a point of order, Sir? I should be perfectly prepared to withdraw my Resolution if that Committee will be entitled to go into the whole question . . .

The Hon'ble Sir Fazulbhoy Currimbhoy:—"No, no. I think, Sir, that a Committee of this Council will not be a proper body to consider the whole question. As I said yesterday, this question ought to be examined by a commission which should take evidence and go into the whole thing. It is a very big question, and it cannot be easily settled. I have also objection to this committee being composed of official and non-official members of this Council, because in our present Council we have not a large body of commercial men who alone can go into the whole question. I know that the Government of India have vast powers, and we know how the Government is going to be constituted under the Reform Act; but now we have got this, and we cannot improve upon it. I think that for the present we should be satisfied. I have been in this Council for the last few years, and I have always found that the Government of India have always been very sympathetic towards the commercial interests of this country. When the excise duty was imposed on us, the Government of India always fought hard for us and did their very best to reduce or remove it altogether. I am not a pessimist as far as the Government of India's interest in commercial matters is concerned. Not only that; but from yesterday's amendment by the Hon'ble Mr. Crum, which was accepted by the Hon'ble Member for Commerce and Industry, it is clear that the Government of India are in entire sympathy. They want to solve this problem, and I entirely agree with the views expressed by the Right Hon'ble the Under Secretary of State, Lord Sinha. I think we must accept his word that we are going to get the same fiscal system later on as the Dominions have. But at present the Secretary of State cannot interfere. In view of the fact that the Government of India sympathise with us, I think we shall attain our object I do not think that we should be so pessimistic about the whole question. With these few words, I would ask my Hon'ble friend, Mr. Patel, to withdraw his resolution, at least until the report of the committee which has been appointed is published."

The Hon'ble Mr. W. E. Crum:—"Sir, I do not suppose there is any member of this Council who will disagree with what the Hon'ble Mr. Patel said at the commencement of this Resolution and with the recommendations of Lord Selborne's Committee to the effect that it is high time that India had a right to say something about her fiscal policy. But I do entirely disagree with the Hon'ble Mr. Patel's resolution as it is worded. 1-14 P.M.

"Now, Sir, I think it must be perfectly plain to anybody who has thought out the question at all that what the Parliamentary Commission meant by their finding was that the Government of India should, in future, have a free hand, or at any rate a much freer hand than they have at present in dealing with the fiscal problem, and since the Hon'ble Mr. Patel knows as well as any of us that commerce and the fiscal question are Reserved Subjects, and even Imperial subjects, it is perfectly obvious that at present the people of India should not have anything like a final say in forming a fiscal policy for the future. Now, Sir, I think it is very fortunate that it is so The Hon'ble Mr. Patel told us yesterday,—I think I am quoting him correctly—that all Indian public men were avowed protectionists. Well, I was glad to see that my Hon'ble friend Sir Dinshaw Wacha refuted that statement, and I can recall another very prominent Indian public man, Mr. Padshah, who belongs to the well-known firm of Tata and Sons, who is also, I think, very far from an avowed protectionist. But I think that if what Mr. Patel says is anything like correct, it is very fortunate indeed for India that the Government of India is going to have a final say in this matter for some time to come, because I can hardly conceive of a more confused state of affairs than a lot of avowed protectionists who have never had anything to do with protection and never felt the good or evil of protection suddenly deciding upon what India's fiscal policy should be in the future. Therefore, I entirely agree with what my Hon'ble friend Sir Fazulbhoy said that a committee of an equal number of official and non-official members of this Council is not the right body to investigate a matter of this sort. I am not prepared to say off-hand what this body is, but as I suggested to the Hon'ble Sir George Barnes yesterday, the question as to what the right body is, might be discussed by the committee which he has already appointed under a formal resolution. My opinion agrees with that of the Hon'ble Sir Fazulbhoy that the committee should, as far as possible, consist of experts who should visit the different parts of India and discuss the whole question of fiscal policy as it affects the various parts of India and various businesses in India taking into view the whole question of fiscal policy, not only as regards Indian industries, but also *vis-à-vis* her foreign imports. If India once puts on a heavy import duty on all sorts of articles which she imports merely because she thinks she can manufacture those articles herself, she might involve herself into a maze of difficulties, and I do put it to members of this Council that the matter of the future fiscal policy of India is a most serious matter. It is a matter which should be discussed with the very greatest caution. If it is wrongly treated it may lead India into an enormous difficulty. I am not saying that I am anything like as confirmed a free-trader myself as my Hon'ble friend Sir Dinshaw is, but I do say that we must act very carefully in this matter, and that we must discuss the whole thing with the greatest care and be guided by the very best advice of the very best persons before we move in the matter. For these reasons, Sir, I beg to oppose this Resolution."

The Hon'ble Mr. G. S. Khaparde:—"Sir, I support this proposition with all my heart. I would have done so with some eloquence, but 1-19 P.M.

unfortunately I have not got it. The fact, however, remains that there is a doubt as to whether what has been given under the clauses of the new Government of India Act would meet our requirements. As my Hon'ble friend Mr. Patel has pointed out, there are really three or four different opinions on the point. I am not going to repeat them, but it is quite clear that there are these differences of opinion, and it is difficult to understand where or how we stand, so we bring a test case, because when a case of that kind is brought there are arguments on both sides and ultimately a decision is reached. This is what has happened in the present instance, and I take it that my friend the Hon'ble Mr. Patel has brought forward this proposition as a test case. It has been suggested that we have not got enough commercial men in this Council and therefore we are not fit to consider this matter. I humbly submit that this is met by the fact that the Government of India have got a Department of Commerce and Industry, and all information that may be required is likely to be available with the gentleman presiding over that Department. The necessary information being thus available, all that remains for us to do is to judge the matter, and as this Committee will be a mixed committee of officials and non-officials, I think it should not be a very difficult matter to reach a conclusion. I quite agree with the Hon'ble Mr. Crum that it is a very difficult matter and ought to be approached very carefully, but this is the way to approach it carefully. There is already a committee formed for one specific purpose, let us have another to go into this matter and discover how we should act hereafter, and when these two committees have met and formulated their conclusions, there will be ample material for this Council to arrive at the right conclusion. Why shut out this inquiry while the other is being made? These objections which have been taken to the formation of the committee now proposed by Mr. Patel appear to me to be not very well founded. I said yesterday that India was not at present a manufacturing country. We have not got many articles to export; we do not finish many articles here, we merely supply the raw materials, and that was the reason for my objection to the Committee which was proposed by the Hon'ble Sir George Barnes, and I say that same objection which I took yesterday, helps me to support this resolution. We are mostly agricultural, and where we are not agricultural, we are only collecting raw materials to send elsewhere. In my province we discovered a whole mountain of manganese, and what has been done with that? All I can say is, that it has been carted away to the railway station and from there to the Port of Bombay and from Bombay to various parts of the world That being so, we are not so much concerned to-day as to how we shall export our articles and whether we shall or shall not give preference, but our real question is, how we shall produce more, and have more articles to export, and then it will be time enough to determine that fact. I say this Committee proposed by Mr. Patel will help us to determine that matter and go into it fully, as to what we produce now and whether we have any finished articles, and how we can easily finish them in this country and how the tariff should be modified We can then go into that matter and determine it. And what is more, if it is pointed out that it is not within our power to do this, then we shall know what our limitations in fiscal matters are. So, whichever way it goes, this inquiry will not only be very useful but also very fruitful. This will first of all settle a matter which has become very controversial now, some people thinking that nothing has been given, and others thinking that everything has been given, and others thinking that very little has been given. These matters need to be settled. I myself think that this Committee will be formed merely with the object of seeing the policy to be adopted hereafter by the Government of India as the result of the recommendations of Lord Selborne's Committee, and suggest such revised arrangements as seem best suited to the needs of India. The needs of India being increased production we have got so to arrange our tariff as will help more production. In that view of the matter these two Committees cover entirely different grounds. The first Committee, appointed yesterday, only considers how exports shall be carried on and what preference shall be given. This one is to consider the problems we have got here of increasing production and what arrangements are necessary for that purpose. So I do not see that they overlap, and their recommendations coming together might lead to a good decision and a wise decision It is really a matter that has to be gone into very carefully, and the more the points of view we approach it from, the better. It is no use approaching it from one point of view only and carrying those conclusions out. It has been said that Mr. Patel is very pessimistic. I am very sorry that observation has been made. It is not a matter of pessimism; we want to discover what the position is, and so we suggest this means as a test case is brought in order to determine the application of any particular section of law. I humbly submit therefore that there is no pessimism in this matter. It has been said it would be a very dangerous thing for us to become Protectionists at this time. I have been a Protectionist from my college days, ever since I learnt the meaning of the word protection. In those days the late Mr Justice Telang wrote a book on that subject and it was discussed and a great controversy arose over it and a number of persons took part in it, including, I believe, the late Professor Wordsworth. So I have some knowledge of that matter. So far as I have learnt by mixing in the world I believe that neither Protection nor Free Trade is the best doctrine. The best doctrine I myself believe is fair trade; that is to say you see how you stand, you see what you can produce, you encourage what you want to produce and you discourage what you do not want to produce, and also take into consideration how other countries act towards you, and your policy is the result of these considerations. The point being how to benefit your country and consider how other countries act towards you, and whether it is possible for you and your Government to increase the production of what is required. I believe these are the different points for consideration and I heartily support this proposition that a second committee be formed to consider what is mentioned in the Resolution."

[At this stage the Council adjourned for lunch.]

The Hon'ble Rao Bahadur B. N. Sarma:—" Sir, I understand 2-33 P.M. the object of the Resolution to be that the future tariff policy of India should be inquired into at the earliest possible moment by the Government with the aid of a Committee composed of officials and non-officials. I am afraid that both the Hon'ble Mr. Patel and the Hon'ble Mr. Khaparde, who spoke to the Resolution brought in arguments which might not advance their position with the Government in inducing them to accept the resolution. They seemed to think that this would be a fitting place to test as to what the constitutional reforms are going to give us. Sir, I respectfully beg to submit that that could not have been their object, although they advance that as one of the arguments Both their object and our object is to see the future fiscal policy settled at the earliest possible moment so that we may have knowledge on the subject, definite guiding principles and a definite policy before other countries steal a further march upon us.

" So far as the freedom of the Government of India regarding future fiscal policy of India is concerned, I do not see there is much room for controversy. In the words of Lord Curzon the fiscal policy of India would be largely in the hands of the Government of India as advised by the Legislative Council. His Lordship, on the second reading of the Government of India Bill, said:—

> 'For the first time a responsible and representative British Committee charged with establishing a Government for India have conceded to India almost absolute freedom of fiscal policy. They have laid down the proposition and the principle that she ought to be free to exercise in respect of her tariffs and so on the same degree of liberty as is enjoyed by the great Dominions of the Crown This is a change so fundamental and fraught with such stupendous consequences that I am amazed at the little attention which it has attracted in this country,'

and he heartily supported the policy.

" I take it, Sir, that there is a fundamental change in the policy and that the future Government of India will be at prefect liberty, so long as they are in agreement with the Legislative Council, to shape their tariff unhampered by Whitehall in any way they choose, but I do not think that there is any necessity for laying undue stress on this aspect of the matter; because I feel sure that, with this added responsibility, the Government of India would or ought only be too glad to receive assistance from the country as a whole before they shape their policy, and in my mind I have not the slightest doubt that they would safeguard the real interests of India if only the people are fairly unanimous and sensible in arriving at conclusions.

"Now, Sir, speaking on this question of fiscal policy one would have thought that the Government of India would have taken earlier steps in coming to conclusions with or without the aid of a Committee. It was impossible for them, so long as the policy was governed from Whitehall, to do it on their own initiative, but now that we have a definite pronouncement that upon them rests the responsibility in future of shaping the fiscal policy of the country they should take the earliest possible steps for consulting public opinion before they formulate their policy. Even during the war, it is hardly necessary for me to say, a Committee sat in London to consider what ought to be commercial and industrial policy after the war and arrived at definite conclusions with regard to the future policy of the British Empire and of the United Kingdom. The conclusions relevant now are summarised at page 52 of their Report. They say:—

> 'The producers of this country are entitled to require from the Government that they should be protected in their home market against "dumping" and "sweated goods."'

"Then they say:

> 'Key and pivotal industries should be maintained in this country at all hazards and at any expense. No ordinary economic rules apply to the situation of these minor but important industries. They must be kept alive either by loans, by subsidy, by tariff, by Government contracts, or in the last event by Government manufacture. They will necessarily be subject to Government supervision.'

"They add:

> 'As regards other industries, protection by means of Customs duties or Government, assistance in other forms should be afforded only to carefully selected branches of production which must be maintained either for reasons of national safety or on the general ground that it is undesirable that any industry of real importance to our economic strength and well-being should be allowed to be weakened by foregin competition or brought to any serious extent under alien domination or control'.

"Then they say:

> 'Preferential treatment should be accorded to the British Overseas Dominions and Possessions in respect of any Customs Duties now, or hereafter to be, imposed in the United Kingdom, and consideration should be given to the expediency of other forms of Imperial Preference'.

Then they go on to state what is to be done with regard to the Allies.

"Now, with regard to the fourth item, we have appointed a Committee yesterday to see whether any preference could be given to other parts of the British Empire.

"But I submit, Sir, ...

The Hon'ble Sir George Barnes:—" We are hardly discussing the question of Imperial preference now; the motion is for the appointment of a committee to consider fiscal policy."

The Hon'ble Rao Bahadur B. N. Sarma:—" Just so, to consider as to whether it is not desirable to adopt a system of preference among other things. Yesterday we appointed a committee to consider whether it would be desirable in the interests of India to admit any preference to other parts of the Empire I submit, Sir, the time has come when the Government should give a detailed consideration to the other items also, to see whether manufactures of other countries should be allowed to be dumped here, to consider what are the key industries of this country which should be maintained and preserved at any cost, and what are the other industries which should in the interests of the nation be encouraged by means of customs tariffs and other methods. Well, when the Industrial Commission sat, there was an almost unanimous consensus of opinion that it was a matter for deep regret that the question of fiscal and tariff policy of the Indian Empire should not have been asked to be considered by that committee. But I fully realise that under the then existing circumstances, when the future policy of the Empire and the Indian Government was not settled, it was difficult to ask the Commission to inquire into the matter. But, now that there is some sort of agreement as to who are to be responsible for the future fiscal policy of the country, I think, Sir, the time has arrived when the Government should take action. Of course the policy will not be for the present dictated by the people alone; the people would be merely advisers; but the people would have a very large and potent voice in shaping the policy. If the Government of India should agree with them, then there is an end of the matter; it is not open to Whitehall to put forward its ideas on the subject to reverse our decision, subject to the Crown's voting power Therefore, every Indian politician, every Indian public man would try his level best to convert the Government of India to his views and the Government of India would, on the merits of every proposition, decide as to whether preference is to be given as to whether tariff protection should be given and what other methods are suitable. I submit in this connection that none of us need be described as a protectionist or a free-trader. I think it is absolutely impossible for any one to be an absolute all-round free-trader or protectionist. I tried sometime ago to go into this question and found that it was absolutely impossible for me at any rate to be either an out-and-out protectionist or free-trader. It would be ruinous to the country to put forward any such pretentions The result may be that foreign manufacturers would come here and take the benefit of protection without doing any good whatsoever to the Indians themselves, who would be unprepared to take advantage of any protection which may be given; and the poor labourer and agriculturist would be hard hit and compelled to buy goods at a much higher rate than at present. Therefore it is not such an easy matter to say that there should be absolute protection or an absolute free-trade policy for India. We have to be free-traders and protectionists alike, and have to decide each subject on its own merits, and I, therefore, submit that no good will result in characterising the present Indian politician or the future Indian politician as either a protectionist or free-trader and condemn him or approve of him accordingly. I hope, therefore, that this very important matter would not be allowed by the Government to escape their attention. I think the time has come for us to formulate our policy before other countries formulate theirs finally, in order that we may be able to bargain with them on favourable terms. It is with that object that I ask Government to consider as to whether it would not be possible for them to accept this proposition for the appointment of a committee. I do not say that the committee should be composed in the manner suggested in the resolution, and I am prepared, if there is no objection, to ask for the omission of the words 'consisting of an equal number of official and non-official members of this Council.' I, therefore, hope that the Hon'ble Sir George Barnes will be able to see his way to give very favourable consideration to the appointment of a commission at the earliest possible moment."

The Hon'ble Mr. V. J. Patel :—" Has the Hon'ble Mr. Sarma moved his amendment ? "

The Hon'ble Rao Bahadur B. N. Sarma :—" I beg to move, if no body has any objection, the omission of the words 'consisting of an equal number of official and non-official members of this Council ' in the resolution."

The Vice-President :—" The Hon'ble Member will hand in a copy of his amendment."

The Hon'ble Sir Dinshaw Wacha :—" Sir, I only want to say this that instead of having a committee, why should not the Government itself take practical action after considering the matter in the Executive Council. They should draw up a memorandum of the tariffs and other like matters which India should adopt and circulate it among all the experts in Bengal, Bombay 2-46 P.M.

and Madras and other places? The Government adopted that method with regard to the State management of Railways; and I submit that the same procedure would prove the most practical for collecting a mass of information; and in this way eliciting a large volume of expert opinion of merchants, manufacturers and other industrial men. Those opinions will then be brought together into a focus, and the Government might publish the information gathered and the opinions elicited in order to make the public fully acquainted with them. The Government, under such a method, would be in a better position to realise the whole situation than they could do simply by a committee. A committee is after all a minute body consisting of a very limited number of people of experience in matters of trade; while in a problem of this nature we should have as large a volume of genuine expert public opinion as is possible from all the different provinces. Of course, there are different industries in different provinces, and so Government would be in a position in the end to analyse and focus all these opinions for placing them before the public and later on before the legislature. I think that that is the right course to pursue. Mr. Sarma quoted from the report of the Parliamentary committee which sat on the question last year. I have read it, but after all what are such reports? They are tentative reports, and even supposing that the present Coalition Government in England adopted the policy recommended, I am quite sure—indeed I am convinced—that nothing in the way of sound economic development of the future trade of the whole world will result therefrom unless and until some five years hence. In other words until Europe is economically settled. All these problems are intertwined and overlap each other, particularly the problem of exchange which, of course, affects all international trade. Therefore, I say, that whatever a committee or the government may recommend will have no finality and will be of little use. I think all present efforts by way of reports and recommendations will go to the waste-paper basket. The only practical way I consider, and I am convinced of it, is to elicit a large volume of expert opinion, as a preliminary to laying down a sound and broad policy as was the case in the matter of State management of railways. It is a large question of a far-reaching character, affecting the commercial interests of all India, and the Government might well follow the same course. There are a variety of experts in India who can offer most excellent opinions which no committee can get at unless witnesses are called. The procedure I have suggested is the only practical one; and so far neither Mr. Patel's Committee nor Mr. Sarma's Committee will serve the purppse in view."

2-48 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I beg to support this motion on a short ground. In the first place I have my difficulties, like Mr. Patel, in understanding what we have got under this Act in fiscal matters. I think the expression which my Hon'ble friend, Mr. Crum, has used probably represents the truth, that it is not the people but the Government of India who have got some fiscal freedom under certain conditions, under the Act. But, then, the question remains that the Government of India is responsible to the Secretary of State and will be under him. Then, what is the change which the Act has made in our position in regard to fiscal matters? That is a point which we do not understand. My Hon'ble friend, Mr. Khaparde thinks that Mr. Patel's motion is what is known as a test case to find out what the position really is. But I look upon it in another light. I think, Sir, it is understood that when the Government of India and the Indian legislature agree in certain matters, in those matters the decision will not be interfered with by the Secretary of State, and therefore, Sir, I think it is necessary that we should find out in what matters our views coincide with the views of the Government of India, and for this purpose I think a Committee might be appointed to go into this matter and make a report, and then it will be seen how far the Government of India are prepared to accept our recommendations, and as regards those matters probably we shall get fiscal freedom.

"On these grounds I support the motion for the appointment of a Committee. As to whether it should be composed of an equal number of officials and non-officials or, as my Hon'ble friend, Mr. Sarma, suggests, of experts, this is a matter which does not appear to be difficult of solution, the main point is that a Committee be appointed."

The Hon'ble Sir George Barnes:—" Sir, I quite agree that 2-50 P.M. the time is ripe for the exploration of the fiscal question in India, and yesterday I accepted Mr. Crum's amendment to my Resolution and I hoped up to a short time ago that this amendment had satisfied the Hon'ble Mr. Patel and the Hon'ble Sir Fazulbhoy Currimbhoy. I hoped that the Hon'ble Mr. Sarma also had agreed. The amendment provided that the Committee should report on 'the best methods of considering the future fiscal policy in India.' Now Mr. Sarma says 'let us jump to the conclusion that a Committee is the right way.' The Hon'ble Sir Dinshaw Wacha does not think that a Committee is the right way. Surely the best thing we can. do in the circumstances is to follow the amendment which Mr. Crum proposed yesterday, and which I accepted. The Committee to be appointed under the Resolution moved by me yesterday will be largely composed of commercial men, and one Committee at a time is enough. I am afraid I cannot accept either the Resolution or the Hon'ble Mr. Sarma's amendment. I am not willing to go beyond the amendment that was proposed to the Resolution yesterday. I am not quite sure that I fully understand what Mr. Patel's object is and what it is that he wishes. From one part of his speech I gathered he wished to clear up what he thought were obscurities in the Report of the Joint Committee on clause 33 of the Government of India Bill. In any case I do not think a Committee of officials and non-officials is the best method of clearing up obscurities in the Report of the Joint Committee. To me the Report does not seem obscure, and read with what Mr. Sarma has quoted, and what Mr. Patel has himself quoted, I think all obscurities are brushed away. It is clear however that on this matter none of us can put an authoritative gloss on the words of the Joint Committee. In another part of his speech he seemed to think that a Committee of this Council would be the proper body to advise on the fiscal policy of India. Now I do not propose to add anything to what Mr Crum has said and to what Sir Fazulbhoy Currimbhoy has said on the point. I feel sure that a Committee of this Council would not be the best body to go into this matter. There is one little point in the Hon'ble Mr. Patel's speech to which I should like to refer. He complains that my Resolution of yesterday would encourage the belief—I think I have taken down his words correctly—that the fiscal policy of India is dictated from Whitehall. I can hardly believe that this can possibly be the result of my Resolution. The object of the Resolution was to take the members of this Council fully into the confidence of the Government and to ask them to discuss the policy of Imperial Preference. How can that be suggested as a course that would encourage the belief that India's policy was dictated from Whitehall? I have nothing more to say except to correct a statement which Mr. Khaparde made in the course of his speech to-day, and I think that he made the same statement in his speech of yesterday. He said that the exports of India were confined to raw products Now I should like to assure the Hon'ble Mr. Khaparde that he is mistaken there. I should like to present to him a small handbook of commercial information relating to India which will show him that Indian exports are not confined to raw materials. I will give a few figures. The export of jute manufactures from India last year amounted to 35 millions sterling; cotton manufactures £9,300,000; tea £11,850,000. These figures are taken from a small handbook which has just been written for the Government of India by Mr. Charles Cotton, who was lately Collector of Customs, Calcutta. I feel sure that the Hon'ble Mr. Khaparde will find a great deal of useful information in it and I will send him a copy."

The Hon'ble Mr. V. J. Patel:—" Sir, the Hon'ble Member who 2-56 P.M. just sat down told us that I suggested during my speech that the acceptance of the Resolution on Imperial preference yesterday would create the belief in the minds of the Indian people that the trade policy of India was dictated from Whitehall. I do not wish to say that I never made that statement; the fact is that that is so. Who asked for the consideration of the question of Imperial preference at this time and for the appointment of a Committee of this Council for the purpose? May I know? The Government of India comes forward with a proposal regarding Imperial preference when the Joint Committee has recommended fiscal autonomy for India. We want to know whether the Government of India of their own accord moved the Resolution on the subject, or whether they were inspired by the Whitehall authorities. My Hon'ble friend, Sir Fazulbhoy Currimbhoy, the other day asked a definite question in regard to the correspondence that passed between the Government of India and the Secretary of State on the subject of Imperial preference. We were told that that was confidential and could not be laid on the Council table. How are we to believe that it was for the good of the people of India that at this juncture Government should bring forward a Resolution for a Committee to consider the question of Imperial preference? How can we believe considering our past experience in the matter of dictation from Whitehall of the trade policy of India that the Resolution is not the result of the correspondence between Whitehall and Simla? The Government of India should at this moment be really considering the question of formulating tariff proposals in the light of the recommendations of Lord Selborne's Committee. Instead, we have actually appointed a Committee to consider the question of Imperial preference. What further evidence is necessary to show to the people of India that our trade policy is still being influenced by the Authorities at Whitehall? The attitude taken by the Government of India on this Resolution recommending the appointment of a Committee to consider the whole question of tariffs will certainly further that belief and not in any way tend to remove it. It is very unfortunate that the Government of India have taken up this attitude in regard to the Resolution. Mr Khaparde said the Resolution was in the nature of a test case. My Hon'ble friend, Mr. Chanda, did not agree with that view, and the Hon'ble Member in charge of the Commerce and Industry Department said he did not understand what my object was in moving this Resolution. My object is clear. The Joint Committee in their recommendations say 'a satisfactory solution of the question can only be guaranteed by granting liberty to the Government of India to devise such tariff arrangements as seem best fitted to the needs of India as an integral portion of His Majesty's Empire.' Compare these words with my Resolution. I wish the Government of India to appoint a Committee to consider the question of tariff arrangements which seem best fitted to the needs of India as an integral portion of the British Empire. I want these recommendations of the Joint Committee to be acted upon. The question of Imperial Preference should not be considered at this moment, but in view of the recommendations of the Joint Committee, what we should now set about doing is to consider and formulate proposals for the purpose of imposing tariffs under the new powers given to us. I may say at once that Mr. Sarma's amendment I accept. I do not say that a Committee of this Council would be better fitted to undertake the task than a Committee of commercial experts. I do not at all suggest that a Committee of this Council would be better fitted for the purpose than a Committee of commercial magnates like my friends the Hon'ble Sir Fazulbhoy and the Hon'ble Mr. Crum. Let them be members of that Committee. Let Government appoint them and some other commercial magnates. I do not for a moment say that a Committee of this Council alone should go into the whole question What I want really is a Committee of officials and non-officials. Let them sit together and consider these recommendations and find out what tariff would suit the best interests of India. That is the only thing that I want, but I am sorry to find that you accept a resolution in favour of Imperial preference and you oppose a resolution to consider the question of tariffs. I do not think that my Hon'ble friend, Sir Fazulbhoy, would object to the Committee which my Hon'ble friend, Mr. Sarma's amendment proposes and which I accept, because his sole objection to my Resolution was that a Committee of this Council would not be a proper body to consider this question. I see no reason why I should not press this Resolution to a division. The Hon'ble Mr. Crum's amendment which was accepted by the Hon'ble Sir George Barnes yesterday does not satisfy the requirements of the case. What does his amendment say? It says that the Committee appointed yesterday should consider what methods should be adopted for the purpose of examining this question. That Committee will sit and consider the question and recommend the appointment of another Committee. What else could they say? They will perhaps go further and say that the new Committee should go round and take evidence in different provinces and then make a report. I say all right, by all means appoint another Committee. I do not want the same Committee to go into the question.

But what I cannot understand is this, when the trade statistics are all ready, when one Committee has been entrusted with the work of going into the whole question of Imperial prefernce, why should not the same Committee with the same statistics with such members on that Committee as my Hon'ble friend Mr. Crum, Sir Fazulbhoy and the Hon'ble Sir Dinshaw Wacha, why should they not at the same time go into the whole question of tariff and make their recommendations? I do not see the slightest objection to that course, but if the course which my Hon'ble friend Mr. Sarma suggests is acceptable to some members of this Council, I have not the slightest objection to adopt it. I trust the Council will accept this Resolution and will not help to further the belief, which exists in the minds of the Indian people, that the trade policy of India is still being dictated from Whitehall."

The Vice-President :—"Inasmuch as the Hon'ble Mr. Patel fairly accepts the amendment proposed by the Hon'ble Mr. Sarma, I will first put the Resolution as amended by the Hon'ble Mr. Sarma to the Council. The Resolution as so amended will run as follows:—

'That this Council recommends to the Governor General in Council that he may be pleased to appoint a Committee to investigate the question of fiscal policy to be adopted hereafter by the Government of India as a result of the recommendations of Lord Selborne's Committee and devise and suggest such tariff arrangements as seem to it best fitted to the needs of India as an integral part of the British Empire'."

The motion was put and the Council divided as follows:—

Ayes—14.

Hon'ble Mr. S. Sastri.
" Mr. B. N. Sarma.
" Mir Asad Ali, Khan Bahadur.
" Mr. V. J. Patel.
" Mr. E. H. Jaffer.
" Raja Sir Rampal Singh.
" Mr. S. Sinha.
" Chaudhri Muhammad Ismail Khan.
" Khan Sahib Shah Nawaz Bhutto.
" Sir Umar Hayat Khan.
" Sir Zulfikar Ali Khan.
" Sardar Sundar Singh.
" Mr. G. S. Khaparde.
" Mr. B. C. Allen.

Noes—40.

His Excellency the Commander-in-Chief.
Hon'ble Sir Claude Hill.
" Sir George Lowndes.
" Sir George Barnes.
" Sir William Vincent.
" Mr. Shafi.
" Mr. W. M. Hailey.
" Sir Arthur Anderson.
" Sir Thomas Holland.
" Sir Gangadhar Chitnavis.
" Mr. W. E. Crum.
" Mr. S. N. Banerjea.
" Mr. C. F. dela Fosse.
" Mr. E. M. Cook.
" Mr. H. Sharp.
" Mr. H. McPherson.
" Mr. A. H. Ley.
" Sir William Marris.
" Mr. R. A. Mant.
" Major-General Sir Alfred Bingley.
" Mr. E. Burdon.
" Sir Sydney Crookshank.
" Sir John Wood.
" Surgeon-General W. R. Edwards.
" R. B. L. M. Chatterjee.
" Mr. G. R.. Clarke.
" Mr. H. Moncrieff Smith.
" Mr. A. P. Muddiman.
" Mr. C. A. Barron.
" Mr. N. E. Marjoribanks.
" Sir Dinshaw Wacha.
" Sir Fazulbhoy Currimbhoy.
" Mr. K. C. De.
" Mr. L. F. Morshead.
" Mr. C. A. Kincaid.
" Mr. P. J. G. Pipon.
" Mr. H. A. Casson.
" Mr. A. E. Nelson.
" Mr. B. C. Allen.
" Mr. G. F. S. Christie.

The Resolution, as amended, was therefore rejected.

The Vice-President:—"I understand the Hon'ble Member does not desire me to put his original Resolution?"

The Hon'ble Mr. V. J. Patel:—"No, not at all."

RESOLUTION *RE* AMENDMENT OF THE SECOND SCHEDULE OF THE GOVERNMENT OF INDIA ACT, 1919 IN REGARD TO THE POSITION OF BIHAR AND ORISSA.

3-14 P.M. **The Hon'ble Mr. Sachchidananda Sinha**:—"Sir, I move the following Resolution, namely:—

> 'This Council recommends to the Governor General in Council that he may be pleased to urge upon the Secretary of State for India the extreme desirability of taking early steps to get the second Schedule of the Government of India Act, 1919 (9 and 10 Geo. 5), so amended, that Bihar and Orissa be removed from the group of provinces in which it is placed in the said Schedule and be included in the group the 'maximum annual salary' of the Governors of which is fixed at one hundred and twenty-eight thousand rupees and that of the members of the Executive Council at sixty-four thousand rupees.'

"Sir, since I gave notice of this motion many of my non-official Indian friends have asked me in tones of deprecation what on earth I mean by bringing up a proposition the object of which apparently is to increase the salaries of officials! They say that my duty as a representative of the taxpayers is to cut down the salaries of officials and make them work, if possible, for nothing. That being so, they ask why I should be anxious to increase the annual salary of the Governor of the Bihar and Orissa by Rs. 28,000 and of the Members of the Executive Council of that Province by Rs. 4,000. This certainly requires an explanation. My answer is that this is but the technical form in which I had to cast my resolution, if I am to convey to the Council what exactly I mean by submitting it. As the matter under consideration in this Resolution is dealt with in the second Schedule of the Government of India Act, 1919, in which it is placed under the list of official salaries, I had to cast my Resolution in that particular form, but the sum and substance of my proposition is, that Bihar and Orissa should have what is popularly known as the Presidency form of government, which has now been conferred upon the United Provinces of Agra and Oudh. Viewed in the light of this explanation I hope I shall be able to carry with me the sympathy of this Council, after I have made my submissions. Now the position of Bihar and Orissa in this matter is quite clear, and to be able to appreciate the point involved, we shall have to go back to the history of this institution of Executive Councils and Presidency Government. In 1833, all the British territories in Northern India were popularly known as the Bengal Presidency. When the Charter of the East India Company was renewed in that year by a Parliamentary Statute, it was laid down that the British territories in Northern India having overgrown, the Government were to divide them into two Presidencies, to be called the Presidency of Fort William in Bengal and the Presidency of Agra. The scheme of the Presidency of Agra, however, was not carried out at the time. Two years later another Act was passed by Parliament suspending the operation of the Act of 1833, and modifying it to the extent that a Lieutenant-Governor be appointed for the Presidency of Agra under the name of the North-Western Provinces. The result was that, whereas the North-Western Provinces got a Lieutenant-Governorship, the Presidency of Fort William, which included Bengal, Bihar and Orissa, remained under the direct management and control of the Governor General, he also being the Governor of the Presidency. From time to time the Governor General used to appoint a Deputy Governor, when leading expeditions into the Punjab or travelling about in distant parts of the country in those pre-railway days, but the arrangement was found to be unsatisfactory and naturally led to bad administration. The result was that in 1853, when the Company's Charter again came to be renewed, an Act of Parliament was passed providing that for the Presidency of Fort William, namely, for Bengal, Bihar and Orissa, there might be appointed a Governor, as in the case of Madras and Bombay, but that failing that the Directors might appoint a Lieutenant-Governor to carry on the administration under the Governor General acting as Governor. As a result of this Act Sir Frederick Halliday was appointed as the first Lieutenant-Governor of Bengal, Bihar and Orissa in 1854, but the power vested in the Government of appointing a Governor for Bengal, Bihar and Orissa was not exhausted but continued unused till 1912 when, under the King-Emperor's proclamation, Bengal proper was raised to the status of a Presidency Government. I have tried to show that under this Act of 1853 not only Bengal proper, but the whole Presidency of Fort William, including Bihar and Orissa also, were promised a Governorship in Council, and that that power was to be used whenever the Governor General ceased to be technically the Governor of Bengal, Bihar and Orissa.

"In 1912, after His Majesty's Proclamation in this very city of Delhi, a notification was issued that the Governor General of India ceased from the date of the notification to be the Governor of the Presidency, and that in his place Lord Carmichael was appointed to be the Governor of Bengal. But my contention is that His Majesty's Ministers did not properly advise His Majesty in requesting him to constitute only Bengal proper as a Presidency and to leave Bihar and Orissa under a Lieutenant-Governor in Council. The law of 1853 contemplated that all these three Provinces, Bengal, Bihar and Orissa, should be raised to the status of Presidency Government, and it was not fair to us, therefore, to leave Bihar and Orissa under a Lieutenant-Governor. However, as perhaps a solatium to us we were given an Executive Council, and the present administration of Bihar and Orissa, therefore, continues to be under a Lieutenant-Governor in Council, that is under an Executive Council. We expected, however, that when the new reforms would come into operation, our claim to a higher status, as a vested interest, would be considered by His Majesty's Government, but I find that according to the second Schedule of the Reform Act, the Province of Bihar and Orissa have been left in the cold shade of neglect and have been grouped administratively with the Punjab. Now, personally, I have a great admiration for the Punjab with which, as the Hon'ble Mr. Shafi will bear me out, I have been intimately connected for the last twenty-five years. But, so far as administration is concerned, my contention is that Bihar and Orissa are entitled to enjoy as a vested right the benefits of a higher system of administration than the Punjab. You, Sir, may remember—I was not in the Council at the time—that, about two years ago, the Hon'ble Mr. Shafi himself moved a Resolution in this Council that the system of administration in the Punjab should be assimilated to that of Bihar and Orissa. This led to a very interesting and memorable debate in which Sir Michael O'Dwyer took a very prominent part; I think you were in the chair at the time, Sir. Well, Mr. Shafi having moved that the system of the Punjab administration might be assimilated to that of Bihar and Orissa, I confess I am a little surprised to find that, in a sense, Bihar and Orissa themselves, far from having been a given higher status, have now been brought down to the level of the Punjab! That, I confess, is a little hard upon them. I think, therefore, on these legal, historical and constitutional grounds, that I am justified in my contention that Bihar and Orissa are entitled to be made a Presidency Government. But I do not base my contention solely upon these grounds of law and constitution I think that, judged by any reasonable standard, the Province is entitled to the Presidency form of government. For one thing, as I have already told the Council, Bihar and Orissa is the only Lieutenant-Governorship in the Indian Empire which at present has got an Executive Council. I am far from grudging Agra and Oudh their good fortune in having been able to secure for themselves a higher system of administration. On the contrary, I am highly gratified, for if it may not be considered improper for me to make a personal reference, I myself moved a Resolution some years back in this Council that the Provinces of Agra and Oudh might be given an Executive Council. That was the beginning of the agitation which has ultimately resulted in the Provinces of Agra and Oudh being given this higher status of a presidency government. But the thing works out like this. The United Provinces comprise, as we know, two sub-provinces, the old North-West Provinces, now called the Province of Agra and the Province of Oudh. Now the Province of Oudh (which is represented in this Council so ably by my Hon'ble friend Raja Sir Rampal Singh) was not even a part of British India in either 1833 or in 1854, at the time when Bengal and Bihar and Orissa were promised presidency government. It came into the British Empire in 1856, and yet from the mere accident of its having been amalgamated since with the Province of Agra, although it was never promised a presidency form of government, it has now come to enjoy that higher status. Personally, I am very glad indeed that my fellow-countrymen in Oudh have got the benefits of this higher administrative status, but it does not stand to reason why in spite of their vested right Bihar and Orissa should have been passed over in silence. I think I am justified in making a grievance against the Government of India that in this particular matter they have ignored the just claims of the people of Bihar and Orissa. It might be asked, however, what is the reason that we are so insistent in this matter by pressing the claims of Bihar and Orissa? What does it matter if the Province of Bihar and Orissa should rank only as a second class governorship—for under the new Reform Act the expression ' Lieutenant-Governor ' has been practically abolished, and the heads of almost all the Provinces are now to be called Governors. The reply is obvious, as Bihar and Orissa will stand on a footing of inferiority to those provinces which will rank as first-class governorships, namely Bengal, Madras, Bombay, and the United Provinces, which also have now been fortunately placed on the footing of a presidency government. My esteemed friend, the Hon'ble Sir William Marris, will bear with me—I hope I am not betraying any of the secrets of the Committee room—when I say that often in the course of discussions about the Reforms rules and regulations, about distribution of seats, when we have been quarrelling amongst ourselves, we have been told by him: 'Now the United Provinces are on a higher footing than Bihar and Orissa. They are a presidency government. You cannot claim the same privileges as they can now do in the matter of the distribution of seats; they must have higher privileges, more men,' and so on. That shows it makes a world of difference whether a province is placed on the footing of a presidency government and is a first-class province or on an inferior footing as a second-class one. But there is one thing more. The general practice in these presidency governments is that although members of the Indian Civil Service are not debarred—and I am glad they are not—from being Governors, the practice is that statesmen from the British Isles are sent out to be the Governors of the provinces known as presidencies. When there is a member of the Civil Service of exceptional qualifications deserving the position of a Governor he is called to the office; and I believe that my leader, the Hon'ble Sir Dinshaw Wacha, remembers the administration of Sir Bartle Frere in Bombay. Later, a Lieutenant-Governor of Bengal, Bihar and Orissa, the late Sir Richard Temple, assumed the Governorship of Bombay. That shows that there is no bar, legal or conventional, to a member of the Indian Civil Service rising to the position of a Governor of a presidency. At the same time, the practice is that the Secretary of State for India, on behalf of His Majesty, sends out from the United Kingdom men who have taken a prominent part in the public affairs, either as members of Parliament or in other walks of life. Now, as this is perhaps the first occasion on which I find myself in the position of saying anything about the Indian Civil Service, I desire to say unhesitatingly that I am one of those who hold the Indian Civil Service in very high regard, indeed, for their great work in this country. I am no detractor of the Indian Civil Service and I do not deny the great work they have done in this country during the last 100 years and more, which has made it possible for us to become a nation and to claim all those privileges which are now ours. But the fact remains that men who work under a system of administration on routine lines—a system which is known popularly as bureaucracy—do not, as a rule, possess that wide outlook on human affairs and that catholicity of temperament which we require in the head of an administration; and it is, therefore, that we have always pressed that the Governors should, as far as possible, be sent out from Britain, as they are generally men of broader outlook and more catholic temperament than are to be found amongst those who work as officials in this country. The great fear of the people of Bihar and Orissa at being placed under a Governor whose pay will be only a lakh of rupees, which is that of the present Lieutenant-Governor, is that the system will be perpetuated of having in Bihar and Orissa Civilian Governors. I hope my suspicions are unfounded and that the gentlemen, who will speak on behalf of the Government, will remove my suspicions. At the same time, even if there was the prospect of Bihar and Orissa having their Governors sent out from England, the fact remains that a Governor even from there on less emoluments will certainly be regarded by the people here as one of an admittedly inferior status. But Bihar and Orissa absolutely decline to accept such an inferior status at the present day. I think they are fully entitled to claim the same administrative status as the United Provinces of Agra and Oudh, and I think the Government have been grossly remiss in their duty towards Bihar and Orissa in not removing them from the second group to the first, that of presidency governments. I think, Sir, I have now sufficiently stated the case, and I will not be justified in trespassing further upon the attention of the Council:

" I hope all our principal Provinces, not only Bihar and Orissa but the Punjab, the Central Provinces, Assam and others will ultimately obtain the higher status of presidency governments. I have no doubt that in due course of time this will come about ; but I think in the meantime I am entitled to plead for the Province of Bihar and Orissa. The Government should even now, at this last moment, bring this matter to the notice of Mr. Montagu, so that he may be pleased to have the Second Schedule of the Act amended by changing Bihar and Orissa from the second group of Provinces to the first group of Presidencies. With these words, Sir, I commend my Resolution to the Council."

The Hon'ble Raja of Kanika :—" Sir, I have very great pleasure in supporting the Resolution so ably moved by my friend the Hon'ble Mr. Sinha. The arguments in support of the Resolution have been so ably placed by my friend before this Council, that I do not desire to deal at any length with them, and I will content myself with one or two observations only. The Province of Bihar and Orissa, Sir, as it is at present constituted, is the most important of the existing Lieutenant-Governorships in India. No other Province under the administration of a Lieutenant-Governor can yet boast of an Executive Council. So that, practically speaking, Bihar and Orissa, though it is the youngest of the Lieutenant-Governorships, at present enjoys a much higher status than the Punjab and even the United Provinces. It is difficult, therefore, to understand what reason there can possibly be for putting Bihar and Orissa in the same category with the Punjab, and for assigning to it a status even lower than that of the United Provinces—as the Second Schedule to the Government of India Act does. Sir, we in Bihar and Orissa had for years been united with Bengal and during all these years we had the advantage of getting the benefits of one of the most advanced administrations in India. Council will remember that that was one of the reasons why Lord Hardinge's Government in their despatch of the 25th August, 1911, proposed to equip our new Province with a High Court and an Executive Council from the very beginning. It is now rather hard upon us 3-31 P.M.

that we should be compelled to take a back seat among the Provinces of India, and it is rather strange that the Government should now forget the principles which it so strenuously urged in 1911. We desire that Bihar and Orissa should be put on the same level with Bengal and the United Provinces as it would be, not only fair to us, but convenient to the Government as well.

"Sir, I cordially support the Resolution."

3-33 P.M. **The Hon'ble Haji Chaudhuri Muhammad Ismail Khan**:—"Sir, I consider the Resolution moved by my Hon'ble friend Mr. Sinha very opportune. In the Second Schedule of the new Government of India Act, it has been provided that the Province of Bihar and Orissa will be so constituted as to have a Governor with a maximum annual salary of one lakh of rupees and Members of the Executive Council on sixty thousand rupees a year. In extent of territory, in importance and in possibilities, the Province of Bihar and Orissa stands second to no other Province. And the fact that it has recently been created and carved out of the old and unwieldy Province of Bengal for administrative purposes should not be considered to minimise its importance. Once action is taken in accordance with the provisions of the new Act, it will be neither convenient nor possible to change the settled order of things within a few years. Therefore, my Hon'ble friend has considered it proper to recommend to the Governor General in Council to urge upon the Secretary of State for India the desirability of placing the Province on an improved status from the beginning so that there may be no reason for dissatisfaction among the people and no possibility of inconvenience in the near future."

3-34 P.M. **The Hon'ble Khan Sahib Shah Nawaz Bhutto**:—"Sir, I beg to support the Resolution of my Hon'ble friend, Mr. Sinha."

3-35 P.M. **The Hon'ble Sir William Marris**:—"Sir, provincial patriotism has been a force which in the past has often worked to the good of India; it is a force which, I believe, can be equally trusted to work usefully in the future. Therefore I make no sort of complaint that his patriotism has led the Hon'ble Member so quickly to raise this question, although from another point of view I feel that the issue is really rather one of a domestic character. Whether the sum of another Rs. 3,000 or Rs. 4,000 per month, to be provided by the revenues of Bihar and Orissa, is really better devoted to augmenting the salaries of a few highly placed personages, than it expended in some alternative manner, such as extending primary education or increasing the salaries of revenue subordinates, is a matter which I should have thought primarily concerned not this Council, but the people who are to find the money; and if there were really any strong case for the Hon'ble Member's proposal it would naturally have come both to the Government of India and the Secretary of State (if the Government of India supported it) with much better authority, if it had secured the backing of the Local Government and of the new Reformed Council behind it; for, I think, the Hon'ble Member can hardly contend that the mischief which his motion seeks to remedy is of so grievous and crushing a character that it could not await the coming of the new constitution.

"The Hon'ble Member gave us an interesting historical retrospect, but I think the chain of argument which he forged was somewhat as follows:—The United Provinces have acquired a presidential status; Bihar and Orissa owing to its past history and its various claims is equally or better entitled to a presidential status. Those are the two portions of his argument with which I have to deal, and if I can break either, his conclusion fails. Let me state the Government of India's position towards this question of Governors and their claims and status as briefly as I can. The authors of the report on Indian Constitutional Reforms declared that the common designation of Governors, which they proposed to adopt for all Provinces in future, would not imply any equality of status or emoluments, which would continue to be regulated by existing distinctions, which they themselves declared that they found appropriate. In general the Government of India endorsed this conclusion. They proposed to leave the pay of Governors and Members of Council untouched in the presidencies and in the major provinces, and they recommended only augmenting the pay of the new Governors of the Central Provinces and Assam, so as not to leave them any longer behind the level of pay of Members of Council in the presidencies. They saw no reason to level up pay generally; they realised that reforms were in any case costly, and that it was imperative, where possible, to avoid needless expenditure. They observed that elsewhere in the world, in Australia, in the West Indies, and to a remarkable extent in the United States of America, there were Governors living in geographical juxtaposition whose pay varied considerably. They saw no reason why such variation should be undesirable in India.

"The Government of India's view was that the three presidencies were really in a class apart. They had had Governors already for a long time. There was, in the Government of India's judgment, a practical, tangible distinction between a presidency and a province. You may regard the difference in more than one light; you may look at it as the result of history and tradition and recall how the present order of things in India arose from small beginnings when the Governor of each of these three small isolated coastal settlements sat in Council as President, which term gave the name to the territory which he administered; that is a point of view which would appeal to some members of this Council more than to others. You may look at it from another standpoint. I think this point of view is one on which Mr. Banerjea touched in his speech yesterday—that these presidencies are the original metropolitan centres from which in the first place military administration and then civil administration, and then communications, and railways and education, and enlightenment, and political progress—all these things grew, and from the presidencies marched up into the hinterland. That is a memory which I should hope will appeal to every member of this Council, and would persuade him that in these respects the presidencies are unique But if we turn to the other side and look away from the past to the facts of the present day, it is equally clear, and any unbiassed person will acknowledge that the Presidencies stand in a sense by themselves. We see then as great manufacturing and commercial centres, where enormous business is done, where (or in two of them at all events) great ships come and go, where India, which in all other respects is very much an island, sets her feet upon the highways of the world's trade and opens her eyes to the great external world. This is the distinction which every candid member of Council will appreciate and recognize. These are the reasons for holding that the presidencies are in a real sense apart.

"I do not of course forget the fact of which the Hon'ble Member has reminded us, and very rightly, that in India in the early thirties there was an idea of creating a fourth presidency, and in fact for two brief years the Governors of Bengal, being also the Governors General in Council, administered the territories of the North-Western Province as Governors of Agra. But, as he told us, that idea was very soon given up in favour of the alternative scheme of Lieutenant-Governors, which was not only cheaper but felt to be more suitable. It seems to have been perceived at that time that the grand manner of Governors of the old type, with their bands and bodyguards and banqueting-rooms, was not appropriate outside the Georgian atmosphere of the three metropolitan cities. Such at all events, whether right or wrong, was the conclusion to which the Government of India came, and I think any fair observer will agree that in history, precedent, and in actual modern facts, they had solid and substantial grounds for their proposal.

"Their proposal, however, was modified by the Joint Committee upon one point of detail in a way that has opened the door for the Hon'ble Member's motion. The Joint Committee on the Government of India Bill have raised the pay of the Governor of the United Provinces to the level of that of the presidency Governors, and now the Hon'ble Member asks the Council to propose the same benefaction for the Governor of Bihar and Orissa. I know that he is not asking for a personal favour for the Governor, but is only thinking of the honour and glory of his province. I do not know what were the reasons which weighed with the Joint Committee; they have not told us, and they can only be matters of conjecture. I think myself that they may have been moved by the eloquent and earnest representations of some of the members of the delegation, who addressed them in England, who may have dwelt on the dignity and glories of the United Provinces. It would have been easy for them to draw an attractive and moving picture of the province with which I have the honour to be connected. They may have emphasised its character as the sacred middle land of the Sanskrit world, the birthplace of gods and heroes and religions; upon its famous cities, its noble rivers, its many sacred places, its former seats of sovereignty, its political importance as the stronghold not only of Islam in Northern India, but also of an industrious and virile, if not advanced, peasantry.

"I can imagine that arguments such as these may have been so eloquently addressed to the arbiters of our destinies in England as to lead them partially to overlook the differences that weighed with the Government of India—those differences, to which I have referred, as necessarily existing between the presidencies and any other provinces, between the parent and the derivative, the sea board and the land-locked territory.

"But, says the Hon'ble Member, the Joint Committee may say and do what they like: they may disregard the peculiar character of what has hitherto been known as a presidency. He suggests indeed that the Joint Committee have done what was thought of in the thirties: they have actually made an inland province into a presidency by raising the pay of the Governor. But, Sir, that is not at all the case. Nothing of the sort has been done. A presidency remains a presidency; and the United Provinces remain a province. Section 3 of the Act runs:—

> 'The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces, known as the United Provinces, etc.'

"What has happened has been that the pay of the Governor and members of this province of the United Provinces of Agra and Oudh has been raised. But it still has a provincial and not a presidency status.

"It is not my concern, however, Sir, to argue that the United Provinces are or are not as Madras or Bombay are; but rather to point out that, whatever opinion is held on that point, Bihar and Orissa cannot claim to stand level with the United Provinces. The Hon'ble Member has driven me to the odious and invidious task of making comparisons. If I do so, it is because they are strictly necessary to my purpose. That flame of provincial patriotism that shows in the Hon'ble Member's breast exists also in cold, official, hearts as well, and there is in close proximity to me in Council a sufficiently strong contingent of official representatives of the province of Bihar and Orissa to impose due discretion upon anything I shall say.

"I will at once concede to the Hon'ble Member the one argument in respect of which he has a technical advantage; it is the fact that Bihar and Orissa have for some years been in possession of an Executive Council. The United Provinces nearly got one in 1915, but the benign intentions of Lord Hardinge's Government were rendered nugatory in another place. But is this possession of an Executive Council a real hall-mark? Was it not because of its connection with Bengal that Bihar and Orissa got its Council? Would it, if it stood alone in 1908, have got a Governor in Council either then or indeed at any time since, earlier than the United Provinces? The despatch of 1911, which has been so often referred to, described the Biharis—a little unkindly perhaps—as 'unequally yoked' with the Bengalis. The Hon'ble Member told us in another speech that was a connection at which his people had chafed for 150 years. But it is that uneasy connection alone, their association with metropolitan Calcutta, that the Biharis have to thank for the enjoyment of a more elaborate form of government as compared with the United Provinces. To that extent I trust the Council will discount the Hon'ble Member's attempt to steal a march upon the sister province.

"Now, Sir, if we set aside the fact of the possession of a Council, what other grounds of comparison are there? I suppose that the costliness of a Government must be proportioned to the work which it has to do and the importance and difficulty of its task. That seems a fair proposition. But status and prestige are imponderable things; we cannot resolve them easily into any one or two simple constituent parts. At the same time, we shall probably be led to a sound conclusion if we look round to the various concrete constituents that can be measured. The United Provinces, in the first place, is one and a quarter the size of Bihar and has a population one and one-third as big. Its expenditure is twice as big, and its revenue more than twice. Moreover, the work to be done can be practically gauged from the staff. Bihar has three civil Secretaries : the United Provinces has four. The United Provinces has 48 districts, and Bihar has 29. The United Provinces has ten divisions as compared with five. Its superior administrative service is twice as big : its provincial service 50 per cent. bigger. It has six times as many towns (if we include quite small ones) and twice as many municipalities and eighteen times as many cantonments. It has four times the number of European and Anglo-Indian inhabitants. It has seven cities over a lakh as compared with one, and five cities over 1½ lakhs compared with none. If we turn to another side of progress and advance, we find that it has nineteen colleges as compared with seven, and 179 high schools as compared with 118. It has between three and four times the number of factories. So much for the more amiable aspect of things.

"I regret, Sir, to add that the United Provinces' prominence is not wholly of a virtuous nature. It returns twice as much crime as the comparatively blameless province to which the Hon'ble Member belongs. Well, Sir, I have given the Council a few facts readily ascertainable. I might have gone into much more detail if it had been necessary, but I trust that these will suffice to carry conviction. The case for the Government is very simple. We want to avoid unnecessary expense. We do not admit for one moment the argument that the figure representing the Governor's pay connotes or affects in any way the question of recruitment of the Governors of the future. I may say, Sir, that the Government of India at present have no knowledge whatever of His Majesty's intentions, as far as I know, regarding such appointments, and I believe that the question of Rs. 2,000 and odd a month cannot weigh one way or the other in considering the question of the selection of future Governors. The Hon'ble gentleman has argued that the status of Bihar and Orissa should be made equal to the status of a presidency like the United Provinces, but, in the first place, the United Provinces are not a presidency, and secondly, the Government of India do not think that the conditions of Bihar and Orissa are comparable to those of the United Provinces. Therefore, they are constrained to regard this proposal as premature, expensive and unnecessary; and they cannot, therefore, invite the Council to support the Resolution."

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, the very fact that the Hon'ble Sir William Marris has had to attempt a prolonged and laboured refutation of my arguments—invoking he, a pious Christian, all my Hindu Gods, the holy rivers, the sacred trees, the beautiful mountains and God knows what besides—shows that he has really got a very weak case. He enumerated for my edification a large number of facts showing that the United Provinces deserve a higher form of administration than Bihar and Orissa. I am sure I had not betrayed in my opening speech the least jealousy of the United Provinces of Agra and Oudh, and therefore all that elaborate argument was, if I may say so, beside the point. The patent fact is, that whatever else the United Provinces may or may not have in the way of ten Commissionerships and forty-eight districts or so many schools and Colleges and things of that kind, 3·53 P.M.

the Hon'ble Sir William Marris is himself here from the United Provinces and naturally puts the case of his province as high as he can. That is quite understandable. But, I submit, that invidious comparison is not a fair way of dealing with the proposition which I have laid before the Council. Again, there may be 48 districts in the United Provinces, but the districts may be smaller in area than those of Bihar and Orissa. Their population may be less or may be more. These are, therefore, no criteria at all in considering a proposition like the one I have placed before the Council. If I too entered upon a historical sketch of the glories of Bihar, I think I could go on till the small hours of the morning, but my Hon'ble friend, Sir William Marris, has undoubtedly read the *Early History of India* by Vincent Smith, establishing that of all the provinces in India Bihar is the one where the political history of India really began, and if he will re-read Sir Edward Gait's Census Reports, he will find that it is Bihar which was for many centuries the most historic and the most important part of India But I never mentioned a word about these matters in my opening speech, since I maintain that my case is much stronger on the merits than by placing it on historical considerations. We are discussing the question whether there was any practical justification for keeping Bihar and Orissa in the status of a province under a glorified Lieutenant-Governor, and I must confess that the Hon'ble Sir William Marris has not at all, by his invidious comparisons, succeeded in convincing me to modify my convictions on which I brought forward this Resolution. The only serious point which he has urged before the Council is by inviting our attention to section 3 of the Government of India Act to show that the United Provinces have not been granted a Presidency Government technically, because in clause (2) of section 3 of the Act it is laid down that the United Provinces will also be regarded like the Punjab, Bihar and Orissa, the Central Provinces and Assam, as a province. I quite appreciate that. I had that in my mind. But he will concede, I hope, that although technically Agra and Oudh may continue to be called a province and not a Presidency, yet to all intents and purposes they are a presidency; and if I may be permitted to say something here, everyday in the Reform Committee my friend the Hon'ble Sir William Marris himself says to me: "Oh, you cannot place Bihar and Orissa on the same level as the United Provinces which have a Presidency Government . . .

The Hon'ble Sir William Marris:—"I do not think I have said so."

The Hon'ble Mr. Sachchidananda Sinha:—"That is how I have understood him to say each time. It seems to me very hard that when I urge that the conditions in Bihar and Orissa are in all respects similar to those of the United Provinces, it should be said 'Oh, Bihar is a mere province,' but when it suits his purposes, he says that Agra and Oudh are a presidency!

"Sir, I am gratified to learn that at present there is no distinct indication as to what His Majesty's Government will do in the matter of recruitment of Governors in Bihar and Orissa, and I hope that if this discussion to-day will lead to no other result, it will at least do this, that when the papers reach His Majesty's Secretary of State, he will appreciate our difficulties in Bihar and Orissa and he will encourage our desire that we should also have the benefit of having from England Governors like the other presidencies. But when the pay of the Bihar Governor is raised to that of the Governors of Madras, Bengal and Bombay, there will be a greater chance of Bihar and Orissa getting out from England men who are in public life, and the status of the province will naturally be improved. I think that the Hon'ble Sir William Marris, in spite of delivering a conciliatory speech—I quite appreciate the spirit of it but not its substance—has not succeeded in convincing me. I, therefere, feel that I should ask that the votes of this Council should be recorded in this particular matter."

The motion was put and declared negatived.

The Hon'ble Mr. Sachchidananda Sinha:—"I want a division, Sir."

The Vice-President:—"Does the Hon'ble Member wish to press for a division?"

The Hon'ble Mr. Sachchidananda Sinha:—"I think, Sir, this is an important matter, and I would like to know how I stand in this matter on a division being taken."

The Council divided as follows :—

Ayes—13.

The Hon'ble Mr. S. Sastri
" Mr. B. N. Sarma.
" Mir Asad Ali, Khan Bahadur.
" Mr. E. H. Jaffer.
" Sir Fazulbhoy Currimbhoy.
" Raja Sir Rampal Singh.
" Nawab Ali Chaudhuri, Khan Bahadur.
" Mr. S. Sinha.
" Raja of Kanika.
" Chaudhri Muhammed Ismail Khan.
" Khan Sahib Shah Nawaz Bhutto.
" Mr. K. K. Chanda.
" Babu S. N. Banerjea.

Noes—39.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
" Sir George Lowndes.
" Sir George Barnes.
" Sir William Vincent.
" Mr. Shafi.
" Mr. W. M. Hailey.
" Sir Arthur Anderson.
" Sir Thomas Holland.
" Mr. W. E. Crum.
" Mr. C. F. de la Fosse.
" Mr. E. M. Cook.
" Mr. H. Sharp.
" Mr. H. McPherson.
" Mr. A. H. Ley.
" Sir William Marris.
" Mr. R. A. Mant.
" Maj.-Genl. Sir Alfred Bingley.
" Mr. E. Burdon.
" Sir Sidney Crookshank.
" Mr. H. R. C. Dobbs.
" Sir John Wood.
" Surgeon-Genl. W. R. Edwards.
" R. B. L. M. Chatterjee.
" Mr. G. R. Clarke.
" Mr. H. Moncrieff-Smith.
" Mr. A. P. Muddiman.
" Mr. C. A. Barron.
" Mr. N. E. Marjoribanks.
" Mr. K. C. De.
" Mr. L. F. Morshead.
" Mr. C. A. Kincaid.
" Mr. P. J. G. Pipon.
" Mr. H. A. Casson.
" Mr. A. E. Nelson.
" Rai Sahib Seth Nath Mal.
" Mr. Mr. B. C. Allen.
" Mr. G. F. S. Christie.

The Resolution was therefore rejected.

The Council then adjourned till Monday, the 23rd February, 1920, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department

DELHI:
The 1st March 1920.

SGPI Delhi—323 LD—10-3-20—750

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Monday, the 23rd February, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C.S.I., K.C., Vice-President, *presiding*, and 61 Members, of whom 54 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. V. J. Patel asked :—

Revision of pay of postal clerks of Bombay.

1. "(*a*) Have the postal clerks of the town and island of Bombay been appealing to the Director General for a revision of their pay and, if so, for how long?

(*b*) Is the scheme promised by the Director General in his memorandum No. 2510, dated the 28th April 1919, likely to take effect in the near future?

(*c*) Do Government propose to introduce a time-scale of pay in the Post Offices of the town and island of Bombay on a plan similar to that in the Accountant General's Office, Bombay?"

The Hon'ble Sir George Barnes replied :—

"(*a*) Yes, constantly.

(*b*) The scheme has just been sanctioned by the Secretary of State, with effect from the 25th January, 1920.

(*c*) The question of the introduction of a suitable time-scale of pay is under the Director-General's consideration."

The Hon'ble Mr. V. J. Patel asked :—

Free import of dye-stuffs of India.

2. "(*a*) Are Government aware that the notification imposing restrictions upon the free import of dye-stuffs into India is regarded by the public as wrong in principle and a deliberate infringement of the policy of fair trade?

(*b*) Has it created a monopoly in favour of the English dye-manufacturer and trader at the expense and to the detriment of the Indian trader and consumer?"

The Hon'ble Sir George Barnes replied :—

"The Government of India are aware that the restrictions on the importations of dye-stuffs into India have been the subject of unfavourable criticism in the Press, and they have received objections and representations in regard to them from certain individuals and commercial bodies. It is not a fact however that these restrictions create a monopoly of the nature mentioned by the Hon'ble Member, licenses for the import of dye-stuffs from foreign countries being freely granted when it is impossible to obtain the required dyes from the United Kingdom or when such dyes are unobtainable at a reasonable price. As a matter of fact considerable quantities of dye-stuffs are at present being imported under license from foreign countries. I may add for the Hon'ble Member's information, however, that the question of the retention of these restrictions is now being further considered by the Government of India."

The Hon'ble Mr. V. J. Patel asked :—

Fiscal autonomy.

3. "(*a*) Will Government state the extent to which and the conditions on which, the various self-governing Dominions of the Empire enjoy fiscal autonomy, and how far and in what particulars it differs from that recommended for India by Lord Selborne's Committee ?

(*b*) Are the Government aware that the recommendations of the Committee are construed by several public men in India to mean that with regard to fiscal matters India shall have the same right of regulating her policy as all other Dominions of His Majesty ?"

The Hon'ble Sir William Marris replied :—

"(*a*) So far as the Government of India are aware the legislatures of the self-governing Dominions are at liberty to arrange their tariffs as they please, subject however to the right of the Governor General of each Dominion to assent to or withhold consent from Bills or to reserve them for His Majesty's pleasure, and the Crown can disallow within a specified period any Bill assented to by the Governor General.

The Hon'ble Member can judge for himself the difference, if any, between the position of the self-governing Dominions as stated above and that recommended for India in the report of Lord Selborne's Committee.

(*b*) The Government of India are willing to accept the Hon'ble Member's assertion that the views of certain public men in India regarding the recommendations of the Committee are as stated by him."

The Hon'ble Mr. V. J. Patel asked :—

Findings of Lord Selborne's Committee and framing of rules under the new Act.

4. "Is it open to the Government of India in framing rules under the Government of India Act to re-open any question settled by Lord Selborne's Committee and to disturb its findings?"

The Hon'ble Sir William Marris replied :—

"As the Hon'ble Member is aware the general rule-making power under the Government of India Act, 1919, is contained in section 44 of that Act, and all rules made thereunder must come before Parliament.

The Government of India regard the recommendations of the Committee as an authoritative indication of the views which are likely to be taken by Parliament, and will therefore naturally attach the greatest possible weight to their recommendations."

The Hon'ble Mr. V. J. Patel asked :—

Grants to institutions for the blind, deaf and dumb.

5. "Will Government lay on the table a statement showing the amount of grant by each of the Local Governments and Administrations during each of the last five years to institutions for the instruction of the blind, the deaf and the dumb?"

The Hon'ble Mr. Shafi replied :—

"The information desired by the Hon'ble Member is not available in the Government of India. It is being obtained from Local Governments and Administrations and will be laid on the table in due course."

The Hon'ble Mr. V. J. Patel asked :—

Indigenous systems of medicine.

6. "Will Government state the result of the investigation which they undertook in accordance with the Resolution moved by the Hon'ble Khan Bahadur Mir Asad Ali on the question of the possibility of placing the ancient and indigenous system of medicines on a scientific basis and of adding to their usefulness?"

The Hon'ble Sir William Vincent repled :—

"The Hon'ble Member is referred to the answer given to the question put by the Hon'ble Rai Sahib Seth Nathmal on the 23rd September 1919."

The Hon'ble Mr. V. J. Patel asked :—

The Indian Civil Service and the Reforms.

7. "(*a*) Are there any, and, if so, how many members of the Indian Civil Service, whose doubts as to the changes to be made under the new Act are so deep-rooted that they feel they cannot usefully endeavour to take part in them?

(*b*) On what pension are they to be allowed to retire?"

The Hon'ble Sir William Vincent replied :—

"(*a*) No such case has yet been brought to the notice of the Government of India

(*b*) This part of the question does therefore not arise."

The Hon'ble Mr. V. J. Patel asked :—

Composition of the Executive Council of the Governor General.

8. "(*a*) Do Government propose to give effect to the recommendation of Lord Selborne's Committee that not less than three Members of the Governor General's Executive Council should be Indians and, if so, when?

(*b*) Is it a fact that according to the recommendation of the Committee a fourth Indian Member could be appointed, provided he has definite legal qualifications?"

The Hon'ble Sir William Marris replied :—

"(*a*) The appointment of members of the Governor General's Executive Council rests with His Majesty and not with the Government of India.

(*b*) I will read to the Council the terms of the Joint Committee's recommendation. They advised —

> 'that one member of the Council should have definite legal qualifications, but that those qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians.'

The Government of India understand that the intention of the first part of this recommendation was to open the door for the appointment of certain members of the legal profession who had received their training in this country: an intention to which section 28 (*2*) of the Act gives effect. They do not understand that the Joint Committee had any intention of arousing expectation that four Indian members would be appointed to the Council of the Governor General. Had this been the Committee's intention the Government of India believe that it would have been stated explicitly."

The Hon'ble Mr. V. J. Patel:—"May I put a supplementary question, Sir? Has the attention of Government been drawn to Lord Selborne's speech in the House of Lords to the effect that there could be appointed four Indian Members on the Executive Council?"

The Hon'ble Sir William Marris:—"I must ask for notice of that question."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Recruitment of chemists for the proposed all-India Chemical Services.

9. "(*a*) What qualifications, if any, have been laid down for the recruitment of chemists into the proposed all-India Chemical Services?

(*b*) Have inquiries been made as to how many Indians with sufficient qualifications would be forthcoming? If no such inquiries have been made, do Government propose to institute them before getting recruits from other countries?

(*c*) In this connection do not Government propose to consider the advisability of holding a competitive examination for junior men, both Indian and European, before the appointments are made?"

The Hon'ble Sir Thomas Holland replied:—

"The attention of the Hon'ble Member is invited to the Resolution of the Government of India in the Munitions Board No. M.-440, dated the 26th November, 1919, in which it is notified that a Committee has been appointed to inquire and advise Government regarding the desirability of creating an all-India Chemical Service, and, in the event of the Committee approving the principle of such a service, to devise terms of recruitment, employment and organisation.

The report of the Committee will be ready next month. Until that report is received, and Government has had an opportunity of considering its recommendations, it would be premature to institute the inquiries, or independently to investigate the proposals suggested by the Hon'ble Member."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Increase of pay of postal employees in Bihar and Orissa.

10. "(*a*) Have Government received any petitions or memorials from the employees of the Postal department, specially those serving in Bihar and Orissa, praying for an increase in their emoluments?

(*b*) Are Government aware that considerable dissatisfaction exists among the said employees by reason of the present high rates in the necessaries of life and their not having got any appreciable increase in their pay in recent years?

(*c*) Is it not a fact that improvements have been recently effected in the pay and gradation of the Telegraph employees, and that nevertheless a Committee has again been appointed to consider their grievances further?

(*d*) If so, do Government propose to take similar measures with regard to the grievances of the Postal employees? If not, will Government be pleased to explain the reasons for this seeming differentiation?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Yes.

(*b*) and (*d*) Yes, but a general revision of the pay of postal clerks up to the grade of Rs. 100 has just been sanctioned, and the question of revising the pay of men in the higher grades is receiving the Director General's consideration.

(*c*) Yes."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Filling of the vacancies in the Punjab and Patna High Courts.

11. "Have Government taken any steps to get the vacancies filled which have been caused in the Punjab High Court by the death of Sir Henry Rattigan and in the Patna High Court by the death of Mr. Justice Atkinson? If so, when are the announcements of the names of their successors likely to be made?"

The Hon'ble Sir William Vincent replied :—

"The reply to the first part of the question is in the affirmative. As regards the second part a press *communiqué* will, as usual, be issued as soon as the appointments are made by His Majesty under section 101 (2) of the Government of India Act, 1915."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Amendment of the Code of Criminal Procedure.

12. "(*a*) Do Government propose to proceed with the Bill which was introduced into this Council by Sir Reginald Craddock to amend and consolidate the Code of Criminal Procedure?

(*b*) If so, do Government propose to refer it for consideration and report to a committee composed from amongst the members of the present Council with instructions that they may suggest amendments with a view to assimilate and unify the procedure in trials by removing from the Code any distinctions subsisting at present on the ground of race or nationality? If not, why not?"

The Hon'ble Sir William Vincent replied :—

"(*a*) In view of the amount of business connected with the introduction of the reforms, which will come before the present Council, Government do not consider that it will be possible to proceed with the Bill to amend the Code of Criminal Procedure, which was first introduced in March 1914 and later re-introduced in a modified form in September 1917.

(*b*) The Bill is an amending Bill and does not deal with the subject suggested by the Hon'ble Member. It is open to any Member of Council to introduce a separate amending Bill on this subject, and Government are prepared to give their careful consideration to any such Bill that may be introduced, but they do not think that the present would be an opportune time to raise this question, which is bound to give rise to very serious controversy."

The Hon'ble Mr. Sachchidananda Sinha asked :—

Recommendations of the Royal Commission with regard to pay and pension for various Services.

13. "(*a*) Will Government be pleased to mention the names of the various services, Imperial or Provincial, which have already received the benefit of the recommendations of the last Royal Commission on the Indian Public Services in the matter of their pay, pension or any other kind of emolument, or in respect of which orders have been passed to that effect?

(*b*) What are the remaining services, Imperial or Provincial, which have still to be dealt with?

(*c*) Will Government be pleased to state the reason or reasons, if any, justifying preference having been given to the claims of those referred to in part (*a*) of this question?"

The Hon'ble Sir William Vincent replied :—

"In order to save the time of Council I lay on the table a *statement which gives a complete answer to parts (*a*), (*b*) and (*c*) of the question."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Preservation of cattle.

14. "Have Government received an influentially signed memorial on the subject of preservation of cattle? If so, what action do they propose to take upon it?"

**Vide* Appendix A.

The Hon'ble Sir Claude Hill replied :—

"Yes. The question raised in the memorial, which has just been received, is engaging the attention of the Government of India."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Creation of Local Government Boards in India.

15. "Will Government lay on the table a copy of the Report of the Committee which sat in London last spring on the question of the creation of Local Government Boards in India ?"

The Hon'ble Mr. Shafi replied :—

"The Report of the Committee appointed to study the working of the English system of Local Self-Government, together with a report* by the Hon'ble Mr. S. N. Banerjee on the same subject, is laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Compulsory elementary education.

16. "Do the Government of India propose to consider the desirability of making special financial contributions to the Provincial Governments so as to enable the latter to assist Municipalities and Local Bodies in carrying out schemes of compulsory elementary education at an early date ?"

The Hon'ble Mr. Shafi replied :—

"Beginning with 1911-12, the Government of India have assisted Local Governments by recurring and non-recurring grants, which have up to the end of 1918-19 totalled over 2¾ crores in the expansion and improvement of elementary education. With the new classification of revenue and expenditure contemplated by the Reforms scheme, the provinces will be equipped with substantially larger resources than they at present enjoy for the improvement and expansion of elementary education and other branches of provincial administration. The views of the Government of India regarding the future financing of elementary education were explained in their letter No 750, dated the 2nd September 1918, which was published at the time. A copy† of that letter is laid on the table."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

Improvement of salaries of public servants.

17. "In how many cases have public servants made representations to the authorities concerned for an improvement in their salaries during the last six months and how have these been disposed of ?"

The Hon'ble Mr. W. M. Hailey replied :—

"The precise information asked for cannot be supplied, as such representations are not generally made to the Government of India direct. The salaries of the lower-paid public servants have been temporarily improved in all provinces by the grant of war allowances on the recommendation of Local Governments It is understood that Local Governments have now under their consideration schemes for a permanent revision of the salaries of their subordinate establishments."

The Hon'ble Mr. Sachchidananda Sinha :—"May I put Dr. Sapru's questions on his behalf, Sir ? "

The Vice-President :—" I am afraid the Hon'ble Member can put his own questions only. "

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* *Vide* Appendix B

† Not included in these Proceedings.

RESOLUTION *RE* EXTENSION AND IMPROVEMENT OF MUHAMMADAN EDUCATION.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :— 11-15 A.M. "Sir, I beg to move the resolution, which stands in my name. It runs thus:—

'This Council recommends to the Governor General in Council that a Committee of officials and non-officials be appointed to inquire and report as to the effect given in different provinces during the past six years to the suggestions and recommendations made by the Government of India to the Provincial Governments regarding the extension and improvement of Muhammadan education.'

"My resolution, it will be seen, is a very simple one. I have to request the Government of India to make detailed inquiries about and bring together, in a combined form the measures taken by Provincial Governments with respect to the promotion and improvement of Muhammadan education in their own Provinces, on the lines suggested to them by the Government so long ago as 1913. And I may perhaps be referred in this connection to the Annual Report on Indian Education, and to the reports on educational progress issued every year by the Provincial Governments. It may also be stated that education is a matter primarily in the hands of the Governments of the Provinces, and that they are responsible for it. Those Governments are, therefore, the proper bodies, it will be contended, who ought to be approached, and that a discussion of the question ought to be raised in the Provincial Legislative Councils, especially in view of the fact that in the near future we are going to have a large measure of decentralization. Sir, I venture to urge that the inquiry I am asking for cannot be reasonably resisted on grounds like those I have mentioned. Whatever measure of provincial decentralization in the administration and control of education, the forthcoming constitutional changes may bring about, the Government of India will *not* be going out of its way to institute an inquiry as to *what* progress has been so far achieved in the different Provinces in the matter of Muhammadan Education along the lines they themselves suggested. Not only this, Sir, but in a way, the Government of India, to my mind, should regard it as its duty to find out to what extent its wishes have been carried out, and to see that they are carried out before the responsibility regarding educational policy is wholly or largely transferred to the Provincial Governments. Conditions with respect to questions, like the Muhammadan education, and the educational progress of the Moslem Community, will, indeed, vary from province to province, and the action to be taken in the provinces must be adjusted to their particular requirements. But there are certain principles of policy which apply *equally* to all parts of the country, and it is necessary for the Central Government to see that those principles are adhered to in the provinces. Apart from this general presumption that may be raised, in regard to the progress of Muhammadan education, I have to draw attention to the important consideration that the inquiry I am suggesting relates to the recommendations made by the Government of India years ago and, therefore, to measures which should have been carried out by Provincial Governments, by this time, in uniformity with them. In the Bombay Presidency, for instance, the Government there appointed a Committee, to go into the question of the condition of Muhammadan education, and to recommend the direction in which development was to be effected. A few of the recommendations of the Committee have been given effect to, and others yet await approval and execution. Economy enforced by War was a ground for this slowness of progress, but that argument no longer holds. The Committee of Inquiry, I am asking for, will consider the schemes formulated by Provincial Governments, for giving effect to the suggestions of the Government of India, and find out, how far, they have been carried out. It may be that want of funds may still be pleaded by Provincial Governments, as a reason of their inability, to do the needful, and the financial aspect of the question will have to be considered. The Government of India may have to help Provincial Governments, if the latter's plea of financial difficulties is right In any case, it is needful for us to know exactly how matters stand; and the inquiry to be fully useful, must be comprehensive, and not merely provincial. The Government of India communicated its wishes, in connection with the advancement of Muhammadan education, because it felt that the subject was one of national importance, and desired generous and prompt attention. That importance, I submit, the subject has by no means lost. And I am anxious, Sir, that the suggestions conveyed in my Resolution should be taken by this Council in the light of the urgency of the question, and the obligation which rests upon the Government of India, to see its own recommendations carried out. The Committee of Inquiry will collect valuable information, which will prove helpful to us in knowing what ground has been already covered, and how much work still remains to be done. In the light of this information alone, it will be possible for Government to decide what measures to take to attain the object it has now all along in view.

"With these words, I move the Resolution."

11-22 A.M. **The Hon'ble Khan Sahib Shah Nawaz Bhutto:**—"Sir, I have great pleasure in supporting the resolution moved by my Hon'ble friend Mr. Jaffer. Speaking on behalf of Sind, Sir, the education of the Muhammadans who form about 80 per cent. of the population there has been very sadly neglected. It is true, Sir, that the Local Government is doing something in the direction of the extension and improvement of Muhammadan education and a special committee was appointed for Sind to investigate the question, but it is to be regretted that full effect has not been given to the recommendations of that Committee. The sums which Government are spending at present in the cause of Muhammadan education are quite inadequate to meet the requirements of the Muhammadan community who form the bulk of the population in Sind. Sir, the subject is a very important one and demands a very sympathetic treatment at the hands of Government. After what has fallen from my Hon'ble friend Mr Jaffer, I feel that he has made out a strong case for an inquiry into the whole question of Muhammadan education, and I hope that the Hon'ble the Education Member will be good enough to accept this very modest resolution. With these few observations I support the motion before the Council."

11-24 A.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:**—"Sir, I consider it my pleasant duty to support the resolution moved by my esteemed friend the Hon'ble Mr. Haroon Jaffer. About six years ago, the Government of India issued a circular letter to all the Provincial Governments, emphasising the need of providing reasonable facilities for education of the Mussalmans and indicating the direction in which inquiry and special action would, they thought, be useful. In accordance with this direction, the Government of Bengal—and I understand the Governments of other Provinces too—appointed a Committee, the most representative that ever was constituted, to consider the problem of the backwardness of the Muhammadan community in the matter of education, and to recommend necessary measures to be adopted by the Government for the educational advancement of the Muslim community. The terms of reference were comprehensive enough to include almost every branch and stage of education, and the Committee set about their task with an earnestness, commensurate with the paramount importance of the problem they were asked to investigate After hard, patient labour of over six months, they submitted their report, which formed the subject of a resolution issued by the Government of Bengal, on the 3rd August 1916. The recommendations of the Committee received, I must gratefully acknowledge, the most sympathetic consideration from the Government of Bengal, and a large number of these were immediately given effect to. Only those recommendations which involved a heavy expenditure—which, of course, could not be provided for during the period of war—were kept in abeyance, with the assurance that they would be undertaken as soon as the financial conditions would permit. The recommendations that concerned the Calcutta University were duly addressed to the University authorities. But will the Hon'ble Members believe me, when I unfold to them the story, how the recommendations of such a representative body consisting of almost every Muhammadan educationist of repute in Bengal, were treated by the authorities of the University. Sir, consistently with the principle that in the 'sacred temple of learning' there is no room for the consideration of sectarian grievances, the unbiassed, the impartial body of pure educationists did not consider it worth their while even to condescend to favour the Mussalmans with a reply. Repeated reminders, Sir, could not elicit even the ordinary courtesy of a formal acknowledgment. This deplorable state of affairs was due solely to the very poor representation of the Mussalmans in the different bodies of the University. To the same cause may be ascribed the persistently unjust treatment of the Mussalmans in the University, which have been briefly described in Chapter VI of the Illuminating volumes of the report of the Calcutta University Commission. The *pariah* of a Moslem member was never admitted into the syndicate of the 'Sacred temple of learning', the governing body of 23 colleges were unpolluted by the contact of the Muslims, and out of 1,065 members of the collegiate staff only 37 subordinate appointments—barring, of course, the teachers of Oriental Languages—were held by the Mussalmans. A very influential deputation, consisting of almost all the recognised Muslim leaders of Calcutta, that waited upon the Calcutta University Commission, very tersely summarises the situation thus—'It is a common complaint that Muhammadans get no chance of paid post at the disposal of the Calcutta University. Out of 70 lecturers in the Law College, not even one is a Muhammadan, though qualified Muhammadans to fill such posts are not wanting. . . . .

The Hon'ble Mr. Srinivasa Sastri:—"I wish to rise to a point of order. The Resolution relates to suggestions and recommendations made by the Government of India to the Provincial Governments regarding the extension and improvement of Muhammadan education. I doubt whether the organisation and appointment of the staff of the Calcutta University would come within the scope of this Resolution."

The Vice-President:—"I think the Hon'ble Mr. Sastri is a little meticulous. The point is at all events very near the Resolution; I do not think the Council would desire that it should be excluded."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:—'The position of the Muhammadans in respect of Post-graduate Studies, University Examinations and University offices is hardly better. Only two of the University lecturers are Muhammadans and out of 895 examiners for the different University examinations held last year, only 9 were Muhammadans, besides 44 examiners of Arabic, Persian and Urdu, and there is not a single Muhammadan in any of the offices of the Calcutta University.' No wonder, Sir, that the Mussalmans are fighting with such grim earnestness and determination for separate communal representation, no wonder, Sir, that they instinctively doubt the *bona fides* of every gentleman who opposes it, no wonder that the Sadler Commission found it imperative to recommend in an united voice the adoption of the principle of separate communal representation. . . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"May I know, Sir, whether it is open to a member to make a general statement of that kind reflecting upon the *bona fides* of the Hon'ble Members of this Council? Whether that is a fair debate? I want a ruling from you on that point, Sir."

The Vice-President:—"If the Hon'ble Member asks for a ruling, I can only say that it is open to the Hon'ble Member to make the statement he has made, but it is obviously open to the Hon'ble Mr. Banerjea who will no doubt follow him to deny the facts upon which the statement is made. I cannot say that it is not relevant to the Resolution before the Council The Hon'ble Member, I am sure, does not desire to make any remarks offensive to his fellow members of the Council."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Then, Sir, I leave that question there. I support the Resolution because I am sure that the appointment of the proposed Committee would serve to unearth many incidents and circumstances that have been impeding the educational progress of the Muhammadans. But, Sir, I am in hearty sympathy with the Resolution, and I feel that the bitter perception of the keen sense of wrong and injustice, under which our community is labouring, more or less in every province, has impelled my friend to make this demand for the Committee of Inquiry. It is quite possible that many Provincial Governments might have considered the question as sympathetically as was done by the Government of Bengal and the Government of Sir James (now Lord) Meston; and so I think that a request for a statement from the Government of India should more appropriately have preceded the demand for a Committee of Inquiry. But I do not think this technical objection will be pleaded by the Government of India, if a case for inquiry is really made out. I quite realise the very natural reluctance of the Government of India to interfere in the details of Provincial Administration, especially at a time when the principle of 'decentralisation' and 'Provincial autonomy' is the fashionable doctrine of the day, but still I am inclined to think, Sir, that the responsibility of the Government of India for the educational progress of this important community justifies a step which would perhaps be inadvisable and inexpedient under ordinary circumstances. Sir, the conditions of Muhammadan education, specially in the primary and secondary stage, are almost identical in every province; and the experiments that were successful in one province may well be initiated in other provinces too; and the Committee can serve the useful purpose of drawing attention to such experiments which may with advantage be adopted everywhere."

11-33 A.M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"Sir, I am in hearty accord with the opinions just expressed by my Hon'ble friend the mover of this resolution. I was one of the members of the Committee which was appointed in Bombay, and some of the minor recommendations involving a small outlay were carried out. But, owing to the war, some others, like the establishment of High Schools, etc., were postponed on account of heavy expenditure. I entirely support the resolution. I think, however, if the Hon'ble Member in charge of Education, who has devoted nearly all his life in the cause of advancement of Muhammadan education had given the Hon'ble Mover the information asked for, supposing the materials were ready with him, then there would have been no necessity for moving this resolution at all. If the materials were not collected, I would surely have asked the Government to do so, because it is most essential that we should have this information as the subject of education is going to be decentralized in the provinces, and as the Muhammadan community, as my Hon'ble friend Nawab Saiyed Nawab Ali Chaudhri said, is working under great disadvantages. It is for the advancement of India that a community like the Muhammadans, which is so backward in education, should receive every encouragement from the Government of India."

11-35 A.M. **The Hon'ble Khan Bahadur Mir Asad Ali:**—"Sir, as far as I know, in my own presidency the suggestions and recommendations of the Government of India have not been fully carried out. Last November when

I had the honour to preside over the Muhammadan Educational Conferenc held in the Bombay Presidency, I had the opportunity to know that the sug gestions made by the Government of India were not all given effect to in th Bombay Presidency too and my Hon'ble friend Nawab Ali Chaudhri has als told us that all of them have not been carried out by the Bengal Governmen either to the satisfaction of the Muhammadans there. Therefore, I feel that th Government of India should further take steps to ascertain from the variou Local Governments as to what the various Committees appointed by the Loca Governments have been doing in the matter of the extension and improve ment of Muhammadan education. Though I differ from the form in which th Hon'ble Mover has worded the resolution, yet I deeply sympathise with th object of his resolution. With these words, I beg to suggest to the Governmen of India to take more pains to see that their recommendations are fully carrie out by the Local Governments in the various provinces, and I would als suggest to my friend not to press the resolution in this Council".

The Hon'ble Haji Chaudhri Muhammad Ismail Khan:— 11-37 A.M. "Sir, I welcome the proposal made in this Council by my Hon'ble friend the mover of this resolution. It was the late Mr. Gokhale who said that the great problem before the country was the problem of education. He spoke of the necessity of giving the people the true sort of education and said :— 'The increased efficiency of the individual in higher general level of intelligence, the stiffening of the moral backbone of large sections of the community, none of these things can come without such education.' The world is progressing and it is said that now-a-days 'the torch of light is lit for all, and passes on from hand to hand.' Still it is unfortunate that official figures show how small an impression has hitherto been made on the enormous mass of Indian ignorance. This is not the time to enter into the causes which have hampered the progress of education in India, and I will not attempt to apportion their responsibility between the Government and the people. But the fact that in India the percentage of literacy is unusually low must be regretted by all of us. What is more, Sir, in the matter of education the Muhammadans are even more backward than the Hindus. It is, of course, a significant sign of the times that of late the spread of education among the Muhammadans has been brisk, and, in some cases, even more brisk than among our Hindu brethren. Still the backwardness of the Muhammadans is a great handicap to them in the race of life. Some time back the Indian Education Commission remarked 'Apart from the social and historical conditions of the Muhammadan community of India, there are causes of a strictly educational character which heavily weigh it in the race of life.' Sir John Strachey quoted this remark and added— 'It must not be assumed that the Muhammadans are always less alive to the value of education than Hindus.' But the question of Muhammadan education has its own peculiar difficulties and should be looked at from a different standpoint. I am glad that this has been admitted by the Government of India and they have, from time to time, made suggestions and recommendations to the Provincial Governments regarding the extension and improvement of Muhammadan education. It is high time that an inquiry was made into the effect given to these suggestions and recommendations by the Provincial Governments and necessary steps taken in the matter. I would suggest that my friend the mover will ask the Committee to submit their report before the Delhi Session of the Legislative Council comes to a close."

The Hon'ble Sir Zulfikar Ali Khan:—"Sir, I feel that it is 11-40 A.M. unfair to say anything about this resolution before we know what the Government have actually done in this matter. But whatever Government may have done in promoting education among Muhammadans, I feel that something more remains to be done, because it is well known that in every province the Muhammadans are very backward in education, and whatever additional measures are introduced in the cause of the Muhammadan education they will be welcomed by that community in all parts of the country."

11-41 A.M. **The Hon'ble Mr. Shafi**:—"Sir, in his resolution the Hon'ble Mr. Haroon Jaffer recommends the appointment of a committee of officials and non-officials to inquire and report as to the effect given in different Provinces during the past six years to the suggestions and recommendations embodied in the Government of India Resolution to which my Hon'ble friend has referred. In deciding upon my own attitude with regard to this resolution, I was mainly influenced by two considerations. The first of these two considerations was that, during my experience of something like eleven or twelve years in the two Imperial and Provincial Legislative Councils, I have found that the appointment of committees, generally speaking, results in postponing action which may be desirable, and, in the second place, I was influenced by a consideration personal to the Hon'ble Mover of this resolution and some other Hon'ble Members . . .

The Hon'ble Mr. V. J. Patel:—"May I rise to a point of order? Is the Hon'ble Member referring to his own personal attitude or the attitude of the Government?"

The Vice-President:—"As I understand the Hon'ble Member, he is so far referring to his own personal attitude."

The Hon'ble Mr. Shafi:—"That is so. When I give expression to the opinion entertained by the Government of India I will say so. Then the second consideration which influenced me was this. Among the non-official members of the Committee, which my Hon'ble friend Mr. Haroon Jaffer wants to be appointed, it is obvious that he and some of the other speakers who have addressed the Council this morning would in all probability be included, and I do not want the Hon'ble Members to tour all over India inquiring into the effects of the Government of India Resolution in the various Provinces just at this period when the elections are approaching, and in consequence the result would be that the field would be left to their opponents in the various Provinces, who could under those circumstances nurse the various constituencies to the ultimate loss of the Reformed Councils. I, therefore, instituted the inquiries which my learned friend wants to be made through this Committee myself immediately after receipt of the notice of this resolution, and I am now going to present to this Council the result of this inquiry, thus obviating the necessity of the appointment of any committee for the purpose which my Hon'ble friend has in view.

"Sir, Hon'ble Members will remember that the Government of India suggested to the Local Governments and Administrations the advisability of convening local committees to consider the question on the lines indicated in that Circular letter. The Governments of Madras, the Punjab and Burma and the Administrations of the Central Provinces, North-West Frontier Province and Coorg did not consider it necessary to appoint committees for the purpose, while the Governments of Bombay, Bengal, the United Provinces and Bihar and Orissa and the Chief Commissioner of Assam did convene local committees. Subsequently, the Governments of Bombay, Bengal and Bihar and Orissa issued resolutions dealing with the recommendations of their respective committees. Effect has already been given to some of the recommendations of these committees, but some of the schemes suggested were held up due to financial stringency caused by the war.

"Sir, to deal, first, with *primary education*. The measures for improvement suggested were that Muktabs should be encouraged to adopt the secular course, that the teaching of Urdu should be provided and that special text-books should be prepared for semi-secular Muktabs. The provision of Muhammadan hostels and the appointment of Muhammadan teachers and inspectors and a reasonable number of Muhammadan committees and governing bodies of institutions were also mentioned among other matters requiring attention. The achievements of the various Provinces may be summed up as follows :—

Bengal.—A Muhammadan Advisory Committee considered the whole question and over half a lakh was given as increased grant to Muktabs. In addition to an Assistant Director of Public Instruction for Muhammadan education, who was already in existence, five special inspectors for Muslim education were appointed.

Bombay—A Muhammadan Advisory Committee considered the whole question. Satisfactory development has been made among the Mulla schools of Sind A grant of one lakh recurring was made to carry out improvements in Sind, mainly for a scheme for granting scholarships, for doubling the grants to Mulla schools and for making provision for an inspecting staff, etc. (A special Muhammadan Deputy Inspector was appointed.) In 1918—19, the Government of Bombay sanctioned an additional grant of Rs. 27,000 for distribution among primary schools in Sind and created a second post of Mulla Deputy Inspector. Recently, further grants to these schools have been made and more are contemplated. . . .

The Hon'ble Khan Bhadur Ebrahim Haroon Jaffer :— "What about the Presidency proper ?"

The Vice-President :—"Order, order."

The Hon'ble Mr. Shafi : —*United Provinces.*—A Special Advisory Committee has carefully considered the question of Muhammadan education. Muktabs are popular and a special curriculum has been framed for them. A special Inspector of Arabic Madrassas has been appointed, as well as a Special Muhammadan Inspector for Muhammadan schools.

Assam.—A Muhammadan committee was appointed to make recommendations and an attempt has been made to convert indigenous Muhammadan schools with a secular course into secular schools with an Islamic course as more likely to fit pupils for employment.

"Thus, it will appear that Muktabs have been specially encouraged in Bengal, United Provinces and Assam, and Muhammadan teachers and inspectors have been appointed in Bengal, Bombay and Madras and the United Provinces. Burma and Bihar and Orissa also appointed special Muhammadan Inspectors.

"Coming now to *secondary and collegiate education.* The measures for improvement then suggested were the improvement of existing institutions like the Calcutta Madrassa, the Islamia College, Lahore, and the Islamia schools; the establishment of separate Muhammadan institutions and, when this was not possible, the addition to the staff of teachers for the benefit of Muhammadan students; the maintenance of hostels for Muhammadans under private management with religious teaching; the appointment of a reasonable number of Muhammadans to the committees of Government institutions, and the provision of Muhammadan teachers and inspectors.

"The following are the chief items of progress under this head :—

In the *United Provinces,* Muhammadan Anglo-Oriental College, Aligarh, has made considerable progress towards expansion of its educational activities In the *Punjab,* the Islamia College, Lahore, has been assisted with an Imperial grant of Rs. 30,000. In the *North-West Frontier Province,* a college has been established at Peshawar, and Government has given grants of Rs. 50,000 recurring, and Rs. 3,37,280 non-recurring, towards its establishment and maintenance. In *Madras,* the number of secondary schools has risen from four to six. In *Bombay,* there are four Madrassas, the most prominent of which is the Sind Madrassa at Karachi. In *Bengal,* a good deal has been done by reserving 25 per cent. of vacancies in all Government and aided colleges, by providing special scholarships, by undertaking entire responsibility for the support of the Madrassas at Dacca, Chittagong, Hooghly and Rajshahi, by insisting on having a Muslim element on the staff of every school, by providing facilities in connection with professional colleges and by ear-marking grants for the improvement of reformed Madrassas. Islamia intermediate classes at the Dacca Madrassa have also been established.

"Turning to *Hostels.* Extra accommodation has been provided in many places, as Muslim parents attach considerable importance to supervision and religious exercises and instruction. In *Bengal,* the Baker Hostel attached to the Calcutta Madrassa has been extended and a new Hostel named the Carmichael Hostel has been opened for Muslim students. In *Assam,* the number of Muslim Hostels has been doubled. There have been expansions in Hostels attached to colleges at Lahore and Peshawar.

"In the matter of *scholarships and free studentships,* fair progress has been made in some Provinces in the way of enabling the poorer sections of the Muhammadan community to bear the expenses of education by the grant of special scholarships and free exemptions. *Madras, Bombay* and *Bengal* have done useful work in this direction. In the *Punjab, Bihar and Orissa, Central Provinces,* and *Assam,* fresh scholarships have also been instituted.

"So far as *training of teachers* is concerned, in *Madras,* the number of special Training Schools for Muslims rose from four to six, In *Bombay, Bengal* and *Bihar and Orissa,* the number of Training Schools are one, six and twelve, respectively. The normal school for Muslims at Amraoti in the *Central Provinces* has not flourished, and the training class at Khandwa had to be closed.

Special Inspectors.—Various Provinces have appointed special Deputy Inspectors or Sub-Assistant Inspectors or special Maulvis to supervise Muhammadan institutions.

Girls' Schools.—Some progress has been made in some Provinces by the establishment of new Purdah Girls' Schools and the improvement of old schools. But much still remains to be done.

Special grants for Muhammadan education.—The Government of India, in pursuance of the policy laid down in their circular letter of 1913, gave during 1912 and 1913 allotments to the Chief Commissioner of the North-West Frontier Province which have permitted grants to be made to the Islamia College, Peshawar, of over three lakhs non-recurring and Rs. 50,000 recurring. On the strength of the replies received from Local Governments, the Government of India also allotted Rs. 10,000 recurring in the Central Provinces and Rs. 1,500 recurring in Coorg for purposes of Muhammadan education. The Madras Government made considerable demands for scholarships for Muhammadans and additional Muhammadan inspecting staff. The Government of India allotted Rs. 30,000 recurring during 1913-14 for these purposes, which sum was over half the recurring grant asked for. They also allotted a grant of Rs. 26,000 during the financial year 1914-15 for the improvement of the Islamia College, Lahore, which was raised to Rs. 30,000 in future years.

"Hon'ble Members desirous of obtaining more detailed information may refer to the various publications of which I am prepared to give them a list should they require it.

"It will be seen from this brief statement of what has been already done that, as suggested by the Government of India, the various Local Governments have reached certain definite conclusions regarding the special needs of Muhammadans and have formulated schemes for carrying them out. Action has been taken along certain lines, but several schemes still remain dormant owing to lack of funds.

"The Imperial grants for the special education of Muhammadans have not only been highly welcomed, but have yielded speedy and most beneficial results, and the circular letter of 1913, it will thus be seen, has already produced good effects.

"The Government of India have no reason to think that Local Governments will not continue to take, as they have done in the past, steps to promote educational advancement amongst Indian Mussalmans, who, by reason of their comparative backwardness in education, are deserving of special encouragement and help. I trust it will satisfy the Hon'ble Mover and other Hon'ble Members who have taken part in this morning's debate, if I assure them that the points specifically raised by them in their speeches will have my careful attention and if, after inquiry, the Government of India consider suitable action necessary, that action will be taken. The Resolution, as framed, is one which the Government of India are unable to accept, as in their judgment the proposal embodied therein will serve no useful purpose."

The Hon'ble Mr. Surendranath Banerjea :—"Sir, I must congratulate the Hon'ble Member in charge of the Department of Education on the statement which he has just read out. It is a splendid record of useful and valuable work done for the benefit of the Muhammadan community and for the promotion of education among the members of that community. I hope and trust it will have the effect of dispelling the hallucinations of my Hon'ble friend to my right Nawab Nawab Ali Chaudhuri. He seems to think that claims of Muhammadans to employment in the Education Department or to facilities being given to Muhammadan young men for education are being systematically neglected. Nothing of the sort, so far as one can judge from the report that has just been read out. Speaking as a Hindu, I will say this that we have the deepest sympathy with Muhammadan aspirations for education, and that we do not grudge them the legitimate measure of employment in the educational service of the country consistent with the efficiency of that department. That is the attitude of the Hindu community with regard to Muhammdans in the matter of education." 11-56 A.M.

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :—"Sir, may I offer a personal explanation? I have not suggested that the Government of Bengal has not taken notice of the grievances of the Muhammadans. This much I will say, however, that we have not been favoured by the Calcutta University in looking after our grievances." 11-57 A.M.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, if there is no impropriety or audacity in a non-Moslem like me participating in a debate on a question of Muhammadan education, I would like to say one word. I would at the outset, Sir, say that I am in the deepest sympathy with the anxiety of my Hon'ble friend the Mover of this Resolution and other Hon'ble Moslem members of this Council about Moslem education, but it seems to me, after having heard the very lucid and very full statement of my Hon'ble friend Mr. Shafi, that there is no room for the appointment of a Committee to inquire about the matter. At the same time, Sir, I am inclined to think that some modification of the Resolution might satisfy my Hon'ble friend the Educational Member as well as the Mover of this Resolution. What my Hon'ble friend the Mover of the Resolution has at heart evidently is to know the real position in which the matter now stands, and, I think, this can be done without interposing the necessity of a Committee like the one he proposes. I think, Sir, if the Government of India were to make further inquiry of the Local Governments to see what effect has been given to their recommendations and the results obtained and what further efforts should be made in this direction, that might satisfy my Hon'ble friend the Mover's desire, and I think that may not be unacceptable to the Hon'ble Member for Education. If the Council will permit me, I would make a suggestion that some amendment might be made on these lines in the Resolution. 11-58 A.M.

"Before I sit down, Sir, I wish to say one word with regard to the ill-timed attack of my Hon'ble friend Nawab Saiyed Nawab Ali Chaudhuri against the Calcutta University I think we know clearly that my Hon'ble friend is suffering from a chronic distemper, a feeling of hostility against the Calcutta University. He persists in assuming that it is a Hindu body and forgets that it is no more Hindu than the Government of Madras is Hindu. It is under the domination of a large number of highly paid English educational officers and European educationists of the town of Calcutta in the persons of the Director of Public Instruction and Principals of high grade colleges.

"I do not see why my Hon'ble friend should assume that there is a feeling of hostility against the Muslim community among the Hindu members of the University. On an *ex parte* statement like that of a partisan I do not think I need defend the Calcutta University; that body can take care of itself. But let me mention one or two points in this connection. In the first place, my Hon'ble friend complains that there is no Muslim Member on the Syndicate I do not know that that is correct. I remember, Sir, last year, at an election I was going to propose the name of a Muslim gentleman, in Calcutta; but he withdrew and asked me not to propose his name. I believe there are still some Muhammadan gentlemen on the Syndicate of the University. But the University makes a rule, I think,—it may be unwise from the Hon'ble Member's point of view—that only educationists and persons having high academic distinctions ought to be in a body like the Syndicate, and I think they are following this policy; and if they erred, I think they erred in good company, for I think my Hon'ble friend Mir Asad Ali Khan said that the practice of Madras was also the same as that of Bengal in this matter. With these words, Sir, I would ask the leave of the Council to move the following amendment:—

'That for the words 'a committee of officials and non-officials be appointed to inquire . . . the following be substituted :—

'That he be pleased to inquire from Provincial Governments what further effect can be given, etc., etc.'

The Vice-President:—"The Hon'ble Member must hand in a copy of his amendment; if any member objects he cannot move it."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"May I know what the amendment is?"

The Vice-President:—"Certainly. The Hon'ble Mr. Chanda will give the Hon'ble Member a copy.

"I think I ought to point out to the Council that this practice which is now rapidly growing up of Hon'ble Members proposing amendments to resolutions at a very late stage causes a great deal of inconvenience to the Council. I would suggest that as a result of some happy thought occurring at the end of a debate we often have to wait while an Hon'ble Member's amendment is put into form."

The Hon'ble Mr. Kamini Kumar Chanda:—"I am sorry, Sir, this amendment struck me at the last moment."

The Vice-President:—"No doubt, another happy thought!"

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I accept the amendment of my Hon'ble friend, Mr. Chanda. I want to know whether Government do likewise."

The Vice-President:—"The Hon'ble Member must continue his reply; the Member in charge will be able to make any final observations he may think necessary."

[23RD FEBRUARY, 1920.] [*Khan Bahadur Ebrahim Haroon Jaffer; Mr. Shafi; Mr. G. S. Khaparde; Sir Fazulbhoy Currimbhoy; The Vice-President.*]

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— "I have accepted the amendment. After I know whether the Government accepts it or not, I will make a final reply."

The Hon'ble Mr. Shafi;—"On behalf of Government I accept the resolution as amended."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— "Sir, I am highly thankful to the Member in charge for accepting my resolution."

The following resolution was put and adopted—

'This Council recommends to the Governor General in Council that he be pleased to inquire from Provincial Governments what further effect can be given to the suggestions and recommendations made by the Government of India to the Provincial Governments regarding the extension and improvement of Muhammadan education."

RESOLUTION *RE* INDIANS IN BRITISH AFRICA.

The Hon'ble Mr. G. S. Khaparde:—" Sir, the Resolution which I have the honour to move runs as follows:— 12-10 P. M.

'This Council recommends to the Governor General in Council that he may be pleased to obtain the permission of His Majesty's Government to empower the Hon'ble Sir Benjamin Robertson to study the status and condition of Indians settled in British Africa and to instruct him to report to the Government of India the measures necessary to check the anti-Indian agitation in those regions, and to place the said Indian settlers in a position of equality with the white settlers there.'

This Resolution is rather long but really it is not so. The facts to which it relates are admitted, and there is no likelihood of there being any dispute about them. The first point is, whether there is something in the condition of the settlers that requires to be looked into. That question will, I believe, be answered in the affirmative. His Excellency in his speech opening this Session said:—

'Since we met last September, our anxieties regarding the future of our Indian fellow-subjects in South Africa have increased rather than diminished. As you have read in the paper, a recent decision of the Transvaal Provincial Court endangers rights which we hoped had been secured beyond dispute by the Act of last summer. I would, however, renew most earnestly my plea for calmness. In a few weeks, probably South Africa will be in the throes of a general election. It will only injure those whom we desire to help, if agitation here forces the Indian question to the front as an election issue'.

" Meanwhile fresh difficulties are arising in the British East Africa Protectorate. I believe the condition of the Indians living in East Africa requires to be looked into; that is not a matter that can be disputed. We want to put forward the view of the Government of India and His Excellency's reference of 30th January last . . . .

The Hon'ble Sir Fazulbhoy Currimbhoy:—"May I ask if the question raised is that of the whole of British Africa?"

The Vice-President:—"The question raised in the Resolution is British Africa."

The Hon'ble Mr. G. S. Khaparde:—" British East Africa is not a self-governing Dominion, and the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. This is what I mean. This is practically the same thing. The Resolution says 'to place the said Indian settlers in a position of equality with the white settlers there.' The question of settlers became prominent last year and before I left England there was a rumour that a commission was to be appointed and an Indian gentleman was likely to be appointed a member of the Commission The rumours may have been right or wrong. It may be, as was alleged, that the Indian gentleman declined to serve on the Commission. Whatever may be the case, that Commission has now been appointed and in the 'Mahratta' of the 15th February there is a passage about the personnel of the Commission. It says 'Mr. Hofmeyer represents the Municipalities that want to deprive the Indians of their trading and property rights and Mr Baxter represents the trading and commercial interests which do not want Indian competition.' These gentlemen with Judge Landé form the Commission of inquiry there. The Judge being a member of the Bar with training on the Bench we have good reason to believe that he will bring his judicially trained mind to bear on the questions before him. But the other two gentlemen, I am sorry to say, have a reputation of being, or at any rate it is thought, they are antagonistic. That is what we read, that they are antagonistic to the interests of Indians in Africa. Now, I ask that Sir Benjamin Robertson may be given power to make inquiries for himself in respect of the status and condition of the Indians there, and make recommendations about these matters. There are two matters; first, there is the anti-Indian agitation set on foot, through whom it is difficult to conjecture at this distance, but to judge by what has occurred I believe there is a body who desire to turn these Indians out of Africa, or, at any rate, so to restrict their numbers that their influence will not be felt in public affairs. And the next is, that this anti-Indian agitation should be checked and rendered ineffectual. My object in asking the Government of India to give powers to Sir Benjamin Robertson is to enable him to propose remedies as to how this anti-Indian agitation will be controlled and checked, if possible nullified. Then, again, I ask that Sir Benjamin Robertson may propose some measures which will have the effect of giving relief to the Indian settlers and of putting them on the basis of equality with other settlers in that part of the world I know the Government of India has no jurisdiction in Africa, and I know it has been said by His Excellency that British East Africa is not a self-governing Dominion. Even if the Government of India has not direct authority in Africa, at any rate, we have got some means by which we can put pressure on East Africa and South Africa and I invoke this by means of this Resolution. We may put our case before the British Government and hope the British Government will insist on certain privileges and certain rights being conceded to Indian settlers.

"In the absence of any Indian representative on the Commission I believe that Sir Benjamin Robertson, who has already been appointed, is a well qualified gentleman to represent our case. He has served long in India and, I believe, he is in the confidence of the Government of India, or else he would not have been appointed. From the little I have seen of him I believe he is in sympathy with our aspirations and desires to see Indians on an equality with other subjects. That being so, in the circumstances, it is not unreasonable to ask the Government of India to request him to make inquiries on his own account; he will represent our case, fight our battle as far as he can before the Commission, and I am sure that he will come to conclusions of his own. I should like the Government of India to get the benefit of his conclusions. So I commend the Resolution which I have placed before the Government. I trust my request is not unreasonable. With these words, I place the Resolution before the Council for acceptance."

12-13 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy** :—"Sir, I myself think that it is a very large order that the Hon'ble Sir Benjamin Robertson should be asked to go round the whole of Africa including Soudan and all other places and report to the Government of India. Of course the case of East Africa is quite different. That question is now in the forefront. The Government of India have also received petitions from the Indian merchants who have settled in East Africa. The Indians were the first people who settled down in East Africa and commenced trading. Then the Britishers came in, and settled down in the highlands of Nairobi and other places; and there is great friction between the Indians and Britishers. Therefore, it is most essential that the Government of India should be properly informed of the exact conditions there. Therefore, Sir, if you will just allow me to move an amendment, I would propose instead of 'British Africa,' it should be 'British East Africa' . . .

The Hon'ble Sir George Barnes:—" I could not quite catch what the Hon'ble Member said regarding his amendment."

The Vice-President:—" I understand the amendment of the Hon'ble Member is to insert the word 'East' between 'British' and 'Africa.' "

The Hon'ble Sir Fazulbhoy Currimbhoy:—" And to instruct him to report to the Government of India about the condition there."

The Hon'ble Mr. G. S. Khaparde:—" Would that exclude inquiry into the South African question?"

The Vice-President:—" Apparently it would."

The Hon'ble Mr. G. S. Khaparde:—" In that case I do not see my way to accept it."

The Hon'ble Sir George Barnes:—" Sir, I have only got two difficulties with regard to the resolution moved by the Hon'ble Mr. Khaparde. First, it seems to me that the words in the latter part of the resolution 'measures necessary to check' imply that the Government of India have got power over the Governments either of East Africa or of the Union of South Africa. If he would allow those words to be taken out and let the resolution run 'and instruct him to report to the Government of India and suggest remedies,' then I can accept his resolution. That seems to me to cover the whole ground, and, I think, my friend the mover will be satisfied with it. That is the first difficulty that I have with regard to this resolution. 12-24 P.M.

" The next difficulty is that we have already done everything that the resolution asks. I think that what we have done with regard to South Africa is really common knowledge because it has been published in all the newspapers. With regard to East Africa, I think I had better tell him and the members of this Council exactly what steps we have taken in the matter I have got here a précis of the telegrams which have passed between the Secretary of State and the Government of India. Last December we telegraphed to the Secretary of State that we should like to send the Hon'ble Sir Benjamin Robertson to East Africa as well as to South Africa, and in January, in reply, we received a telegram from the Secretary of State stating that the Colonial Office consider that in the absence of the Governor of East Africa, General Northey, who is, as a matter of fact, at present in London, and pending the discussion between Lord Milner and the Governor of East Africa in London, a formal conference between the authorities in British East Africa and Sir Benjamin Robertson would be premature But we have been told, and this is the important thing, that there is no objection to Indian questions being discussed between them informally. So the discussions will go on concurrently. Sir Benjamin Robertson on his way back from South Africa will go to East Africa, and will see all the leading officials there and any leading members of the Indian community, and will discuss the position with them and will make a report on the whole position to the Government of India. That is one discussion; meanwhile another discussion will take place in London at which General Northey, Lord Milner and Mr. Montagu will be present, and we can rely, I am sure, that our interests will be very safe in the hands of Mr. Montagu. The Secretary of State has got all the facts before him, and I am sure that Hon'ble Members of this Council will realise we have taken every step that we can in the matter. We have put all the facts before the Secretary of State and we have sent Sir Benjamin Robertson out to make a report on the spot in East Africa. We have not, I may add, been content with that alone. As Sir Benjamin Robertson was going to East Africa, and as there were difficulties, I am sorry to say, with the Indian community in Uganda also, we have instructed Sir Benjamin Robertson to proceed from East Africa to Uganda. It is only one day's journey, and there also he will make inquiries, carry on discussion with officials and with Indians, and make a report to the Government of India. I hope, Sir, that this statement will be satisfactory to the Hon'ble member and to this Council."

12-28 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"Sir, I cannot see my way to accept the amendment of my Hon'ble friend Sir Fazulbhoy omitting the words South Africa from the Resolution. As to the other suggestion, it is merely a matter of words, and I have no objection to accept it. The Hon'ble Member for Commerce suggests the words 'to suggest remedies' and I say 'measures'. I think that does not make much difference so far as I can see. So I shall accept that. I believe there is nothing more."

The Vice-President:—"I think it would probably be to the convenience of the Council if I suggest what really emerges from this rather tangled skein, and that is that the resolution should run as follows:—

> 'This Council recommends to the Governor General in Council that he may be pleased to obtain the permission of His Majesty's Government to empower the Hon'ble Sir Benjamin Robertson to study the status and condition of Indians settled in South Africa and in British East Africa, and to instruct him to report to the Government of India and to suggest remedies.'

"That appears to be acceptable to the mover, and I think, probably to Sir Fazulbhoy Currimbhoy and to the Member in charge. If any Member of the Council will move that as an amendment, I shall be happy to put it to the Council."

The Hon'ble Mr. V. J. Patel:—"I move that as an amendment."

The Vice-President:—"I do not think it is necessary for me to read the resolution again or the amendment."

The amended resolution was put and adopted.

RESOLUTION *RE* RETRENCHMENT BOARDS.

12-30 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, pending the presentation of the Financial Statement, I beg to withdraw the resolution* which stands in my name. I may mention that I have the approval of the Hon'ble Mr. Hailey in this."

The Vice-President:—The resolution is not moved.

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*11. **By the Hon'ble Mr. Chanda**—

'This Council recommends to the Governor General in Council that he may be pleased to constitute Retrenchment Boards with a view to concert measures for the reduction of Civil and Military expenditure to pre-war standards consistent with the increased need due to circumstances such as the rise in prices.'

POINT OF ORDER.

The Hon'ble Mr. Kamini Kumar Chanda :—" May I point out, Sir, that the Hon'ble Mr. Sarma's resolution and the next one which stands in the name of the Hon'ble Mr. Patel cover nearly the same ground, and I think it would be better to have both taken together." 12-31 P. M.

The Vice-President :—" It is a matter for the Hon'ble Members. I do not know whether the Hon'ble Mr. Patel would like his resolution taken with the Hon'ble Mr. Sarma's."

The Hon'ble Mr. V. J. Patel :—" I have no objection unless Mr. Sarma objects."

The Vice-President :—" We cannot take them as one resolution, but there will be one discussion on the two resolutions."

RESOLUTION *RE* FINANCIAL INDEPENDENCE OF CENTRAL GOVERNMENT.

The Hon'ble Rao Bahadur B. N. Sarma :—" I beg to move the resolution which stands against my name, namely :— 12-34 P. M.

> 'That this Council recommends to the Governor General in Council that he should recommend that no financial contribution is necessary or should be taken from the Provinces in any scheme of financial decentralisation that may be introduced.'

" This is an extremely important resolution having a great bearing upon the success of the Reform scheme, and I therefore need not apologise for asking the indulgence of the Council in introducing it. The question was investigated before the reforms were formulated by Mr. Montagu and Lord Chelmsford, taking as the basis the budget figures of 1917-18, and it was found that the Imperial revenue and Imperial expenditure on the basis which they then proposed would not balance each other, and that a contribution of thirteen crores and odd had to be taken from the Provincial revenues. Therefore, the proposals were made on that basis. We have had about three years since then to understand the financial position of India, and the question arises as to whether really, taking the Imperial revenue and expenditure as they would be under the scheme as propounded, there would be any necessity whatsoever for any contribution from the Provinces to the Imperial exchequer. In my humble judgment, I think absolutely no such contribution would be needed. It will be found, I think, on analysis and examination that the sources of revenue which have been reserved to the Government of India are extremely elastic and important. The growth of revenue every year is very large, and it will be found that there would be no real deficit in a normal year, and, on the other hand, it may be that the Government of India would be able to finance some schemes of the Provincial Governments from their surplus funds. Even apart from the question whether Imperial revenue and expenditure would balance one another, I would submit, Sir, that it is worthy of consideration whether in any sound scheme of provincial decentralisation it would not be worthwhile to take a little risk and look to Imperial revenue alone for meeting Imperial expenditure. Inasmuch as on the second point discussion is unnecessary on the figures as they stand, I shall not weary the Council at the present stage with that. There was a good deal of controversy raised as to whether particular provinces were not asked to contribute more than others, and whether there was not injustice done and so on. But all these questions are only remotely relevant to the present issue. The whole question is, whether there would be an Imperial deficit and how it is to be met. Colonel Wedgewood raised this question in the House of Commons when the Reforms Bill was passing through it, and in the course of that discussion he said:—

'We provide for contributions, and what I object to is that contributions should be claimed from the Provincial Governments for the Central Government in India. The Central Government already has large sources of revenue. It has the Income-tax, which is now a considerable tax in India; it has the Salt Tax, it has the Railway Revenue, and as soon as this Act is passed it will have a large number of Import Duties, and, therefore, we have got for the Central Government a large and an increasing revenue, and I wish to enter my protest against the demand that is made that all the eight Provinces should also contribute their quota to the Central Government. I am afraid, and I know many Indians are afraid too, that if these contributions are stereotyped at their present amounts, the Central Government will have, so to speak, a perpetual mortgage on the revenues of the Provinces, while, as a matter of fact, the Central Government has within its own fiscal ambit an ample revenue for all the Central needs.'

" And then he also foreshadowed extravagance and waste. Ultimately the question resolved itself into one of facts and figures, and Mr. Montagu said:—

' I would really not like to commit myself to a view as to the taxable capacity of India That is a subject I would wish to leave to the Government of India to decide, but, whatever the facts, they could not be decided in a day or two '

" This answer was given in reply to a question by Colonel Wedgewood :—

' Will the Right Hon'ble Gentleman address himself to the argument that these contributions are not necessary, in view of the fact that the Indian Government itself could raise its own revenue without any necessary contributions whatever ?'

" So Mr. Montagu is of opinion that an inquiry would have to be instituted and the question finally decided as a result of that inquiry. I hope the Government of India has instituted that inquiry, or will institute the inquiry, and will find that, as a matter of fact, there would be no contribution necessary, and it is to enable the Council to arrive at a judgment that I have brought forward this resolution.

" I will first take the figures of 1917-18, 1918-19 and 1919-20 as a basis and proceed to show that, as far as I can see, subject to correction, there would not be any deficit in Imperial revenue. Taking the figures for 1917-18 I think, Sir, the revenue would be approximately between 63 and 64 million pounds. I take here the rate of 1*s.* 4*d*—and the expenditure would be below 60 million pounds. And in this year 1917-18 we have two abnormal features, namely, that the political expenditure was £2 million odd, which is an extremely large figure, and the military expenditure was £30·7 millions, or 46 crores of rupees, as against a comparatively low figure for the preceding years I may invite the attention of Hon'ble Members to the fact that the military expenditure before the war was considerably less than what it happens to be now. In 1913-14, it was only 19·8 millions, in 1914-15, it was 20·4 millions, in 1915-16, it was 22·2, and in 1916-17, it was 24·9. Then there was a big jump upwards and it became 30 millions and odd in 1917-18 and the revenues and expenditure balanced one another and there would have been, I think, a little surplus on that basis during that year. In 1918-19, I see that the income would be 72 millions and the expenditure would be about 85 millions, that is there would have been a deficit of 13 millions. But why is that so? It is because of the military expenditure during the war and certain expenditure which we undertook that the total amounted to 43 millions. There was an excess of 13 over the 1917-18 figure and that is the deficit you see there. Even if you take the military expenditure at 30 millions, there would not have been any deficit at all. In the budget provision for 1919-20, you may take it that the revenue would be about £71 millions and odd and the expenditure about £80 millions, or a deficit of £9 millions. Why is that so? Because the military expenditure was 41·4 or 11 millions more than the figures for 1917-18 and much more than the previous pre-war figures. And here we undertook about £8 millions and odd, the cost of the troops operating outside India. Of course against this has to be set off the excess profits duty of about 6 millions But even then there would have been a surplus and not a deficit on the revenues of that year with a normal military expenditure, if you take the railway revenue at its proper figure. Therefore we find the experience of 1917-18, 1918-19 and 1919-20 verifying this that in a normal year, as the figures stand, there would be absolutely no deficit, and there would be no need for any contribution from the provinces to the Imperial exchequer.

"Then, let us see as to whether these resources are not extremely elastic, and whether we cannot in the ordinary course of things expect a very much larger increase in the various resources. I shall take up Customs first. Hon'ble Members will find that there has been a growth of Custom revenue from April to January of the current year of 244 lakhs notwithstanding the fact that less rice has been exported, and there has been a deficit of 76 lakhs of rupees over the previous year's figures in rice alone. The amount under Skins duty would have been much larger if the Raw Skins Export tax had been imposed a little earlier. Another circumstance which is worthy of note is that the quantities of materials sent out of India since the war have been much less than during the pre-war period on account of lack of shipping, the extremely unsettled state of Europe and various other causes. We shall, however, be able in the immediate future to look to a normal course of trade when the quantities will be the same and larger with increased production. We need not expect any very considerable fall in the values of these articles which alone have been able to keep up our Custom revenue, having regard to the fact that the currencies of almost every country are bloated. Apart from speculation, we find that we have got in this year about 244 lakhs in ten months already, and I submit, Sir, that if we analyse the figures of the values and quantities we have every reason to be optimistic in this matter. Hon'ble Members will find that in the case of raw jute it was 768,000 tons in 1913-14 and but a half of that, 398,000 in 1818-19: in the case of rice not in the husk it was 48 and 40 million cwt., in the case of raw skins and hides nearly half, namely, 1,632,000 as against 891,000. In the case of sugar also the figures are 17·9 as against 10·5. Cotton—that is important, we find that against 3,158 million yards imported in 1913-14 the quantity imported during 1918-19 was only about 1,100 million or nearly a third. But, on account of high prices, the values were nearly the same, 66 crores against 61. We do not look to any immediate fall in the price of cloth and, therefore, with the increase in the imported quantities of cotton cloth, an enormous revenue should be expected from the cotton trade. As regards metals, it is the same 1 million and odd tons as against 181,000 or a little over one-fifth or nearly one-sixth. So, if you carry on the analysis, you will find that under almost every head the quantities have fallen considerably and it was only the increased values that kept up our Customs duties. Therefore, I am justified in saying that, even if there be any general modification in the Tariff, we can expect a large increase in our Custom revenue.

"With regard to railways, Sir, I may be permitted to say a word. During the current year we provided out of revenue for about Rs. 9¾ for repairs and reduced the revenue account. These extraordinary repairs do not occur every year and the revenue is bound to go up as soon as we get an increased rolling-stock, because it is a patent fact that the railways are not equal to the merchandise that is offering itself for transport, and under that also our revenue is bound to increase. Even with the limited quantity we see an increase of two crores of rupees in the figures between last year and this year during the last ten months. So, we may look to an increase of revenue under railways every year, and that also in a largely increasing proportion. There is a new factor that has assisted and will assist us considerably, and that is the saving in exchange. If at 1*s.* 4*d.* we had to remit 36 crores of rupees, at two shillings we shall have to remit only 24, and at 2*s.* 8*d.* or at 2*s.* 10*d.* we shall have to remit very much less. Therefore, the saving under that head to the Government ranges between £8 and £12 millions. Again you have about 3 to 4 crores increase in Railway revenue in addition to the 9¾ crores we put in last year. We have an increase also under Income-tax; there are so many new Companies starting and the wealth of a certain section of the community is increasing.

"I do not think I need add anything more in saying that the Imperial Revenues are extremely elastic; one comparison will, I think, convince Hon'ble Members more than anything else that the picture I am presenting is not overdrawn. Hon'ble Members will find that the provincial revenue allotted to the provinces under the new scheme would be about 36·7 millions in 1913-14 before the war. The amount would be 43 or an increase of 7 in 1919-20, that is about 18 to 20 per cent. increase, whereas under the head of Imperial, under Opium, Salt, Stamps, Income-tax, Tributes, Commercial Services and Exchange, you will find that the income has increased from 20·6 million pounds to 41·8 million, that is the Imperial Revenue has doubled itself in six years, *i.e.*, from 1913-14 to 1918-19. I submit, therefore, that it is unfair of the Government of India with such a large increase to ask the provinces again to contribute to them. And we know clearly that although the provinces may not be ready with their schemes to-morrow to meet any large increase in their own revenues, I am certain that the schemes which were worked out some time ago under education and sanitation would require almost every pie of the provincial revenues. I think Sir C. Sankaran Nair, when he was Education Member, gave us a picture of what the provinces would require towards expenditure under primary education alone, some crores of rupees if you are to make education compulsory and free. Well, I need hardly allude to those figures in detail because those figures will, I think, never be reached even if no contributions are levied from the provinces in favour of the Imperial Exchequer. Therefore, there is no use in telling us that the Local Governments would be unable to digest any large increase in their revenues. May I say, Sir, that, even assuming for argument's sake, that it can be shown that in a particular year the Imperial resources fall a little short, there is absolutely no difficulty whatsoever about money being taken from the provinces by way of loan. It is only a suggestion that I make, and, I think, it is unnecessary to make that suggestion either. The real trouble seems to my mind to be this: that we have a large amount of floating debt which will have to be cleared; we will have to incur a large amount of expenditure on railways in order to keep them efficient and in order to add to them; and we have had last year and this year the Afghan and frontier wars on our hands and they drained the Government largely of their surplus money and possibly involved them in debt. The question is one of policy. Are you going to meet these extraordinary charges from current revenue and from the future revenues of India, during the next three or four years, or are you going to provide for their payment from capital with a large sinking fund, so that the whole amount may be liquidated in a longer or shorter time according as policy may dictate? That is the real question. We have, it is true, incurred a certain amount of loss in our securities in the Paper Currency Reserve. Are you going to meet that out of revenue? These are extraordinary losses, and are you going to employ this revenue to meet these extraordinary losses? Of course, if the Government say that all these extraordinary losses must not only in the present year, but for some years to come, be met from revenue, then surely they will have a case for saying that the provinces should contribute. But may I submit, Sir, that on a normal budget basis, if the revenues are not underestimated and the expenditure not grossly exaggerated, with a rupee at two shillings and even more at present, it would be absolutely unnecessary to ask for a single pie of contribution from the provinces? I was rather discursive in speaking on the budget figures of 1919-20. I sum up the figures so that you may be in a position to see if the basis is correct, as to whether the conclusion can be other than what I have stated it to be. If you have a two-shilling basis you save at least 8 crores of rupees in exchange; if you add to that 10 crores of rupees provided for extraordinary charges under repairs which were intended to be incurred last year and provide for a normal growth of revenue, and if your customs revenue is growing at about 2 crores a year, then under these three heads alone you have 20 crores, let alone the income-tax and other things. Of course, when you remove the excess profits tax, there will be a decrease in the revenue, but there will be decrease on the expenditure side as well. I do not think we need worry ourselves about income-tax and other heads of revenue just at the present moment. These three heads alone will give you 20 crores of rupees, and there would be a diminution from 41 million pound to, let us say, 25 to 30 million pound. The pre-war figure was only 19 million pound; before 1916-17, it was only 24 million pound. It ran up to 30 million pound in that year and there cannot, therefore, be any doubt that our military figure must be reduced by more than 11 to 16 million pound. It may be said that we have not made any provision for. increases in the salaries of officials. Even assuming, Sir, that about 2 crores of rupees or 1·4 millions roughly are the direct charges, even assuming that their salaries are increased by 20 per cent., the total does not amount to more than 50 lakhs, putting it at its highest. I think, therefore, there is enough margin under these heads to cover any increased expenditure for the industrial department that may be started and for the increased charges under salaries and pensions that may be provided for for people serving the Government of India. Then there would necessarily be a re-adjustment, so that several charges which come under the Government of India now would be debited really to the provinces because the officials in the Government of India cadre do serve in the provinces, and there would be a re-adjustment of the balances in that way. Therefore we can afford to look to a saving under that head from the Imperial budget, while at the same time there would be such an enormous growth in revenue as to cover all possible increases in expenditure, foreseeable as well as unforseeable. I submit, therefore, Sir, on a fair estimate of the revenue and expenditure, there would be no necessity whatsoever to ask the provinces to contribute any money to the Imperial Exchequer. There is another point and that is this. Our tariffs are very low (I am not asking that they should be increased) from the revenue point of view as against the tariffs obtaining in England or in the United States of America and other countries; and commercial men have gone so far as to say that even a 20 per cent. tariff would be only a revenue tariff and not a protectionist tariff; and it has been found that the 15 per cent. that we imposed upon raw hides and skins was really not a protectionist tariff but only a revenue duty. Therefore I submit, Sir, that we have provision and margin in our import duties alone. I think also, Sir, that our liquors do not pay the same as in England. People in India get their liquor at a very much cheaper rate than they are able to obtain it in England. I, therefore, think that we have got another enormous source of increase in the liquor traffic.

" I need not analyse the position further. I have said enough, I hope, to convince Hon'ble Members that the resolution I have moved is not an unreasonable one, but, on the other hand, extremely reasonable, and that the dictates of good government demand that the provinces should be relieved of this burden. The new ministers will be faced with immense responsibilities. I do not think that the Government would seriously contemplate associating in the mind of the people reforms with increased taxation. I know that for any real good to be done we shall have to teach the people that they would have to tax themselves if any good is to come; but I trust that in the beginning an attempt will be made, as far as possible, to prevent any such associations springing up in the minds of the people; and if you can do so reasonably—and with correct data before us—I think we can do so. It must be the duty of all of us in the Government of India to enable the Provincial Governments to start with normal balances, if possible, with some surplus in their hands, so that they may make the reforms popular and a success."

The Hon'ble Mr. V. J. Patel:—"Sir, I beg to move the following Resolution which stands in my name :—

'This Council recommends to the Governor General in Council that the terms of reference to the Provincial Financial Relations Committee under the Chairmanship of Lord Meston should empower the Committee to examine the question whether the Central Government could not be financially independent of the provinces and self-supporting without the help of any provincial contributions.'

"Sir, in the first place, I wish to explain how this resolution stands in reference to the Resolution which has been moved by my Hon'ble friend Mr. Sarma Mr. Sarma has pleaded that no contribution whatever is necessary from the provinces; he has tried to prove by facts and figures that the Imperial revenues are sufficient or, at any rate, can be made sufficient to meet the Imperial needs. The Resolution that I move wants the Government of India to go into the question and see whether what Mr. Sarma's Resolution recommends can really be done. My Resolution really is an alternative to the Resolution of my Hon'ble friend Mr. Sarma. So far as the merits of Mr. Sarma's Resolution are concerned, I am entirely in agreement. I endorse every argument which he has advanced in support of his Resolution. I am one of those who believe that the Imperial Government can be made financially independent and should not need any contribution from Local Governments. But if that question cannot be decided on the spot, my resolution suggests an alternative, namely, that Lord Meston's Committee should go into the question and see if the Government of India could not be made financially independent and self-supporting without any provincial contributions. The reason why I suggest that Lord Meston's Committee should go into this question is this; the Meston Committee is already entrusted with the work of examining the question of provincial contributions necessary under the new *régime* for the Government of India. Now as the Council is aware, before the Meston Committee was appointed, the question was raised by Colonel Wedgwood in the House of Commons when the Government of India Bill was under consideration, whether the Imperial Government should not be financially independent of the provinces. He in fact maintained that that could be done, and he pointed out the difficulties of the present system. He also stated how under provincial contributions the tendency of the Government of India would be towards extravagance. It is in the interest both of the Government of India and of Local Governments, I submit, that they should be independent of each other in this respect. This is what Colonel Wedgwood said.

'There are two main arguments for the amendment. The first is that the Government of India has resources of its own which must be increased as the years go on. The import duties alone are an enormous increasing asset in India. Beyond that they have not any sort of death or succession or transfer duties, and all those when they come will be Central taxes which will amply recompense the Government of India for any loss due to succession of the contribution from the Provinces, and therefore I move this merely as indicating that in the next step when we give really responsible government to the provinces at the same time the grants from the Provinces to the Central Government shall cease and the Central Government become self-supporting. Anything less will lead to bitterness in the provinces and extravagance at Delhi. There is nothing which makes people so susceptible to extravagance as unlimited resources, and if we have a clear indication that these provincial contributions ought to cease, and that the taxation from the provinces, the land-revenue and all the other local taxes are to be for local and not for central purposes then you will have a prospect not only of the harmonious working of this Act, but of a real step forward in Indian rule and a genuine federal Government of India in which the Provinces will be financially independent of the Central Government, and the Central Government financially independent of the Provinces."

"In reply to this plea, Mr. Montagu, the Secretary of State for India, talked about the appointment of the Provincial Financial Relations Committee and Lord Meston as its Chairman and so on. Colonel Wedgwood thereupon at once drew the attention of the Secretary of State to the actual question raised by him and said 'will the the Right Hon'ble gentleman address himself to the argument that these contributions are not necessary in view of the fact that the Indian Government itself could raise its own revenue without any necessary contributions whatever.' To this query of Colonel Wedgwood's Mr. Montagu replied 'I would really not like to commit myself to a view as to the taxable capacity of India. That is a subject I would wish to leave to the Government of India to decide, but whatever the fact they could not be decided in a day or two.' Now since that statement has been made by Mr. Montagu I do not know whether the Government of India have made the inquiry suggested by Mr. Montagu. If they have found as a matter of fact that contributions are not necessary, then by all means I am quite prepared to withdraw my resolution, but if no inquiry has so far been made, I suggest that that inquiry should be put to the Committee which is about to go into the question of the provincial contributions. When I gave notice of my resolution, I did not know the personnel of the Committee under the Chairmanship of Lord Meston, nor did I know what the terms of the reference were I now find that in the terms of reference this particular question to which Mr. Montagu referred has not been included. I want the Meston Committee to go into the question as to whether it is not possible to make the Government of India financially independent of the provinces. As Colonel Wedgwood has stated it is absolutely necessary that the provinces must be free to spend their resources in any way they like, and that they must be financially independent of the Government of India. As Mr. Sarma has pointed out the new situation that has arisen under the constitutional reforms is a very serious one so far as financial matters are concerned. There are chances of friction on many matters between the Minister and the rest of the Government; there are chances of differences between the Minister and Legislative Council, there are chances of disagreement between the elected members of the Legislative Councils and their constituents and all this for insufficiency of funds. It would be much better, therefore, if we could devise some means by which Provincial Governments could be made financially independent. Under the new *régime* you will not have to make any grants in the matter of Sanitation or Education; the huge grants which are being made year by year by the Government of India under these heads will not be made in future because these subjects will, I understand, be Transferred Subjects. The Provincial Governments will have to undertake large schemes of Sanitation and compulsory education and they will require very large revenues for the purpose. Therefore, I trust, that if this question is not disposed of as suggested by my Hon'ble friend Mr. Sarma, it should at any rate be explored as suggested by my resolution."

The Hon'ble Mr. W. M. Hailey:—"Sir, if I rise to answer the Hon'ble Mr. Sarma and the Hon'ble Mr. Patel at once, it is because I feel that probably most members of the Council sympathise with them in principle. Every non-official of this Council represents here to some extent at all events, the interests of his province; and it goes without saying that in the interests of their provinces they would naturally prefer that no contributions should be paid to the Central Government. That is true, I suppose, of everybody without distinction. Certain of the provinces under the scheme outlined in the Joint Report would be surplus provinces and would pay contributions. Certain would be deficit provinces, but the interests of the deficit provinces are really the same, because they know that the first thing which a surplus province which has to pay a contribution would demand is that the deficit province should raise extra taxation in order that aggregate contribution of the surplus provinces may be reduced. 1

"Well, Sir, my object is to state the case to the Council exactly as it stands now, and when I have done so, I think that perhaps the Hon'ble Movers of both the resolutions will admit that we have gone some way to meet their case. In the first place, the proposal to levy contributions from the provinces must not be banned as an improper or unconstitutional idea. I can remember well what the late Mr. Gokhale said on this question, and if there are some members here who think perhaps that Mr. Gokhale did not go far enough in his political conceptions, there are others, I am sure, who will join with me in feeling that Mr Gokhale on financial matters showed statesmanship and foresight. It will interest the Council to hear what he said on this particular question of contributions in March 1911. He said:—

> 'What I propose, my Lord, is that instead of receiving its whole income from growing revenues, the Government of India should receive large fixed contributions from Provincial Governments, say up to about one-third or one-fourth of its revenues, the other two-thirds or three-fourths being derived from growing resources. I think in this matter it is desirable to examine the practice of other countries, and there are three countries which can supply some sort of guidance to us on this subject—Switzerland, Germany and America. Switzerland, however, is a very small country, and I will therefore leave it out of consideration. The example which, I think, we should follow in this matter is that supplied by Germany. America is too advanced for us, because the federal finance of America is entirely separate from State finance, and it will be a long long time before we reach that stage if we ever reach it at all. But in Germany, my Lord, while the Empire has its own independent revenues, and the component States gave theirs, the component States also make large contributions to the Exchequer of the Empire. In fact, nearly one-fourth of the revenue of the Empire is at present derived from fixed contributions from the component States and about three-fourths is derived from independent sources, such as Customs and Excise and Stamps. Now, I think, this is the direction in which we have to seek a solution of our problem. The Government of India should have about one-third or one-fourth of its revenue derived from fixed contributions made by the Provincial Governments.'

And if Hon'ble Members would care to turn at any time to the evidence given by Mr. Gokhale before the Decentralization Commission, they will find that he outlined a scheme very like that which we are now about to adopt in regard to the separation of Central from provincial finance. It has in fact a very close analogy in detail. So that, as I say, there is nothing inherently wrong in the idea of taking contributions from the provinces. The question probably is rather one of degree or, perhaps, as the Hon'ble Mr. Sarma would say, it is purely a matter of calculation whether they should be taken at all. Now the burden of proving that no contributions are necessary must, I think, lie on those who support the provincial case. It is quite clear that the Central Government must finance itself; it must finance the army, and however much we may try to reduce the personnel, or whatever hopes we may have from such expedients as the League of Nations, such armies as we maintain are not going to be as cheap in the future as they were in the past. The Central Government must keep up its central institutions, Agricultural, Research, Bacteriological and so forth; it must maintain the services of a purely imperial nature, such as the Survey of India and Geological Survey; it must maintain the political service; it must provide for expenditure on the Frontier. I have only instanced a few of these requirements, but it is sufficient to indicate their nature without detailing them all.

"Now it is possible—I will not say that it is certain—that, so from being able to reduce those requirements in the future, they may have to be extended. I think there will be a call on the Central Government to finance more research institutions, to extend possibly its purely Imperial services such as the Geological Service; to extend its operations in half a dozen similar ways with which I need not trouble the Council now. Industrial development alone will be a very expensive item in the future programme, and as my Hon'ble friend Mr. Shafi reminds me, if any such extension takes place, it will not be pure selfishness on the part of the Central Government, since the provinces of course share in their benefits of the central institutions and services. Now what have we done ourselves in regard to this question of financing the Central Government and of apportioning the burden on the provinces? When the Joint Report was drawn up, it was calculated that the imperial deficit, that is to say, the amount which the Imperial Government would require in order to supplement its own resources, would come to about $13\frac{1}{2}$ crores. That was the Montagu-Chelmsford Report. This would have left the provinces taken in the aggregate, and following the distribution of finance that will be adopted under the Reform Scheme, with $2\frac{1}{2}$ crores more than they enjoy at present. Last September we invited representatives from the various provinces to a conference at Simla, and the question of the provincial liability in regard to their own expenditure was gone into with great thoroughness and in great detail. As the result of that, we then decided to take the Imperial deficit on the system of divided finance at $11\frac{1}{2}$ crores, and that was as low as we could get it at the time. But we ourselves have recognised very clearly the force of the objections against taking large contributions from the provinces. We have no desire to attempt to start the reformed Councils on their career under a species of financial cloud, or to cramp the new Ministers with a feeling of financial impotence. We have therefore on our part done our best to reconsider the position in the light of such factors as that alluded to by the Hon'ble Mr. Sarma, such as the gain in exchange and so forth, and have made a proposition which will have the effect of materially reducing the deficit as anticipated in September last. I am not going to give that figure to the Council now, because it depends on a series of calculations which will more fittingly find a place in my Financial Statement on the 1st of March. But I am quite sure of this that, when I make that statement, Hon'ble Members who are interested in this question will find that if we have not shown a complete capacity to meet all their objections, we have, at all events, shown a good-will in that direction. I am sorry that I should have to say to my Hon'ble friends 'wait and see,' but after all it is only a week they have to wait before I am able to make that announcement.

"Now having explained the state of the case to the Council, I have, I think, only to make a few remarks on what, first of all, Mr. Sarma has said on the subject. I have tried to prove that we have so much practical sympathy with the case put forward by him that my remarks on the subject need not be of any very great length. But I am obliged to comment on the figures which he presented to the Council to prove the fact that the Government of India, after all, had a very large surplus at its disposal. Now Mr. Sarma, in taking those figures, took the figures of the budget as a whole. He did not, I think, separate off the figures, as they must be separated off now, according to the administrative division of subjects, by which the Imperial Government will take the benefit of the revenues connected with subjects which it administers itself, and the Local Government will take the benefit of the revenues from those subjects which are purely provincial. So that his figures, if he will allow me to say so, are really of not much use in discussion, because they are not based on the proper system of distribution. All our discussions, for instance, that we have held with the provinces, have been on the basis of distributed revenues . . .

The Hon'ble Rao Bahadur B. N. Sarma :—" Subject to correction, I may make an explanation. I have tried to arrive at the figures on the new basis and what I have mentioned was on that basis. There may be a mistake here and there. The figures are here and I am ready to give them. I have attempted to do that; whether I have succeeded or not is a different matter."

The Hon'ble Mr. W. M. Hailey :— " Sir, Mr. Sarma's figures do not coincide with ours. There will shortly be an opportunity, I think, of explaining the figures more fully to Mr. Sarma. When I have made my Financial Statement, I shall be very glad indeed to go into the figures and show him exactly how they do stand. There is nothing whatever to conceal in the case; the Council can be assured of that. In regard to the figures of 1919-20, there again I am afraid I must say to him, you must wait for our revised budget on the 1st of March. I cannot say now; and it would be wrong for me to say now, how far his anticipations as regards the growing heads of Railways and Customs, and perhaps of Income Tax, can be safely accepted.

"Now with regard to the other question to which he referred, namely, the method of meeting our expenditure, of a special nature, such as what is known as India's further contribution, and also the method of meeting the expenditure on the present Afghan and Waziristan operations, he made a strong recommendation to us that the proper way of meeting that expenditure was to fund it, to charge it against capital. Well, ultimately there is no way of meeting any kind of unproductive expenditure except by meeting it out of revenue. In the present, we are of course financing the Afghan war by temporary loans, Treasury Bills and so forth, and it stands to reason that, as soon as we can raise a permanent loan, we shall do so and to the fullest extent possible. But we already have many capital obligations against our loans, and the market for loans is not unlimited; any aid that Mr. Sarma or anybody else can give us in pushing our loans will be very welcome to us indeed. But even when we have raised our permanent loan, we could not fund unproductive expenditure until we had first met the liabilities for meeting productive capital expenditure. Mr. Patel's proposition is an alternative to Mr. Sarma's, that is to say, that, while accepting Mr. Sarma's principle and believing that we can meet all our future obligations without calling on the provinces in any way, he would have that question investigated by Lord Meston's Committee. I have informed the Council of a conference which we held in September, and the discussion at that conference will afford very valuable material for Lord Meston's Committee in allocating any contributions which may have to be made. The exact question which Mr. Patel has put forward, namely, the extent to which Imperial finances can be arranged on such a basis that no contributions shall be required, that question was not, as he correctly says, explicitly included in the terms of reference to Lord Meston's Committee, and I will explain why. The major obligations, the major liabilities occur of course in connection with large items, such as the Army, and the revenue charges of railways. There are other cases, such as the expenditure on our central institutions. Now we feel, and I daresay if they had been asked, Lord Meston's Committee itself would have felt, that in the time at their disposal, and constituted as they were, it would not be possible for them to say that you shall spend so much on the Army, you shall spend only so much on the railways, and you shall spend only so much on your central institutions, because when you say that you have also got to lay down what the strength of the Army is to be, what our policy is to be in regard to army organization (a question which is as a matter of fact being considered by another Commission), or what is to be the nature and character of more central institutions. In fact you cannot lay down financial limits for expenditure unless you can also lay down administrative policy. For that reason it was difficult, if it was not impossible, to confide that particular task in those terms to Lord Meston's Committee. But we have asked Lord Meston's Committee to examine the budget of the present year and of previous years, and to say how far they think our calculations of the deficiency are correct. They are peculiarly fitted to undertake that task. Nobody, I think, would gainsay the fact that we have in them a perfectly impartial and highly expert Committee, and we shall follow their advice as far as we can whenever they give it to us on that subject. If they say—'You have not given sufficient credit to Customs, you have not taken into account sufficiently the fact that Railways is a growing head; the anticipations that you have formed regarding military expenditure cannot possibly be borne out by what you have spent in the past,' and so forth, then we shall give the best consideration possible to their advice, and we shall try still further to reduce the deficiency which we have anticipated. With that Sir, I think I must leave the case. I have tried to meet the arguments of my Hon'ble friends as far as possible. I think I have demonstrated that we have shown all the good-will we can in reducing the anticipated deficit. I have promised to make a definite announcement on the latter subject on the 1st of March next. I regret that

Government is not able to accept the resolutions in the precise forms in which they stand and for the reasons which I have given."

[At this stage the Council adjourned for Lunch.]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I entirely 2-48 P.M. associate myself with the case that has been made out by my Hon'ble friend Mr. Sarma. His very cogent and well-reasoned arguments are all based on facts and figures taken from our bluebooks and various Financial Statements, and I do not see why my Hon'ble friend Mr. Hailey does not see his way to accept it. It is our case—we have been crying ourselves hoarse—that the Government of India is very greedy; its greed is daily increasing and is at once the result and cause of the huge surpluses artificially created by underestimating the revenue and overestimating the expenditure. This is our complaint. Colonel Wedgwood, when speaking in the House of Commons on the Government of India Bill, struck a true note when he said 'that your extravagance is the result of your being able to command unlimited funds.' This ought to be put an end to All our difficulties are due to that. I believe, Sir, that this move to Delhi was also the result of that. The Hon'ble Mr. Hailey quoted our late lamented leader Mr. Gokhale and said that Mr. Gokhale on the analogy of the States of the now defunct German Empire was of opinion that our provinces ought to contribute one-third of the revenues to the Central Exchequer. I have two observations to make on that In the first place, Sir, the conditions of India to-day are not the same as those which obtained in the time of Mr. Gokhale. We have no right to assume that; had he been alive to-day, he would have adhered to his opinion in the altered conditions of India. Did he take note of the fact that Education and Sanitation would no longer have to be provided for by the Government of India but be financed by the provinces. If you insist on your taking a share of the provincial revenues, I wonder how the Minister of Bengal, that is to be for instance, will be able to find funds for carrying out the recommendations of the Calcutta University Commission. In my province, even as matters stand, all projects of education have had to be shelved *sine die* for want of funds by a resolution of the Chief Commissioner. Then, in the second place, Sir, by demanding a share of the revenues of the provinces you are really treating them as if they were so many Feudatory States who must pay tribute to the Central Government, whether or not you require any money. The Hon'ble Mr. Hailey spoke of the Army expenditure, and money needed for Central Institutes. All that is admitted, but what is there to show that this cannot be met by the normal growth of your revenue, the revenue from all-India subjects like Exchange, Customs, Railways.

"I therefore, think, Sir, that the Hon'ble Mr. Sarma has made out a very good case for your accepting this Resolution; but in case you find that you cannot do so, I submit there cannot be any reason for not accepting the alternative proposal of my Hon'ble friend Mr. Patel.

"With these remarks, Sir, I support both these Resolutions."

The Hon'ble Raja Sir Rampal Singh:—"Mr. President, as a 2-54 P.M. layman, I am sorry to say, I have not been able fully to appreciate the contentions of the Hon'ble the Finance Member. The Hon'ble Mr. Sarma has very ably established the justice of the principle enunciated in his Resolution. The Hon'ble the Finance Member has not refuted the facts and figures that were quoted by him.

"Sir, if the present financial resources of the Government of India are not sufficient to meet the charges, he ought to have stated it very plainly and refuted the figures that were quoted by the Hon'ble Mr. Sarma. If they are sufficient to meet those charges, I think it is not justice to exact a tribute from the provinces. The Hon'ble the Finance Member has said that there are some deficit provinces and some surplus provinces. I am afraid he intends to allow the injustice which has been done to the provinces up to this time to be perpetuated even after the reforms have been introduced. I take exception to such a procedure. I am of opinion that if the question should be fully investigated and, as far as possible, the Government of India should become self-supporting. If that be not possible, there are certain taxable items which have been reserved for the Government of India and the Government of India should have recourse to them.

"I therefore, support the Resolution of the Hon'ble Mr. Sarma and, in the alternative, the Resolution moved by the Hon'ble Mr. Patel."

2-55 P.M. **The Hon'ble Mr. G. S. Khaparde**:—" Sir, I do not pretend to be able to go into the fine points of financial debate, but it appears to me that one point is very clear, and that is what the Hon'ble Mr. Sarma made out from the figures which he compiled, that the Central Government carries on and can carry on its work without calling upon the provinces to contribute anything. In the alternative the Hon'ble Mr. Patel proposed that the matter should at least be inquired into, and this appears to me to be a very reasonable request If the Hon'ble the Finance Member thinks that the figures given by the Hon'ble Mr. Sarma are not quite correct, then all that Mr. Patel wants is that the matter be gone into, and I do not see what objection there can be to this being done. It is very likely, and perhaps probable, that what the Hon'ble the Finance Minister has stated may come out true, but it is also equally likely that it may not be so and that Lord Meston and his colleagues may not agree, in which case the provinces stand to gain and the administration gains in simplicity.

"The position will perhaps be explained on the 1st March. But then there will be no time to move any resolutions on the subject. Probably next month there may be no dates set apart for discussing resolutions; so that in that case the matter will come to the September Session; probably by that time Lord Meston would have made his report and these things might have been accepted and there will be nothing left to be done by a resolution. So, I submit, that this request for an inquiry is most reasonable, more especially as at present we have been referred to a conference that took place at Simla; but that was a case of a senior partner laying down the law for sub-partners. I should like that the matter should come before an independent body who will not be, so to say, the predominant partners in the matter, but will look at the whole thing from a fair and equitable point of view. I support the proposal more especially because Lord Meston has been in charge of the administration of a province for a long time and he has experienced the difficulties and will probably be able to give an illuminating opinion on this subject. So I support the proposition of the Hon'ble Mr. Sarma and, in the alternative, the proposition of Mr. Patel."

2-58 P.M. **The Hon'ble Sardar Sundar Singh Majithia**:—" Sir, if I rise on this occasion to say a few words on the resolution which has been proposed by my Hon'ble Friend, Mr. Sarma, and the one which has been proposed by Mr. Patel I only want to point out on behalf of my province the inequalities of the contributions which we have to make to the Central Government to keep that Government going, so to speak. My friend, Mr. Sarma, has tried to show by figures that the Central Government could carry on their administration without any of these contributions from the provinces. I quite admit on the other hand that the needs of the Army, which is an expanding army and which has, I believe, to expand for some time, are very great. We have to keep up the army in view of the menace that we are having in the North-West Frontier Province and also that of the Bolshevicks which was so clearly set out in the opening speech of His Excellency the Viceroy on the 30th January last. No Government can afford to lose sight of that situation, and must provide for that. Moreover, the salaries in the Army are very low and we shall have to increase these.

"But, on the other hand, the inequalities that I find in the contributions, set out in the Joint Committee's Report, are very glaring. I find that Madras has to pay 428 lakhs, the United Provinces has to pay 327 lakhs, the Punjab has to pay 218 lakhs, and Burma has to pay 140 lakhs; while Bombay pays only 88 lakhs, and Bengal, one of the foremost provinces and in which my Hon'ble friend Mr. S. N. Banerjea is always saying that there are certain claims of that province which have to be considered, pays only 69 lakhs. This inequality in contribution acts most prejudicially on the resources of the provinces from whom more money is taken than from the provinces which pay less. I feel, Sir, that the taking of this large amount from these provinces is very prejudicial to the rate at which those provinces can make any progress in the various spheres of their activities. We have been handicapped a good deal in my province owing to this. It will be remembered that the Punjab paid a crore of rupees to the Government from its surplus balances which might have come in very handy for the many improvements which we wanted in the Province. If Government could see their way to doing away with these contributions, then they would be removing the bitterness that is being felt in different provinces. It is, however, a question whether one could possibly make two ends meet, and I hope that the Finance Department is not so denuded of its resources in that way that it will not be able to meet the situation. I think it is necessary to leave the provinces to make up headway in the different matters that they require, and they can only do so if they had all their resources at their command.

"With these words I support the motions which have been proposed by Mr. Sarma and by Mr. Patel."

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, I should have preferred if the discussion of this matter could have been postponed after the publication of the budget, because then we should have been in a position to know the figures and to go upon them. Mr. Sarma has with his usual ability brought forward a large number of figures in support of the position which he takes up. The Hon'ble the Finance Member challenged that position; he says that these figures proceed upon one basis, but they should proceed upon a wholly different basis, the basis of divided revenues. Therefore, in coming at an independent judgment between these conflicting views, we are at the present moment without the necessary materials. If we had the figures before us we should have been in a better position to judge whether we should accept Mr. Sarma's views or those of the Finance Minister. I do not know whether even now it may not be possible to postpone the consideration of this matter until the budget figures have been published. I feel that with those figures before us we should be proceeding upon stable and certain ground. Without them I at any rate feel very nebulous about the matter. 3-1 P.M.

"Sir, there are two propositions which we are considering, one is a definite recommendation that the provinces should be relieved from all contributions to the Imperial Exchequer on the ground that the Imperial revenues are sufficient for all Imperial purposes. Mr. Patel's resolution, although Mr. Patel professes advanced views, is somewhat more moderate than that of Mr. Sarma; he does not exactly accept Mr. Sarma's proposition, but he proceeds somewhat cautiously to say that this should be an intimation to the Meston Committee. I think that is the position which he takes up, and I for one feel a partiality for this latter position because myself being a moderate in politics I prefer moderate views, and it seems to me that it is a sounder position to take up in the absence of definite facts to go upon.

"Sir, a great deal has been said about Mr. Gokhale's suggestions with regard to the scheme of financial decentralisation. My Hon'ble friend, the

Finance Minister, has quoted from a speech which Mr. Gokhale delivered in this Council in 1911. Well, Sir, the views which were put forward by Mr. Gokhale were very much earlier than 1911. Let me remind the Council that in 1889 (I think it was) a Finance Commission was appointed over which Sir Charles Elliot presided; amongst members of that Commission were Mr. Justice Ranade, Mr. Justice Cunningham, and one or two other names that I forget at present. They recommended the very scheme which Mr. Gokhale accepted and then let me add that in 1897—that was before 1911—four Indian gentlemen, including my friend, Sir Dinshaw Wacha, Mr. Gokhale, Mr. G. Subramania Iyer and myself went as witnesses before the Welby Commission and we put forward the same view; and there was a reason for it; but as has been very properly observed by my friend, Mr. Chanda, if Mr. Gokhale were now living, probably he would profess more advanced views than those that are embodied in his speech of 1911. What we were contending against at that time was the unsettled state of the quinquennial settlements and the inequitable distribution of the doles which was left to the caprice and whim of the financial authorities. You remember what Sir A. Mackenzie said about these quinquennial settlements. He said that we were like a sheep thrown upon its back shorne of its wool and then let loose. Well, what happened in consequence of these quinquennial settlements and the unsettled, unsystematic and whimsical way in which they were carried out? What happened was that towards the end of the quinquennial period the Provincial Governments entered upon large expenditure in order to swallow the balances that were left to their credit. All this had to be avoided, and therefore the Finance Commission of 1889—I am not quite sure about the date, but, I think, it was 1889—the Indian witnesses before the Welby Commission of 1897, and Mr. Gokhale in 1911 all urged that the doles and the quinquennial settlements should cease and that fixed contributions should be taken from the provinces to meet the expenses of the Imperial Government.

"That is the history of this matter. It seems to me that it would be a great advantage if it were possible just when the Reforms Scheme was about to come into operation to relieve the Provincial Governments altogether of all contributions to the Imperial Exchequer. Because it must be clear that if the new experiment were to be handicapped with the burden of new taxation, that would operate very seriously to create a prejudice against the Reform Act. I am quite sure we are all interested, the Government and popular representatives, are all interested in providing against a contingency of that kind. We ought to be able, if possible, to start this great experiment with public opinion behind us, and public opinion will be against us if the public feel that they have to bear additional taxation in consequence of the Reform Scheme. Therefore, I take it that the Government and the popular representatives truly stand upon the same platform in this matter, and that we are all interested in avoiding taxation. It seems to me that, if Mr. Sarma's Resolution could be accepted, it would be a means of avoiding taxation. It is impossible for me to say if it could be accepted or not. If we cannot accept Mr. Sarma's Resolution, at any rate, we might accept that put forward by Mr. Patel. We can lose nothing, Government stands to gain by making a recommendation on this point for the consideration of the Meston Committee. The public will learn that the Government is anxious to avoid taxation, if possible, and that they have made this suggestion to the Meston Committee. It seems to me that this is a bit of political strategy which my Hon'ble friend the Finance Minister might adopt. This fact would go far to ease the situation. The position that I take up with regard to this matter is this, that I cannot vote for Mr. Sarma's Resolution without more definite information; I vote for Mr. Patel's as an alternative. It seems to be a moderate and reasonable one and one which Government may well accept."

3-10 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"Sir, I fully agree with the historical retrospect which my Hon'ble friend Mr. Banerjea has given in reference to the Decentralization Scheme and the different stages it has gone through since 1889, 1897 and 1911. His reason again for urging that it would be far better that Mr. Patel's amendment should be passed has also my support. I think nothing would be lost at this stage by referring the matter to the Meston Committee. We are entering on a new era altogether of responsible self-government, and if that self-government is to be made a real success, then I say that that success will greatly depend upon the finances of the new Government; that is to say, the manner in which both the Imperial Government and the Provincial Governments which are now to be autonomous, steer their barque of finance. The Imperial and Provincial Governments must steer their barques and admininister their respective finances with a view to the accomplishment of the greatest good possible. It was John Bright who said on an important occasion during the passing of the India Bill of 1858: 'Tell me what is the condition of the finances of the Government and I will tell you what is the character of that Government.' I think that was really a good and sound maxim. That is the maxim which at this stage we should adopt if the several new responsible Governments are to enter upon the achievement of a successful campaign during the next ten years. It is necessary that they should start with a policy of sound finance. If they are not made to start with such a policy what will happen? As Mr. Banerjea has said Provincial Governments may find themselves in a difficult position at the very outset to make both ends meet. If they have not sufficient funds and if something has to be provided as a contribution to the Imperial Exchequer, they will be obliged to raise the needed funds by means of local taxation. That step would create a prejudice and a feeling of hostility on the part of the people. I think in this matter sound enlightened public opinion should be associated with both the Imperial Government and the Provincial Governments. It is in the interest of all concerned that in a matter of this kind we should all move together in co-operation with each other. I consider therefore that in view of what I have just urged that after all Mr. Patel's amendment would prove useful. I admit that perhaps the budget which the Hon'ble the Finance Minister will place before us on the 1st of March may present a different state of things, and possibly Mr. Sarma's views may have to be modified a good deal. Still, I do not consider that the situation will be completely alleviated by what the budget may reveal for the reason that we shall be in a transitional stage. I do not know whether during the next five years and more Indian Finances, Imperial and Provincial, will be on a settled basis and whether they will be worked smoothly. There will be many changes, changes in financial and economic conditions both in and out of India. These will greatly affect our trade and will have a far-reaching influence upon our finances. Then other domestic changes are certain to take place during the next five or ten years in reference to the new responsible government. We do not know how that Government will carry on its work. Very much will depend upon the way in which it handles its finances. You may depend on it that the next five years will be a period of an unsettled or constantly changing or disturbing character. Before the Imperial and Provincial finances arrive at a settlement, it is very necessary that we should move slowly and cautiously and proceed on a firm basis of finance. Without a sound policy of finance at the very outset, it will be a serious matter for the Imperial Government to work smoothly with the Provincial Governments. I, therefore, appeal to the Hon'ble the Finance Minister that in view of the unanimous opinions of the non-official members who have already spoken on this very important subject for which I consider Mr. Sarma has earned our grateful thanks, he would act wisely and well by referring the whole matter to the Meston Committee. The Meston Committee will no doubt make itself acquainted with the criticisms that have already been offered in this Council. By the light of those criticisms they will be able to consider and recommend how the finances should be arranged in future, where Reserved and Transferred Subjects are respectively to be dealt with. With these few words I fully support Mr. Patel's amendment."

3-27 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, the Hon'ble the Finance Member's speech gives me some hope that he will rise to the occasion and try to discard the extremely rigid traditions of the Imperial Department in getting all it can from the Provinces. He promises to go into the question again, and I hope that, as the result of that examination, it will be found that really no contribution is necessary from the provinces.

"Now, Sir, allusion has been made to the tenability of the general position that there is nothing wrong in principle or policy in the provinces being asked to contribute to the general exchequer. I have myself not said that that position is untenable under any circumstances, because there are States in which that is the present practice. But I take it, Sir, that what the Reform Committee has recommended is that there should be ordinarily a complete divorce between the Imperial Exchequer and the Provincial Exchequer and that these contributions should be only during the transitional stage and for a limited period. Therefore, what Mr. Gokhale thought might have been a useful guide in the past but has no bearing upon the position which the reforms postulate for our guidance in the future. Again what Mr Gokhale was trying to do was to get some growing heads of revenue for the provinces with a definite contribution if need be to the Imperial Exchequer. We find that so far as some of the States which have been referred to are concerned, my position is supported by their example. In America, we find that the whole of the Imperial federal exchequer is practically met from the customs revenue, and on more than one occasion they had so much surplus that they could distribute it amongst the various States. With regard to Germany, however, may I point out, Sir, that the items of the heads of revenue of the Imperial Government do not comprise so many as the future Indian Government would command? I do not find for instance Income-tax as one of the subjects there. Therefore, I do not think the example of Germany would be of much use here, because we find that the Indian Government has taken much more for the Federal Government than Germany has chosen to provide. However, I think that is a mere question for academic discussion, because even what the Government of India proposes is only a provisional arrangement during a temporary period. The real solution of the problem would therefore depend upon whether the financial position of the past three years justify us in hoping that the Imperial revenue and exchequer would balance one another. I put a question to the Government requesting information as to what the figures would be on this new basis. I hope they have worked out the figures. If they have worked out those figures, it might not be difficult for them to place those figures before the Council to show in what respects my figures are wrong. Hon'ble Members will see that there can be no difficulty about disclosing these figures in so far as 1917-18 and 1918-19 are concerned because no questions of taxation would turn upon them and these relate to closed transactions. It is only in respect of the revised figures for 1919-20 there may be some difficulty if any new taxation is proposed, or if any new schemes are proposed, but I do not think that there can be any difficulty whatsoever about the figures of 1917-18, the accounts of 1918-19 and the budget figures of 1919-20 as under the new scheme being placed before us for discussion. I submit, Sir, that here and there there may be a few insignificant differences, but the general position that I have advanced on the basis of the figures that I have mentioned is substantially correct and may be accepted by the Council as such. If those figures afford any criterion, my position is substantially correct and no reliance need be placed upon general calculations as to whether customs revenue can grow, whether income-tax revenue can expand, whether railways can bring in more money.

"Now allusion has been made to the military expenditure. I grant that there would be an increase in military expenditure as compared with the pre-war period. We shall have, on the one hand, to make allowance for increased salaries and pensions and, on the other hand, to deduct war expenditure. That is the reason why I made provision for the new army expenditure as ranging between 25 and 30 million pounds. Before the war it was only about 19 millions, and therefore the revised expenditure need not exceed another six more millions,—I went so far as to take the 1917-18 figure and putting it at 30 for the purposes of discussion; even taking it at 30, my submission is that there would be absolutely no need whatever for any contribution on the basis of the figures for 1917-18, 1918-19 and 1919-20.

" Then with regard to the customs revenue, I have pointed out that from the quantities of exports during the past five years we have every legitimate ground for hoping a considerable expansion therein and assuming for argument's sake that a million or a half a million is found to be a deficit in any year here is a growing source to which we can confidently look to meet the deficit. I therefore submit, Sir, that the question of army expenditure has been amply provided for in my estimates.

"Then comes the question of industrial expansion and so on. Industry is to be a provincial department, and what the Government is going to do is simply to have a central technical department to help the provinces, and there may be increase of expenditure on salaries of a purely all-India department of Government services. For those I have made provision of about 50 lakhs of rupees taking the growth of revenue as about 20 per cent. of the current expenditure. Therefore, there is not a single item of future normal growth that I have not taken into account, and even assuming that you have to put in one or two millions more for unforeseen expenditure, I submit that the exchange which at any rate is going to bring in at least 8 to 12 crores of rupees for some years to come, is an ample safeguard for the extra money that may be wanted. I, therefore, hope that whatever may be the result of the debate here in the matter of accepting my Resolution, the Government of India will try their level best to sift the figures and not to under-estimate the revenue as has been done for so many years past. This is a heritage of long-standing, and I feel sure with the freshness of outlook which the Hon'ble Mr. Hailey and the Hon'ble Mr. Cook can bring to bear on these matters, there will be a new departure in estimating the revenue and expenditure correctly. After all I have not asked that the provinces should under no circumstances be asked to make a contribution. There is already the safeguard that under exceptional circumstances the Government of India reserve to themselves the liberty to ask for contributions. I, therefore, submit, Sir, that this resolution can be safely accepted by the Government.

"Now with regard to what took place between the representatives of the Provincial Governments at the Conference at Simla, of course we have not been behind the scenes, but the provincial representatives could not have had a voice in estimating imperial revenue. I take it that the attitude of the Government is this. 'We are the persons who are the judges of our future requirements and budget possibilities; we shall determine the administrative policy; we will say that the army would require so much, that we shall abolish such and such exports. Therefore, we alone, the Government of India alone, are in a position to lay down the policy, and the rest is a mere question of accounting for which I suppose nobody is wanted. Even Lord Meston's Committee can do little.'

" But I submit that in this matter the Government of India must have already come to some definite conclusions as to what the highest military expenditure ought to be, what the possibilities are about customs and other revenue, and that they can give the necessary instructions; and then I suppose Lord Meston's Committee can work out whether there has been underestimating anywhere, whether the customs revenue can be really put at a higher figure than a cautious Finance Minister is disposed to put and can suggest suitable modifications. And within limits, Sir, I think there is every possibility of Government being assisted by Lord Meston's Committee. After all you must remember that the Government of India are interested parties, however disinterestedly they may act on account of the high traditions of the past and the present, and it would inspire confidence if a third party, absolutely unconnected with the provinces and the Government of India, would look into these matters and decide what contribution, if any, is required from the provinces."

3-27 P.M. **The Hon'ble Mr. V. J. Patel**:—"Sir, I do not think it is necessary for me to speak at any great length in reply in view of the fact that almost all the non-official members of this Council have supported the demand made in my Resolution. As the Council will see, the demand is a very moderate one. I should very much like the Government to accept the position which my friend the Hon'ble Mr. Sarma has taken up, but realising that it is absolutely hopeless to persuade Government to go the whole hog with Mr. Sarma, I have brought forward this moderate resolution in an alternative form. Let us analyse the argument of my Hon'ble friend Mr. Hailey. He objects to my Resolution on the ground that the Government of India have already made an inquiry into the matter and they could not see their way to support my Resolution. Well, Sir, the question is whether the Imperial Government stand in need of any provincial contributions or not, and my Resolution says the Government of India is a party concerned in any inquiry and therefore let them not be the judge in their own case. All we want is that an independent inquiry should be made into the matter so that the case, both for the provinces and the Imperial Government, would be examined by that Committee and an impartial decision be arrived at. That is the whole thing. All I want is that the Government of India should not be the judge in their own case. I do not think it is necessary for me to add anything more."

3-29 P.M. **The Hon'ble Mr. W. M. Hailey**:—"Sir, I at all events have no cause to complain at the course of this debate, for I think that there is only one Hon'ble Member who found it necessary to charge us with being grasping, with under-calculating our revenues in order to get a surplus, pictured the Central Government in fact as a kind of Gorgon, grasping and insatiable. Well, I can assure him that if that picture ever was a true one—and I am not qualified to say anything about that—it is certainly not the case now. Nor has it been the case within my recollection. The growing power, the growing independence of the Local Governments, would afford a sufficient guarantee that we should be entirely unable to take up such a position were we to desire to do so now. The general course of the debate, Sir, I think I may say, was in support of the Hon'ble Mr. Patel's resolution rather than in support of that of Mr. Sarma. There was, I recognise it, a very general feeling among the non-official members of this Council, that we should do well to place our case before the Meston Committee, if not as a mere point of equity, at all events, as the Hon'ble Mr. Banerjea put it, as a point of tactics. We should, he suggested, strengthen our own hands if we did so. Now perhaps I did not make it sufficiently clear (if so, it was my own fault) that we had asked Lord Meston's Committee to go into the forecast budget figures of the present year, which we have placed before them, and also to go into the budget figures of previous years, and to give us their advice on the question whether we have or we have not taken a proper figure for the Central Government's deficit. We have asked them to go into these figures as thoroughly as possible. They cross-examined the Hon'ble Mr. Cook nearly a whole morning on the subject. We have given them all the information we have on that subject; we have placed at their disposal an officer conversant with all our financial operations and figures in the past in order to give them any fresh information which they may require. We have kept nothing back from them; we have no desire to keep anything back from them; we want to put all the cards on the table on this particular question. And as I said this morning, whatever advice they give us on the subject of the exact figure which we should take for the Imperial deficit in this year and in the coming years, we shall endeavour to accept. That we should go further, that we should say to them, 'you must tell us exactly what our Army is to cost us in future and what our other Imperial services are to cost in the future, how much we should provide for our railways,' that we should go further and do that is not, I think, a feasible proposition For one thing it would be a work that would take many months to complete, and we have not all the time in the world at our disposal for this question. The next point is this, that we have a Commission out from Home which is dealing with one, perhaps the most important, of those questions, the organization of the Army. The third point is, that I do not think that if we were to charge Lord Meston's Committee with a work of that magnitude and gravity that the Indian public at large would accept that Committee as in itself sufficient. They would undoubtedly demand that there should be a much wider representation, and possibly representatives from the provinces, on it. It would no longer be a small expert Committee; we should have to appoint a Royal Commission something in the nature of the Public Services Commission, or one of the great commissions which sat on Indian expenditure in the past It is for this reason that I say that we could not contemplate that, with the time at our disposal, an inquiry of such extent should be undertaken by Lord Meston's Committee But let me repeat again that we have asked them to give us their advice based on the whole of the budget figures. We have asked them in fact to give us exactly, as far as I can see, very much the kind of advice which the Hon'ble Members who have spoken on the subject this afternoon have desired that they should give us.

"The Hon'ble Sardar Sundar Singh and the Hon'ble Sir Rampal Singh discussed the question, in an attitude which I hoped to see avoided this afternoon. The Hon'ble Mr. Sarma and the Hon'ble Mr. Patel discussed it on general lines, on the principle of contribution and the net aggregate amount of contribution. I hoped that we should avoid discussion on the inequalities of contribution as between provinces, because it is not one that we can profitably take up here at all. All that we can attempt to do at present, is to fix by the best method possible the total amount which we must take to supplement our deficit, leaving to Lord Meston's Committee the question of dividing that in the best way possible over the various provinces. They themselves will devise the proportions in which it is to be divided, whether on the principle of population, or of wealth, whether in consideration of previous settlements, or on some other basis. It is inevitable that, whatever system of contribution is adopted, there will be some provinces which must feel aggrieved. A surplus province must feel aggrieved as against a deficit province. That is inevitable. But we hope that the thoroughness of the inquiry which Lord Meston's Committee is making, and the impartial constitution of that Committee, will take away some of that sense of grievance. At all events we can do no more in that matter than we have done already.

"The Hon'ble Mr. Sarma asked that we should lay fuller figures before the Council as to the manner in which the finances of the Central Government and the Provincial Governments will appear after the division has been made. I would refer the Hon'ble Mr. Sarma and those Members of Council who desire more information on the subject to a statement which was appended to the third despatch on Constitutional Reforms which gives such a division in regard to the years actual figures of 1918 and 1919. Mr. Sarma has asked that we ourselves should supply the figures for the previous year 1917-18 and also for the current year. I shall be very glad to do so. The statement showing a distribution of the figures of the current year's revised budget will be supplied after the 1st of March; and I hope that, if Hon'ble Members still feel doubts on this subject, they will take the opportunity of resuming the discussion on it in the course of the general discussion on the Budget."

The Hon'ble Mr. Sarma's motion was put and the Council divided as follows:—

Ayes—13.

The Hon'ble Mr. S. Sastri.
" Mr. R. Ayyangar.
" Mr. B. N. Sarma.
" Sir Dinshaw Wacha.
" Mr. V. J. Patel.
" Mr. E. H. Jaffer.
" Raja Sir Rampal Singh.
" Chaudhuri Muhammad Ismail Khan.
" Sir Umar Hayat Khan.
" Sir Zulfikar Ali Khan.
" Sardar Sundar Singh.
" Mr. G. S. Khaparde.
" Mr. K. K. Chanda.

Noes.—39.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
" Sir George Lowndes.
" Sir George Barnes.
" Sir William Vincent.
" Mr. Shafi.
" Mr. W. M. Hailey.
" Sir Arthur Anderson.
" Sir Thomas Holland.
" Mr. W. E. Crum.
" Mr. C. F. dela Fosse.
" Mr. E. M. Cook.
" Mr. H. McPherson.
" Mr. A. H. Ley.
" Sir William Marris.
" Mr. R. A. Mant.
" Major-General Sir Alfred Bingley.
" Mr. E. Burdon.
" Sir Sydney Crookshank.
" Mr. H. R. C. Dobbs.
" Sir John Wood.
" Sur.-Genl W. R. Edwards.
" R. B. L M. Chatterjee.
" Mr. G. R. Clarke.
" Mr. H. Moncrieff Smith.
" Mr. A. P. Muddiman.
" Mr. C. A. Barron.
" Mr. N. E. Marjoribanks.
" Mr. K. C. De.
" Nawab Ali Chaudhuri, Khan Bahadur.
" Mr. L. F. Morshead.
" Mr. C. A. Kincaid.
" Mr. P. J. G. Pipon.
" Mr. H. A. Casson.
" Mr. A. E. Nelson.
" Rai Sahib Seth Nath Mal.
" Mr. B. C. Allen.
" Mr. G. F. S. Christie.
" Maung Bah Too.

The Resolution was therefore rejected.

The Hon'ble Mr. Patel's motion was then put and the Council divided as follows:—

Ayes—19.

The Hon'ble Mr. S. Sastri.
„ Mr. B. N. Sarma.
„ Mr. R. Ayyangar.
„ Sir Dinshaw Wacha.
„ Mr. V. J Patel.
„ Mr. E. H. Jaffer.
„ Raja Sir Rampal Singh.
„ Nawab Ali Chaudri, Khan Bahadur.
„ Mr. S. Sinha.
„ Raja of Kanika.
„ Chaudri Muhammad Ismail Khan.
„ Khan Sahib Shah Nawaz Bhutto.
„ Sir Umar Hayat Khan.
„ Sir Zulfikar Ali Khan.
„ Sardar Sundar Singh.
„ Mr. G. S. Khaparde.
„ Mr. K. K. Chanda.
„ Sir G. M. Chitnavis.
„ Mr. S. N. Banerjea.

Noes—35.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
„ Sir George Lowndes.
„ Sir George Barnes.
„ Sir William Vincent.
„ Mr. Shafi.
„ Mr. W. M. Hailey.
„ Sir Arthur Anderson.
„ Sir Thomas Holland.
„ Mr. C. F. dela Fosse
„ Mr. E. M. Cook.
„ Mr. H. McPherson.
„ Mr. A. H. Ley.
„ Sir William Marris.
„ Mr. R. A. Mant.
„ Mr. E. Burdon.
„ Sir Sydney Crookshank
„ Mr. H. R. C. Dobbs.
„ Sir John Wood.
„ R. B. L. M. Chatterjee.
„ Mr. G. R. Clarke.
„ Mr. H. Moncrieff Smith.
„ Mr. A. P. Muddiman.
„ Mr C. A. Barron.
„ Mr. N. E. Majoribanks.
„ Mr. K. C. De.
„ Mr. L. F. Morshead.
„ Mr. C. A. Kincaid.
„ Mr. P. J. G. Pipon.
„ Mr. H. A. Casson.
„ Mr. A. E. Nelson.
„ Rai Sahib Seth Nath Mal.
„ Mr. B. C. Allen.
„ Mr. G. F. S. Christie.
„ Maung Bah Too.

The Resolution was therefore rejected.

The Vice-President:—"The next Resolution on the list is Mr. Chanda's. I do not know whether he wishes to proceed with it. I propose to adjourn as soon after 4 o'clock as possible."

The Hon'ble Mr. Kamini Kumar Chanda:—"I do not think I would be able to finish my speech within four o'clock."

The Council then adjourned till Tuesday, the 24th instant, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 3rd March, 1920.

APPENDIX A.

[*Referred to in answer to question No. 13.*]

(*a*) Orders relating to pensions have been passed in respect of all* the services with which the Public Services Commission dealt. Orders regarding pay have been passed in respect of the following services:—

Indian Civil Service.
Provincial Civil and Judicial Services.
Indian Medical Service (including Indian Medical Service officers employed in the Bacteriological and Sanitary Departments).
Indian Police Service.
Provincial Police Service.
Registration Department.
Imperial Forest Service.
Indian Educational Service (Men).
Provincial Educational Service.
Railway Department (Engineering and Revenue Establishments, except Traffic Managers of State Railways).
Public Works Department (Imperial and Provincial Engineer Establishments).
Upper Subordinate Establishment.
Mint and Assay Departments.
Geological Survey of India Department.
Bengal Pilot Service.
Superior Engineering Branch of the Post and Telegraph Department.
Northern India Salt Revenue Department.

Orders have also been passed on certain points raised by the Public Services Commission in respect of the Mines Department and the Provincial Salt and Excise Departments. Other matters relating to these Departments are still under consideration.

(*b*) Provincial Forest Service.
Agricultural Department (Imperial and Provincial).
Civil Veterinary Department (Imperial and Provincial).
Land Records (Burma) Department.
Survey of India (Imperial and Provincial).
Survey (Madras) Department.
Indian Educational Service (Women).
Bacteriological Department (except Indian Medical Service officers employed in this Department).
Military Accounts Department.
Indian Finance Department.
Factory and Boiler Inspection Department.
Post and Telegraph Department (other than the Superior Engineering Branch).
Provincial Medical Service.
Temporary Engineer Establishment.
Traffic Managers of State Railways.
Customs Department.
Sanitary Department (except Indian Medical Service officers employed in this Department).

Except in the case of the last five services, which are still under consideration, the Secretary of State has been, or is about to be, addressed in respect of all the services enumerated in this paragraph.

(*c*) No preference was shown. The case of each service was taken up as soon as the opinions of the various Local Governments and other authorities consulted could be collected and digested in the Secretariat. In the case of the Provincial Medical Service and Sanitary and Bacteriological Departments orders have been deferred pending the consideration of the report of the Medical Services Committee. The case of the Indian Educational Service (women) was left over till the case of the Indian Educational Service (men) had been decided.

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*Except the Bengal Pilot Service.

APPENDIX B.

[Referred to in answer to question No. 15.]

Report of the Committee appointed at the instance of the Government of India to study the system of Local Government in England.

We, the Committee appointed to study the working of the English system of Local Self-Government, beg to submit the following report.

2. We held a preliminary meeting on the 20th June to settle our procedure with the help of Sir F. Sly, K.C.S.I., Mr. L. J. Kershaw, C.S.I., C.I.E., of the India Office and Mr. J. G. Gibbon, C.B.E., of the Local Government Board. During the week from the 1st to the 6th July we attended the various departments of the Ministry of Health (formerly Local Government Board) and received information with regard to Public Health Administration from Mr. F. J. Willis with regard to audit matters from Messrs. Turner and Wilkinson, with regard to Housing from Mr. J. A. E. Dickinson, with regard local Taxation and Finance from Messrs. C. Knight and J. Gibbon and with regard to Public Works from Messrs. A. J. A. Ball, E. S. Fawcett and E. H. Rhodes. The arrangements for our tours were carried out by Mr. A. J. Cole. On the 7th, we went to Birmingham and for the next three days enquired into the municipal administration of that city; and again met on the 28th and 29th at the office of the Urban District Council of Wood Green. In the interval Messrs. Graham, Allen, Clarke and Lumsden visited the country Council of Herts and Essex, the borough of Lichfield, the Rural District Councils of Atcham and Chelmsford, and Urban District Council of Ilford, and Messrs. Turner, Sim, Sifton and Lindsay visited the County Councils of Worcestershire and Gloucestershire, the Urban District Councils of Barry and Ilfracombe, and the Rural District Councils of Warmley and Bradfield. On the 30th the whole committee was received by Sir H. Orange, Sir E. Phipps and other officers of the Board of Education, and on the 29th and 31st July and the 1st August, we held meetings in a room kindly placed at our disposal at the Ministry of Health, to consider our report. Owing to the pressure of his other engagements Mr. Bannerjea was, unfortunately, unable to take part in the tours of the Committee, except for a brief visit to Birmingham, or to be present at some of the meetings at the Ministry of Health.

3. We wish to begin by emphasizing the fact that the appellation 'Local Government Board,' as applied to the controlling authority in England, is entirely misleading. There was nominally, in the past, a board including several ministers of State, but this has never in the course of its existence met or transacted any business as a board. In practice, the Local Government Board has been a department of Government working under a single minister who exercised all its powers. The fiction has now been swept away, the Local Government Board having been abolished by the Act of 1919, constituting the Ministry of Health. To set up a board or committee with powers of control or as an intermediary between the local bodies and a Government department would thus in no sense be in accordance with English practice and, in our opinion, would certainly lead to friction, both with the Government department and with the local bodies and to delays; and no advantage can be gained by merely copying an appellation which has never borne any real relation to the facts and has now been abandoned in England. It may be found useful for the minister in charge to consult on occasion, as he thinks fit, committees appointed with reference to particular questions; but effective control must be in the hands of the minister himself and we are opposed to the establishment of anything in the nature of a standing committee with a right to be consulted collectively on all questions or even on all questions of a particular class.

In the administration of his department the minister will have the benefit of the experience of the permanent officials working directly under him, and we would suggest the enlargement and strengthening of the expert inspecting staff now available; while for information as to the manner in which local bodies are performing their ordinary duties, he will have the observations and reports of the district officers who come into daily contact with them.

4. Our enquiries have shown us that the control exercised over local bodies in England by the central authority and in many directions by intermediate authorities is very much more strict than it would appear to be the intention of the Government of India (as exhibited in the Resolution of the 16th May 1918) to retain in India.

Apart from the very great influence exercised by public opinion, the working of the minor local bodies is controlled in a diversity of ways, into details of which it does not seem necessary to enter here.

Ultimate control is, however, in the hand of the Government department, whether it be called the Local Government Board or a Ministry. All bye-laws need its sanction, it is continually issuing circulars and instructions and it has very great powers, under the Public Health and other Acts, of declaring a local body in default in regard to the services it should perform, and of ensuring their performance either by the defaulting body, by some other body or by its own officers. The board has seldom had to use these powers, but their existence has added great weight to the advice and admonitions of responsible officers whether of the local bodies or of the board. It has a staff of competent auditors who examine carefully the accounts of all local authorities except some borough councils : and it has inspectors to enquire into engineering, sanitary and other administrative questions. They do not, except with reference to certain recently instituted special services, engage in systematic or periodical inspection, but are available to hold enquiries into any question, whether of default or otherwise, with regard to which investigation is prescribed by law or is considered necessary by the central authority. As stated above, serious default by a local authority is rare ; if it does occur, it can seldom escape the notice of a superior authority. If it is not brought to light by the auditors, there are sure to be representations either in the press or directly to the Government department or some intermediate authority; and with regard to sanitary matters, the central authority can rely on information from the medical officers of health, many of whom, though paid partly or wholly by the local authorities, are not removable by their councils and are in a position of independence. Even where, as in the case of many boroughs, the medical officer is entirely subject to the Council, the County Medical Officer has powers of inspection and, if he cannot get defects remedied by his own influence, can set the machinery of the department in motion.

5. Although it is nowhere prescribed by law that the plans and estimates for works undertaken by local authorities shall undergo any outside scrutiny, in practice hardly any original work is executed without such scrutiny and the sanction of the central authority. It is against the accepted principle that works of permanent utility should be paid for from revenue or that more should be raised from the rates from year to year than is necessary to maintain the services; and all new works are paid for by loans. No local authority may raise a loan without the sanction of the central authority and when application is made for sanction to raise a loan, detailed plans and estimates of the projected work must be submitted. These plans and estimates are closely examined and criticized by the sections of the department concerned and a very thorough public enquiry is generally held by one of the inspectors of the Local Government Board It is not uncommon for sanction to be delayed till the authority applying has amended its estimates so as to meet the views of the Local Government Board and the board's control and check of all plans and estimates is thus very complete; there is every opportunity of obtaining local opinion as to the desirability of the work.

The power to sanction or withhold sanction for a loan is occasionally used as a lever to compel a local authority to carry out its duties in connection with matters other than that for which the loan is needed.

We consider that the principle that the cost of works of more or less permanent utility should not be paid from revenue is sound, that there should be an extension in India of the use of loans and that where the revenues of the future are mortgaged for a work, the plans and estimates should only be sanctioned after a careful scrutiny by an ouside authority. If this opinion is accepted, some modification appears necessary of the proposals set forth in paragraph 15 of the Resolution of the Government of India of 16th May 1918.

Equally careful scrutiny is of course required of plans and estimates for works to be executed with the aid of grants from Government; but in England it is not the custom to give free grants of public money for local works. Certain stereotyped payments are made from the Exchequer to local authorities and no special supervision is exercised over the expenditure of these. Otherwise grants are made only for purposes which are regarded as of a national or semi-national nature. For instance, the Road Board occasionally makes large contributions to aid an authority in raising the standard of a road which can be classed as "national" and the State pays half the cost of the treatment and prevention of tuberculosis and of the salary of health visitors in connection with Maternity and Child Welfare schemes; but no free grant is made towards the cost of a water supply or drainage system for a particular locality. The locality is expected to pay the whole cost for itself out of a loan, for the repayment of which, with interests, provision is made out of the rates.

6. In educational matters, the control of the central department is even more close and complete than that of the Local Government Board over the activities of local bodies. It rests less, however, on a legal basis than on the facts that a very large proportion of the expense of elementary education is paid from the Exchequer and that no one is willing to contemplate the possibility of the curtailment of the existing opportunities of education or to risk the loss of the subsidies by which alone even the present standard can be maintained. The inspecting staff of the Ministry is chosen with the greatest care, not only with reference to the academic distinction of its members and their general capacity, but also with reference to their powers or moral suasion and care is taken not to antagonise local bodies unnecessarily; but it is recognised that the advice and persuasion of the inspector represent the views of a well-co-ordinated department which is able to enforce them in the last resort; and an instance of enforcement which has been quoted to us was one in which the London County Council was fined £10,000 for failure to maintain a proper standard of education.

7. Public opinion is enough, however, in most cases to keep local authorities up to the mark, and it is in this respect that we find the conditions in England to differ most widely from those in India. Both directly and through organizations such as Rate-payers' Associations, it exercises a continuous pressure on any authority with a tendency to transgress and checks both collective councils and individual members; and any extravagance or neglect on the part of a local body immediately raises criticism which may lead to complaints to the central or some intermediate authority and ensures that no individual who disregards the wishes or interests of his constituents shall retain his position. Over the greater part of India public opinion is not an active force in local politics. Some distinction must be drawn, of course, between different Provinces and between municipal towns in which attempts are sometimes made by sections of the public to give expression to their views and rural areas in which distances are great and communications inferior, and there are few people with education enough to enable them to set forth their needs; but in both there is lacking the powerful stimulus to the evolution of public opinion which is afforded in England by the settling of the rates by each local authority every year. The assessment is entirely on real property; the rates range from 5*s.* to 15*s.* in the £1. There is, theoretically, no limit to what may be levied by these authorities for the purpose of the services they are bound to carry out. The rate-payer is concerned not only in seeing that the rates are not excessive but also that the public receives proper value for the money it pays; and until the connection between taxes and services can be thoroughly brought home to him, it is not probable that the Indian rate-payer will take the same interest in the personality and proceedings of his local council as is shown every day in England. For this reason we think that, at least in municipalities, the existing limitations on the powers of the councils to vary their rates should be reconsidered at once and as far as possible removed, though we recognize that in some parts of the country it may not be possible at present to give

the councils the freedom enjoyed in England. For district boards it may be necessary, owing to the general conditions of taxation, to lay down a maximum, but, if so, we are of opinion that the boards should have unrestricted power to vary the rates within the prescribed limits.

Our recommendations are with reference to popularly elected bodies and we think that this freedom from control in the matter of taxation should, where circumstances permit, be accompanied by a stricter enforcement than heretofore of the responsibility of the councils to maintain their essential services at a proper standard.

8. In our visits to various local authorities we have been much impressed by the keenness and energy displayed both by the members of the councils and committees and by the officials in their employ. The efficiency of the councils must be attributed largely to the system of working through committees to which the councils delegate, where possible, all their powers under the various Acts they administer. The chairmen of these committees are in a most responsible position and devote much time and trouble to their work. The results come before the councils in the form of reports at their periodical meetings and may on occasion be criticized but are seldom interferred with. The officials are carefully selected and usually adequately paid and both deserve and obtain the confidence of their employers. Even in England however it has been found that, in order that the best results may be obtained, some measures must be taken to protect the higher officials, and to lessen their dependence on their councils, and to make them in a sense the agents of the central authority. Under the Local Government Act of 1888, the Clerk of the Peace in each county became the Clerk of the County Council, and though the County Council pays him, it cannot appoint or dismiss him or fix his salary. The appointment and salary are determined, subject to the approval of the Home Secretary, by a Standing Joint Committee composed partly of members of the County Council and partly of the County Justices and he holds office 'during good behaviour.' A county medical officer of health cannot be removed from office without the approval of the Local Government Board; nor can the medical officer or inspector of nuisances in the employ of any other local authority if any part of his salary is paid out of money voted by Parliament; and the promotion of security of tenure is one of the objects with which in all urban and rural districts and some boroughs one-half of the salary of these officers is paid from funds supplied from the Exchequer to the County Councils. It is hoped to obtain security of tenure for the surveyors employed by local authorities under the Ways and Communications Bill now before Parliament, and it may be said that the tendency is to secure the same privilege for all officers who have responsible duties to perform; and for the purpose of still further improving their position, the introduction of superannuation schemes towards which the State will contribute is under discussion. It stands to reason that insecurity will tend to prevent the best men entering the employment of local bodies or giving them their best services; and we are of opinion that under the new conditions which will prevail in India any fresh legislation on Local Self-Government should provide specifically for control over the appointment, removal and salaries of the principal officials of the local bodies. If necessary this control may be based on the payment by Government of a part of their salaries in view of the probability that many of them may be required to undertake work for Government.

9. We consider that the position of the auditors who deal with the accounts of local bodies in India needs stengthening, and, with the employment of auditors of really good standing and capacity, we would like to see introduced the English practice under which the public has the opportunity of being present and raising objections to items in the accounts and responsibility can be enforced by means of surcharges, allowances and disallowances. As things are, waste or misapplication of funds is seldom brought into prominence, or comes to light so long after it has occurred, that it is difficult to fix responsibility and almost impossible to penalize a guilty party. We think that the auditors should have full authority to surcharge on individuals or bodies and that they should be given the duty of recovering all surcharges and disallowances in a court of summary jurisdiction if

the parties affected do not immediately take the prescribed steps to obtain remission. In England it is very seldom necessary actually to recover surcharges since the mistakes found are generally not to be ascribed to dishonesty or gross negligence, but it may be noted that an auditor has power even to surcharge an authority or officer in the rare event of neglect to collect the rates.

10. Before concluding our report we wish to place on record our sense of obligation to the various officers of the Ministries of Health and Education and of the local bodies who have assisted us in our enquiries. They have met us everywhere with the greatest courtesy and attention and all have given time and trouble ungrudgingly to enable us to obtain the information we wanted.

Sd.) R. A. GRAHAM, *Chairman.*
„ B. C. ALLEN.
„ C. A. CLARKE.
„ O. F. LUMSDEN.
„ E. G. TURNER.
„ G. G. SIM.
„ J. D. SIFTON.
„ J. H. LINDSAY.
„ S. N. BANERJEA.

LONDON;
1st August, 1919.

Report to the Government of Bengal by the Hon'ble Mr. Surendranath Banerjea on the working of the English system of Local Self-Government.

I have signed the Collective Report of my colleagues. By the terms of our reference each member of the Committee is required "to advise his own Local Government as to the desirability of adopting any feature of the English System in provincial legislation". This note is intended to meet this particular point in the reference. It applies to Bengal, though I think in view of the close relationship between the different systems of Local Self-Government throughout India, all deriving their basal principles from Lord Ripon's Resolutions of 1881 and 1882, my observations will have a general and more extended application, subject of course to varying local conditions.

2. My first suggestion is the creation of a Local Government Board for Bengal, and I see no reason why a similar institution should not be established in all the provinces where the conditions are not dissimilar. With the introduction of responsible Government, the institution of Local Self-Government will enter upon a new phase. The Montagu-Chelmsford Scheme recommends (paragraph 188) that "there should be as far as possible complete popular control in local bodies and the largest independence for them of outside control". This two fold object would be secured by making the local bodies wholly elective in their personnel and constitution as under the English system, by relieving them largely of the restrictions to which they are subjected in regard to the details of administration which indeed has been done in a considerable measure in Bengal, and by placing them under the supervision and control of a Local Government Board as in England. The English system of having aldermen on municipal boards may be considered and perhaps tried. This will help to do away with the system of Government nominations and yet secure the services of persons of distinction who may not care to contest elections and of men belonging to small minorities who may have no chance of success in open elections. The proposals for the creation of a Local Government Board has been under the consideration of the Government ever since the inception of the institutions of Local Self-Government. It was considered for Bengal in 1882 and was negatived by the Secretary of State. Lord Morley

referred to it in his despatch of the 27th November 1908 observing that it should be considered "how far in each province it would be desirable to create a department dealing exclusively with these local bodies, guiding and instructing them, correcting abuses in a form analogous to the operations of the Local Government Boards in this country." The question came up for consideration before the Decentralization Commission in 1909 and was rejected by them though the late Mr. R. C. Dutt, the only Indian Member of the Commission was in favour of it. Indian opinion, whenever it has had an opportunity of expressing itself, supported the idea of a Local Government Board. A Resolution was moved in the Imperial Legislative Council in 1914, recommending the creation of Local Government Boards. It was largely supported by the non-official Indian members, but the Government did not see their way to accept the recommendation. The views of the Government of India, however, like those of all progressive Governments have now undergone a change; and in their Resolution, dated the 16th May 1918, they "suggest for the consideration of the Provincial Governments the constitution of a central body which should co-ordinate the experience of the local bodies and provide improved control and guidance by entertaining further inspecting establisments if necessary". The Resolution goes on to add: "Such a central body should be in direct touch with the Government and might fitly be presided over by a member of the Executive Council. It should further be considered whether in place of a formal board there might not be a standing committee for local and municipal affairs in direct contact with the Government to be largely drawn from elected members of the Legislative Council.

3. The Government of India recognize the need ofc o-ordinating the work of the local bodies. In Bengal, and I presume it is the case in other parts of India, the local bodies are supervised by the Magistrate of the District and the Commissioner of the Division where there is one. The result is that the degree and the quality of the supervision differ in different places. There is no guarantee of the continuity of a definite policy or of the steady growth of sanitary and other improvements. I have been informed of works of sanitary improvement started by one Magistrate which were suspended by his successor on his transfer to another district. If there was a central supervising authority, such a contingency would be impossible. Under existing conditions the efforts of local bodies are often dissipated Acting in their individual spheres and as isolated units without a central co-ordinating authority they often lack method, initiative, expert knowledge and organized effort which at times as in the case of drainage and water works must extend beyond their immediate local jurisdictions: Local Government in the conditions which are now about to be established in India must play an increasingly important part in the administration of the country. It will deal with sanitation which, in Bengal, is the most vital problem and also very largely with the sphere of education. Expert knowledge and guidance will be needed. Obviously the District Officers, and I mean no reflection upon them, are not as a rule experts in these matters; and if even they were, the demand upon their time and attention are so multifarious in connection with the general administration of their districts that it would be impossible for them to do justice to them. The Government of India indeed express the view in the Resolution to which I have referred that "the powers of Collectors and Commissioners should be maintained" in connection with local affairs. I submit that, if there is to be a central authority, the interposition of intermediary authorities would not only be unnecessary but would complicate the working of the machinery and cause avoidable delay. It should be open to the central authority to invoke the assistance of the Collectors and the Commissioner for information and report, but neither the District Officer nor the Commissioner of the Division should have a recognized or statutory place in the new machinery of Local Government.

4. It will be seen from the extract which I have quoted that the Government of India suggest for the consideration of the Local Governments the formation of a Local Government Board. It should, in the opinion of the Government be "a formal board or a standing committee for local and municipal affairs in direct contact with the Government and to be largely drawn from elected

members of the Legislative Council." The views of the Secretary of State are somewhat different, though both these high authorities are agreed that there should be a Local Government Board for instruction and guidance. The Secretary of State says in his despatch of the 29th November 1918:—

> "Such powers as are possessed and in practice frequently exercised by the Local Government Board in England seem to be a necessary part of a well administered system of self-government in local areas, and I do not consider that the place of such a permanent department can effectively be taken by a standing committee of the Legislature. A body such as you contemplate would, I doubt not, prove very helpful to the Local Government and would be analogous to the advisory committee that aré often established in this country by ministers of departments for the purpose of reference and consultation. That such committees cannot exercise the continuous control and guidance that is required and are merely ancillary to the permanent establishment of trained officials and experts who form the department and who discharge the duties of supervision and control which by law or statutory rules are assigned to the central authority. The expert inspecting establishment which you suggest might eventually be entertained by the standing committee, would according to the English practice form a permanent department under the minister, and would report to him and act under his instructions. It would be for him to decide the cases in which and the manner in which he would take the advise of the standing committee. I make these remarks because the English practice is the outcome of long experience and, in my opinion, maintains a necessary distinction between the duties of the permanent executive staff, the individual responsibility of the minister and the functions of an advisory committee."

5. The principles laid down in the concluding passage of the despatch I have noted, will, I venture to think, commend themselves to Indian public opinion. There should be the undivided responsibility of the minister, and no institution should be created calculated in any way to minimize or to reduce it; and it is equally clear that he should be aided by an inspecting and supervising staff who would be subordinate to him but whose responsibility to him in their own spheres must be equally clear and well-defined. In this connection I may perhaps add that it would be expedient to provincialize municipal and district board service in its higher branches above a certain pay. In England, the Local Government Board means the minister, and he is not assisted by a board on standing committee, unless he chooses to call one to his aid for any special purpose. As the experiment of a popular minister controlling a great department could be altogether new, and it is possible that he may not have personal experience of the working of local boards, I would recommend the formation of a standing committee purely advisory in its scope and functions to assist him, the committee consisting of not more than three or four members to be selected by the minister himself from amongst the elected members of the Legislative Council. Such a body, if properly chosen, would place him (and he would have the strongest motive to make a wise selection) in possession of first-hand knowledge and experience and at the same time his responsbility would remain unaffected as he would be under no obligation to follow their advice. The committee may be further strengthened by two additional members, one representing the municipalities and the other the district boards of the province chosen by them. The initiative would remain with the minister, his sense of responsibility would be unimpaired; his schemes of improvement would be bold yet tempered with caution, the result of helpful and well informed advice, and yet he would be firm in their execution. After a time such an advisory committee may not be needed, but it seems to me to be a desirable safeguard at the start. The existence of such a committee need not interfere with his calling to his aid such other expert advice as he may think necessary.

6. The Local Government Board in England is vested with large powers of control and supervision. But it is not to be understood that it is autocratic in

the exercise of its powers. Persuasion rather than compulsion is the chief weapon in its armoury, and persuasion having behind it substantial authority which may at any moment be called into operation is usually found to be effective. Public opinion plays a prominent part in the working of the entire machinery of Local Self-Government in England; and I feel that with the transfer of the departments to popular control with a minister responsible to the Legislature and with a sense of growing power in the electorate, popular opinion will within a reasonable distance of time become a powerful and inspiring factor in determining the administration of our system of Local Self-Government. I have no fears as to the autocracy of a Local Government Board. For the board will mean the popular minister responsible to the Legislature and amenable to its control and in the last resort to that of the electorate.

7. The efficiency of an administration, local or provincial, largely depends upon its funds and much of the usefulness of local bodies and of their capacity to cope with their legitimate work will be determined by the measure of their financial resources. Lord Morley, in his despatch of the 27th November 1908, to which I have already referred, says in regard to this aspect of the question that funds have not existed for an efficient executive staff. The friends of Local Self-Government in India from Mr. Gokhale downwards have all deplored the inadequacy of the resources available to the local bodies. In England the local bodies possess unrestricted powers of taxation, of which considerable use is made. But it is idle to think of local bodies in India emulating the local authorities in England in this respect. With our growing wants and the pressure of public opinion to meet them the rate of local taxation will rise; but even then a large margin of local wants will have to be supplied from resources other than local. In England substantial grants are made by the State to local authorities for what are called semi-national services, such as primary education, tuberculosis, child-welfare, housing, etc. Here is an extract from an essay by Captain C. M. Lloyd on constitutional problems which appears in the Local Government Series, No. 1, page 40:—

> "But modern economic changes and the development of public opinion have led in the last few years to a rapid growth of the grants-in-aid, especially on the national or 'semi-national' services. By the year 1916, the total subventions from the national exchequer to the local authorities in England and Wales (which, in 1870, was under £2,000,000 and in 1900 about £10,000,000) amounted to £23,160,815. And the sum, of course, has continued and will continue to rise with the recent extension of the principle in the sphere of public health (*e.g.*, grants-in-aid of clinics, maternity services, treatment of tuberculosis and venereal disease), and the large subsidies promised in respect of housing in the near future. The bulk of these subventions, it is important to notice, do not pass through the local Taxation Account, but are "monies voted annually by Parliament," and these represent a re-action against the Goschen system, and a return to the old plea of direct grants. Of the £23,160,815 mentioned above only about eight and a half millions come from the local Taxation Account, and the proportion of the direct grants is steadily increasing."

The above demonstrates the growing tendency of Parliament to make grants to the local bodies out of State funds in aid of semi-national services. The volume of these grants has steadily grown from year to year. Waterworks, drainage, primary education, anti-malarial measures, and such as may be adopted for the prevention of eradication of cholera and plague and others which might be named, should be regarded as semi-national services in the English sense. I strongly recommend that the Government should follow the English example in this respect and assist the local bodies with their subsidies. Something has been done in this respect by making over to local bodies the proceeds of the Public Works Cess; but the policy is one that in view of our growing local wants is capable of considerable expansion. In the Provincial Budget a fixed allotment should be provided for subsidies to local bodies and also provision should be made for loans to be advanced to them.

8. There is only another matter to which I desire to refer in this Report. In England, primary and even secondary education are controlled by the local authorities, subject to the supervision and control of an education board presided over by a minister responsible to Parliament. The local authorities may appoint the teachers, lay down the curricula and generally control the administration of details, but they must follow the policy and the programme laid down by the board. In Bengal, primary and in some cases even secondary schools are maintained by grants made from the local funds; but the local bodies have little or no control over them. They are managed by school committees controlled by the Government Department. This is in violation of the elementary principle that, where there is financial contribution, it must be accompanied by administrative control. But what is more important from the practical point of view is that the control of the local bodies conversant with local conditions and inspired by local patriotism would add to the efficiency of these schools and in the end promote the general interests of education. This is the case in England, as I have been told by high authority, and there is no reason why the same result should not follow in India from the operation of similar conditions. Next to religion, education is our most sacred concern; and nothing would afford a more powerful impetus to the development of local public spirit than this new sphere of public duty; and the awakened public life of the locality would re-act upon the entire range of local concerns and exercise a bracing influence over them all. Increased expenditure would be cheerfully acquiesced in and local resources would gladly respond to the new local demands. Increased power would foster responsibility and stimulate the spirit of sacrifice to meet it. English rate-payers are wealthy, but the readiness and spontaneity of their local efforts have their roots in the consciousness of the possession of power and responsibility. I recommend the adoption of the English system, subject to variations dependent upon differences in local conditions. The recommendations of the Calcutta University Commission for the creation of a board to control secondary education need not interfere with the suggestion which I have made. The board will be in the position of the Education Board in England, and subject to the general control which it may exercise and the policy which it may lay down the details of administration in connection with the secondary schools may be left to the local bodies. If, indeed, it should be deemed inexpedient to start a new experiment in secondary education such as is recommended by the University Commission with a large measure of power vested in local bodies unused to educational problems of this character and magnitude, the school classes below the high schools may be made over to the control of the local bodies.

9. I consider it desirable to adopt the above features in the system of Local Self-Government in Bengal, and as I was the only Indian member of the Committee I may, perhaps, be permitted to suggest that their applicability to the other provinces of India should also be considered.

LONDON,

Dated the 19th August 1919.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Tuesday, the 24th February, 1920.

PRESENT:

he Hon'ble SIR CLAUDE HILL, K.C.S.I., C.I.E., *presiding,* and 60 Members, of whom 53 were Additional Members.

RESOLUTION *RE* APPOINTMENT OF HIGH COMMISSIONER FOR INDIA IN LONDON.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to 11-3 A.M.
oove the Resolution which stands in my name and runs as follows:—

> 'This Council recommends to the Governor General in Council that early steps be taken or the creation of the appointment of High Commissioner for India in London and his office, nd that full consideration be given to the claims of Indians to appointments created in this onnection.'

"This is a matter which I venture to hope will not provoke much controversy and that possibly the Government will be pleased to accept it. In September 1918, my Hon'ble friend Mr. Khaparde moved a Resolution in this Council for the appointment of an Agent General for India in London whose ousiness it would be to deal with stores, look after Indian students and similar things. As Hon'ble Members may be aware the functions of the Secretary of State are two-fold. In one capacity he deals with political and administrative questions, and in another capacity he has agency work for the Government of India to do. My Hon'ble friend's idea was to separate the two functions and to make over the Agent's work to a representative somewhat on the lines of the Colonial Agents General. The Colonial Secretary of State, for instance, has no concern with similar work in England. My Hon'ble friend, Sir George Barnes, did not see his way to accept it and it was lost. Although the Government of India threw cold water on the subject, our friends did not lose courage and the matter was taken up in England. There were two Indian witnesses before Lord Crew's Committee, both of them come from what is known as the Moderate camp. I freely confess that I do not appreciate the distinction. I really do not realise what the term connotes. One of the witnesses, Mr. K. C. Roy, in his evidence strongly pressed this matter on the notice of the Committee. The Committee was pleased to accept the recommendation, and in their report of June 1919 they say :—

> ' We are satisfied that the time has come for a demarcation between the agency work of the India Office and its political and administrative functions, and that the step would commend itself to all classes of opinion in India as marking a stage towards full dominion status. Accordingly, we recommend that preliminary action should be taken with a view to the transfer of all agency work to a High Commissioner for India or some similar Indian Governmental representative in London. We suggest that, in the first instance, communications should be entered into with the Government of India with the object of transferring to the direct control of that Government, the Stores Department and also the Accountant-General's Department (subject to any necessary reservations, including the retention of work connected with higher finance), and that the Government of India should at the same time be invited to make suggestions for the transfer to their control of any other agency business, such as that transacted by the Indian Students' Department.'

The Council will see thus that the Committee adopted most of the suggestions that my friend Mr. Khaparde put forward. I cannot help feeling, Sir, that the Government of India, through a lack of perspective, missed the initiation of the scheme which might have been theirs. However, the matter is now placed beyond the stage of discussion, debate and deliberation, for not only has the Joint Parliamentary Committee made similar recommendations, but the matter has now found a place in the statute. In section 35 of the Government of India Act it is laid down :—' His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom and for his pay, powers, duties and conditions of employment'. Therefore, what we are now concerned with is, when the Government of India is going to give effect to that enactment, or is it merely to remain a pious wish; we are concerned with when and how this department is to be set up. I submit that this is a matter in which the Government of India must follow the practice of the Dominions. It is well known that they have a representative who is called the Agent General in London and is drawn from a class of persons born and bred in the Dominions I suggest similarly that this appointment should go to a qualified Indian who has won the confidence of his countrymen, and who will be able to fulfil the post with distinction to himself, with credit to the Empire and benefit to India. That is my submission and not only that, but I submit that in the making of all appointments in this connection, consideration should be given to the claims of Indians; we must try to make this office a really effective Indian organisation, run for India by Indians. With these words I commend the Resolution to this Council."

11-10 A.M. **The Hon'ble Mr. G. S. Khaparde** :—" Sir, it is a matter of great satisfaction to me that the resolution which I moved in the Simla Session of 1918 has gone through the usual stages. First is the stage of ridicule, next is the stage of argument, and the last is the stage of acceptance; and this resolution of mine has gone through all these three stages. When I first proposed it, one of the Hon'ble Members, a friend of mine, could not understand what I meant then, and he thought that I was making a joke or something of that kind. That was the first stage Then came the argumentation stage, in England and the last stage has now been reached regarding the formation of the India Office establishment about which my Hon'ble friend, Mr. Chanda, just read a passage. So it is accepted now that a High Commissioner will be appointed. I proposed the name of High Commissioner in 1918, but I thought then, as I think now, that the designation of Resident Minister would be a better one, because the term of Agent General was not then much in favour. However, I am entirely in sympathy with the Resolution moved by my Hon'ble friend, Mr. Chanda, particularly with that part of it where it says that full consideration be given to the claims of Indians to appointments created in this connection. My friend has confined his remarks merely to the person who would be chosen to become the High Commissioner in London. My idea goes still further than that I say that not only the High Commissioner should be a duly qualified Indian, but his establishment should also be Indian.

In the same speech which I made in Simla, I said that many ministerial officers are going to be appointed in the India Office, but most of them have not seen India at all and probably they would find difficulty in dealing with the subjects. So I propose that it should be made a condition precedent for employment in the India Office that those people who would be appointed in the India Office should spend a part of their time in the Secretariat here, and I also said, which I repeat to-day, that the people in the Secretariat here should get promotions and they should be sent to the India Office. I also said then, and I still say it, that I personally like that a large number of Indians should go to England, and a large number of English people should come to India so that an additional link between the two nations may be established, or to speak in the modern language, the two democracies of India and England may be brought together and made to understand each other. At any rate such a course would facilitate their coming to a common understanding. So I heartily support this proposition, and I would heartily recommend that the posts of High Commissioners and their establishment should be largely Indian, if not exclusively Indian. They should be as largely Indian as you can possibly make it With these remarks I support the Resolution, and I hope that Government will see their way to accept this recommendation."

The Hon'ble Mr. V. J. Patel:—"Sir, I do not know whether 11-14 A.M. it is really to the advantage of India to have a High Commissioner for India in London at this stage of our development. I say, I have my own doubts about the usefulness of the post, because, I believe, that so long as the High Commissioner is to be controlled by the Government of India, which is not controlable by the people of India, I doubt very much whether the High Commissioner will reflect and represent the opinions of the country at large. I quite see that there is a necessity for a High Commissioner in London from India, but the question is, whether he will serve any useful purpose and will really represent the views of the people at large, and I have my own doubts on this point. However, it is a settled fact that we are going to have a High Commissioner. The question has been settled in the Government of India Bill itself, and what my Hon'ble friend Mr. Chanda wants now is that the Governor General in Council should take early steps for the creation of the appointment of a High Commissioner for India in London. That is one thing that he wants, and the second thing that he wants is that full consideration should be given to the claims of Indians to appointments created in this connection. Well, as regards the first point, it may be mentioned that although the Government of India Bill has passed into an Act, the Act has not come into force yet. It requires yet a notification by the Governor General in Council. So long as there is no notification the Act or any part of it does not come into force at all, and if I understand my Hon'ble friend Mr. Chanda rightly, he wants that the Government should now issue a notification in regard to that particular provision of the Act. Perhaps the Council will remember that when the Government of India Bill was discussed in the House of Commons, Colonel Yate moved an amendment that the Bill should not come into force until the rules were all settled and passed by Parliament. To that the reply was that there were certain sections in the Bill which could come into force at once, and for which there was no necessity for waiting for the rules. I think it was Major Ormsby Gore who made a pointed reference to this particular provision in the Bill I read a few lines from his speech. He said :—

> 'I think the Hon'ble member opposite is under a misapprehension as to what the effect of this amendment will be. The effect, as I read it, is that no part of this Bill can be put into force until all the franchise rules and things of that kind have received the affirmative assent of this House. That seems to me quite unreasonable. It is quite impossible for the new local legislatures or the proposed Ministries to come into force until these Rules have been approved by this House. But there are things in the Bill, such as the appointment of a High Commissioner for India. Does the Hon'ble and gallant gentleman want all this sort of thing held up pending the settlement of the Franchise Rules? It is really unreasonable that you should hold up a Bill, which is to receive the assent of

the King Emperor, and prevent the coming into force of many of its important clauses while we are waiting for the machinery to come from India for the approval of this House of certain franchise and other Rules.'

"So it seems certain that the view of the House of Commons then was that this particular provision of the Bill should come into force immediately without waiting for the rules to come from India, and my Hon'ble friend Mr. Chanda now wants that a notification to that effect should issue, so that the appointment of High Commissioner could be made under it.

"The next point is that in making the appointment the claims of Indians should be taken into consideration. Well, I personally do not see much force in the demand, though I do not wish to oppose that part of my Hon'ble friend Mr. Chanda's Resolution. It does not matter whether you have an Indian or a European so long as the incumbent is not to be controlled by the representatives of the people. He will be guided, whether he is a European or an Indian, he will be controlled by the Secretary of State and the Government India, and he will have to follow the instructions laid down and orders issued for him from time to time by them. Rules will be framed under that section and those rules will be binding on him. However, I should certainly like to see an Indian appointed as High Commissioner, if Mr. Chanda thinks an Indian in that post will do much better than a European. With these observations, I support the Resolution."

11-20 A.M. **The Hon'ble Sir William Marris**:—"Sir, I think the Council will gather from the fact that I have been asked to deal with this resolution by the Hon'ble Member for Commerce and Industry that this question of the appointment of a High Commissioner in London has not actually reached the positive constructive stage. I do not mean to say that we are vague about it or theoretical, but it is a case in regard to which we have not yet got a plan clearly thought out in detail. We have a definite idea of the nature of the office and general character of its functions, but we have not yet got, so to speak, the working drawings. We trust the time is by no means far off at which we shall have them, but we have not quite reached that point yet. Now, Sir, in the sense that questions relating to the operations of the Stores Department of the India Office and their re-action upon Indian industries have been for some time agitated, this question is not a new one, but in the further sense that such dissatisfaction as has been expressed at the arrangements for the purchase of stores has now become embodied in the concrete desire for a High Commissioner and the beginning of the emancipation of our business operations in England from the absolute control of the India Office, in that sense, Sir, this project is not a very old one. The germ of it lies in that paragraph of the Report on Constitutional Reforms which advised that the agency functions of the India Office should be segregated from their political and administrative functions and that the latter alone should be a charge upon Indian revenues. That report was published in July 1918. As the Hon'ble mover has told us, a month or two later the Hon'ble Mr. Khaparde moved his resolution for the appointment of what was then called an Agent General, whose functions would be primarily to undertake the purchase of stores, to act as Indian Trade Commissioner, to look after Indian students, to make purchases of silver, to take over the work of the Finance Committee of the India Office, and so forth. That resolution, Sir, was not accepted by this Council. I do not think the Hon'ble Mover put the matter quite fairly when he said that Government threw cold water on it. The fact was, as the Hon'ble Member in charge pointed out, and as was known to the Council at the time, that the Industrial Commission was then sitting and was very much concerned in this question of the production and purchase of stores, and that that Commission was likely to make proposals for the development of the production of stores in India in a way which the retention of the purchasing power in the hands of an Agent General might rather thwart than encourage. That was the view which the Hon'ble Commerce Member presented to the Council and which met with the acceptance of the Council. The Hon'ble Mr. Khaparde, however, made it plain that the duties of this officer in London might be a question of detail, and what he was largely driving at was the provision in London of a representative of Indian interests, who would not be under the control of the India Office, but an officer of the Government of India, and although the Resolution was not accepted by Government or Council, that was a point of view for which everyone I think felt that there was much to be said.

"The next stage, Sir, was the report of the Crewe Committee on India Office organisation. They went a little further than the Montagu-Chelmsford Report and proposed a demarcation between the administrative and political and the agency functions of the India Office. They thought that the step would be acceptable to Indian opinion 'as marking a stage towards full Dominion status' But when we look at their positive proposals we see that they fall short of this. What they recommended was that the direct control of the Stores Department of the India Office and some of the Accountant General's work of that office, (but not high finance), and other work that lent itself to such treatment, such as the business of the Indian Students Department, should be transferred to the new office. They thus left a perceptibly wide gap between the functions of the office which they contemplated and those of a full blown Dominion High Commissioner. And it is, I think, obvious that that distinction must be made so long as Parliament and the Secretary of State retain the responsibility for Indian affairs which the Government of India Act lays upon them. The Indian High Commissioner cannot exercise the diplomatic functions which Dominion High Commissioners do. I think that is clear. At all events the Joint Committee thought so, for they laid it down significantly that our High Commissioner's functions should be functions of agency as distinct from political functions analogous to those performed by Dominion High Commissioners. This inevitable decision cuts out from immediate consideration what to my mind is perhaps the most interesting feature of the subject, namely, the problems that arise in respect of diplomatic relations.—I mean the indeterminate position of the High Commissioner between the changing Dominion Governments and the great Departments in Whitehall. It is an interesting thing to an observer of political developments to notice that it has always been the aim of the Departments to treat these Dominion High Commissioners as the diplomatic representatives of the great Dominions in London and to deal with the Dominions through their High Commissioners. There has been, on the other hand, a perceptible reluctance on the part of the Parliaments of the Dominions to allow their representatives that status, and when Imperial matters of first importance have come up for discussion, that discussion has not been conducted, as might have been expected, through the High Commissioners, but the Premiers or leading statesmen of the Dominions have come over to participate at first hand in the deliberations. That, Sir, is not an aspect of the matter which immediately concerns us because it may not arise. But limited as the functions of our High Commissioner may be at the outset, it seems to me perfectly certain that the mere fact that we have a representative of our own in London will result bit by bit in new functions being given to him, and personally I should forecast at no very distant date an interesting question arising as to the powers of the High Commissioner and the rights of the Government of India to deal with him *vis a vis* of the Secretary of State.

"However, leaving these questions which do not immediately arise from the Resolution and confining ourselves only to the sure ground upon which we have to build, we may take it that the High Commissioner in London, an office which is shortly to be created, will at all events deal with the purchase of such stores as are required to be bought overseas. He will have asssociated with him an Indian Trade Commissioner, and he may or may not exercise functions connected with the supervision of Indian students.

"Well, Sir, what then is the position at the present moment? The position is that the Government of India of course intend to pursue this policy and to make this appointment, but at this actual moment a Stores Committee is in session to consider the question of the arrangements to be made for the purchase of stores in India. The question of the arrangements to be made for the purchase of stores in England must obviously depend upon what is seen to be possible and expedient as regards purchase in this country, for the most direct way in which we can stimulate production in this country is by purchase in this country; such production must come first; it must be furthered by every legitimate and prudent means. That, Sir, is the declared policy of Government and it has the support of Indian opinion. As soon, therefore, as the Stores Committee have advised upon this question the Government of India think that the time will be ripe to take up this matter of moving for the appointment of a High Commissioner and of definitely defining his duties. They are perfectly willing to give an undertaking that the question will then be considered, and it goes without saying that the further question which is raised by the Hon'ble Member's Resolution will receive the fullest consideration also. With this explanation, Sir, that we must first see one more step ahead of us before acting, the Government of India accept the Hon'ble Member's Resolution."

11-33 A.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I am grateful to the Hon'ble Sir William Marris for his kind acceptance of my Resolution with certain reservations.

"While I was listening to his very instructive and very interesting speech—it was several times the length of my few remarks—I was wondering whether I would not be justified in characterising the present attitude of Government as the same which was adopted in 1918, namely, that of throwing cold water upon the scheme. It is now two years since this matter was debated and recommended by the Crewe Committee, the Joint Committee and lately found a place in the Statute; still we are told that the time has not yet come, and that many other things have to be taken into consideration. However, I am pleased to hear that Government accepts my Resolution. I am prepared, Sir, to accept the attitude that we must go through several stages and that we shall have progressive realisation in this also as in other matters. I, therefore, express my gratitude for the attitude which has been taken up by the Hon'ble Member."

The Resolution was put and adopted.

RESOLUTION *RE* PROVINCIAL SERVICES.

11-34 A.M. **The Hon'ble Mr. Sachchidananda Sinha**:—"Sir, at the time I gave notice of the Resolution* which stands in my name, the orders of the Secretary of State in regard to the recommendations of the Public Services Commission about the Provincial services had not been passed and there was no knowing when they would be passed. But yesterday, in reply to an interpellation, the Hon'ble the Home Member gave information that the orders had been passed which makes it unnecessary now for me to press this Resolution. I, therefore, ask for leave to withdraw it."

The Hon'ble Sir Claude Hill (*presiding*):—"The Hon'ble Mr. Sinha's Resolution is by leave withdrawn."

The Hon'ble Sir William Vincent:—"May I rise to a point of order, Sir. Has it not to be put to the vote?"

The Hon'ble Sir Claude Hill (*presiding*):—"It has not been moved."

The Resolution was by leave withdrawn.

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*This Council recommends to the Governor General in Council that orders be passed without further delay on the recommendations of the Public Services Commission relating to the various Provincial services.

RESOLUTION *RE* AMNESTY TO POLITICAL OFFENDERS.

The Hon'ble Mr. V. J. Patel:—"Sir, I beg to move the following Resolution :— 11-35 A.M.

'This Council recommends to the Governor General in Council that he may be pleased to give the fullest effect to the letter and spirit of the Royal Proclamation in regard to clemency to political offenders.'

"Sir, the policy of His Majesty's Government is to introduce responsible government in India, and, in order that that policy might be carried out successfully, it is necessary that the officials, *i e.*, those responsible for the government, and the people of India must work together. Now they must, I say, work together with a common determination for a common purpose, namely, the attainment of responsible government in India. This is possible if there is co-operation between the people and the officials. Now, in order to bring about the necessary co-operation, it is absolutely essential that all traces of bitterness between the people and the officials must disappear. Now, how are those traces of bitterness to disappear ? Several ways were first hinted at by Colonel Wedgwood in the House of Commons on the the 5th of December. Colonel Wedgwood in his speech on the third reading of the Government of India Bill, uttered these memorable words :—

'This Bill is not enough. India is not vitally interested in this Bill. India is infinitely more vitally interested in the repeal of the Press Act, of the Seditious Meetings Act, the Rowlatt Acts, and all the un-English Acts with which we have had to hold down India. India is much more interested in an amnesty for political offenders, for those hundreds of men who still lie in jail in India or who are banished all over the world. If this Bill is to be a success, if it is to work, remember that it must have the right atmosphere in which to work. Unless it has that right atmosphere, no amount of amendments, even if we carried them from the Labour benches, would put the matter right. No amount of amendments would unite the English and Indian peoples as they ought to be re-united. They have been severed—I will not go into the reason of it now—by people who did not know what England stood for. We have to bind them together. This Bill is not enough. Start from that, but for goodness' sake when this Act comes into force, when the new constitution is granted to India, see that it is accompanied by a full amnesty for all political offenders, and see, above all, that it is accompanied by a declaration of rights which will put the humblest Indian subject of the British Crown on the same footing as any of us here, and establish all those principles for which the English have fought in the past when they conquered their rulers.

'Give us throughout the whole British Commonwealth a people divided neither by colour bars nor by any differentiation in the rights of men.'

"Those are noble words of a noble member of the House of Commons. Now, what do we find ? A few days after that, I think about two weeks after that, comes the Proclamation from His Majesty the King-Emperor embodying one of the suggestions made by Colonel Wedgwood, namely, the general amnesty. Of course the Proclamation is not exhaustive as to the ways by which all bitterness can be obliterated; it refers to one of the ways, namely, general amnesty to all political prisoners. Now, Sir, the question is whether the fullest effect has been given to this command of His Majesty. Well, of course, if the fullest effect had been given there was no justification for the admission of this resolution. The very fact that His Excellency has been kind enough to admit this resolution is proof enough that the fullest effect has not been given. But, apart from that, it is necessary for me to give this Council a few facts and statistics to show that the letter and the spirit of the Royal Proclamation have not been observed. I take Bombay first. In Bombay 123 people were convicted by the Martial Law Commissioners. Out of these 123 I think 72 were released, and 51 are still rotting in jails. I know that the sentences of 18 of these 51 have been reduced, but I submit to this Council that it is not a question of reduction of sentences. What His Majesty the King desires is that all traces of bitterness should be obliterated, not reduced. Reduction of sentences, if it means anything at all, means reduction in the bitterness. What is required is a clean slate. I do not know on what principle the Government of Bombay acted in this matter. Of course there is that general discretion given to His Excellency the Viceroy that in extending the general clemency he should consider the question of public safety at the same time. That is a discretion which must be very wisely exercised. But nothing in the Proclamation admits of reduction of sentences surely. The discretion clause means that certain people whom the Viceroy thinks are people who could not consistently with public safety be released should not be granted amnesty. However, if I were the adviser of Government, which fortunately I am not, what I would do is this. I would advise His Excellency the Viceroy to ask all political offenders whether they wish to take advantage of the general amnesty clause or not. I assure you, Sir, and I assure this Council, that whatever else you may say against these people they are an honest lot; they mean what they say and they say what they mean, and if you ask them whether they wish to take advantage of the general amnesty clause, that is to say, whether they propose hereafter to begin with a clean slate and to have no bitterness whatsoever, and if they say 'yes,' I would advise His Excellency the Viceroy to trust those people, to take them at their word. Let us ask them, I say, whether they wish to take advantage of the general amnesty clause in the Royal Proclamation, and if they say 'yes,' trust them, confide in them, and they will not fail you; in fact, they had their convictions and they paid the price for them, and if they now say 'Well, in view of the changed circumstances, in view of the Royal Proclamation, we are willing to have all bitterness obliterated and to begin with a clean slate and co-operate with Government,' why not confide in them and grant them general amnesty?

"I was referring, Sir, to the cases in Bombay. Now in Bombay, as I say, there are 51 persons still left in jail out of 123. There are also other stray cases here and there in Bombay, the case of Mr. Horniman for example. The Secretary of State wrote to Mr. Horniman the other day that his case entirely depended upon the view that the Governor of Bombay would take. No doubt Mr. Horniman has been refused passports, but the letter that the Secretary of State wrote to Mr. Horniman is perfectly clear, that passports were refused, not because the passport officers in their discretion thought fit to do so, but because the Governor of Bombay had not yet consented to the return of Mr. Horniman to India; and after all we know exactly how things stand. We know what were the allegations against Mr. Horniman. They were only two as subsequently announced, one was that he published a newspaper telegram from the Delhi correspondent of the *Bombay Chronicle* just at or about the time when the riots took place in Delhi; that telegram stated that some soldiers in the firing used what he called soft-nosed bullets. Well it was subsequently found that no such bullets were used, and thereupon the same correspondent sent a telegram to Mr. Horniman withdrawing the allegation. That telegram was despatched to Mr. Horniman, I understand, on the 17th April, or thereabout, and Mr. Horniman was deported on the 26th, and for some mysterious reasons the latter telegram that was sent by the correspondent did not reach the *Bombay Chronicle* office till the 29th, and immediately it was given publication in the *Chronicle*.

"Sir, I do not know why the telegram did not reach Mr. Horniman in due course Perhaps the Government alone can explain. Neither Mr. Horniman nor anybody can say how it was that the telegram which was despatched from Delhi on the 17th did not reach Bombay until the 29th. The deportation took place on the 26th. All these facts were brought to the notice of Mr. Montagu by the Directors of the *Bombay Chronicle*, they sent a cablegram explaining the whole situation and the fact that the telegram had been delayed. The second and the only other allegation was that the *Bombay Chronicle* was distributed free among the soldiers in the hope of exciting insubordination. Now that allegation is one that has been often characterised as false, by the *Bombay Chronicle* itself, and Mr Horniman himself called upon the authorities to prove it. Nothing of the kind has been done. I think the authorities must now admit that the allegation was without foundation. These were the only two allegations on which Mr. Horniman was regarded by the authorities a person dangerous to public safety. This, Sir, is really not the way to invite co-operation. If you want co-operation you must be prepared on your side also for co-operation. It cannot be one-sided, it must be, as one of my friends has often stated, responsive. Then there are other cases in Bombay, the case of the Savarkar

Brothers. They have offered several times to co-operate, but I will not discuss their case. I will leave it to my Hon'ble friend Mr. Khaparde I have asked several questions for statistics of persons who come in under the amnesty clause; I have not got them yet. I cannot therefore give the Council the exact figures of all provinces, but I have some figures of Bengal prisoners. The Hon'ble Mr. Stevenson gave them in the Bengal Legislative Council; he admitted on the 3rd instant that out of 64 persons detained by executive order under Regulation III of 1818, only ten have been released. So that out of 64 persons 54 are still under detention. Sir, this is not the way to treat the Royal Proclamation. Then there is another lot of 52 persons who have been convicted for offences against the State; out of these 52 persons not a single person has been released, says the Hon'ble Mr. Stevenson on the 3rd instant. I am told a few have been released since, but I cannot say how many. And yet we are told that generous effect has been given to the amnesty clause in the Royal Proclamation. I know the case of a person in Bengal of the name of Kazi Abdul Gaffar. An externment order was passed against him by the Bengal Government. He applied for the extension of general amnesty to his case. His application has been refused He has suffered in his business and has been ruined, and yet there he is; he cannot enter Bengal Then in the Punjab 96 persons are still in jail. They have not been released. I saw a letter this morning sent by a gentleman from Peshawar to the Hon'ble Mr. S Sinha, Member of this Council The letter says 'Please draw the attention of Government to the distressed people of the Peshawar district, several newspapers have to pay heavy security, several persons are under trial under martial law for inability to furnish security, thousands of arms forfeited, people merely protested against the Rowlatt Act.' Now, Sir, I want the Government to take courage in both hands and grant a general amnesty according to the letter and the spirit of the Royal Proclamation. I am reminded of an incident that happened the other day at Jullundur. The District Magistrate, Mr. Hamilton, refused to renew licenses under the Arms Act to several people because the applicants had joined the Indian National Congress at Amritsar which passed 'certain seditious Resolutions.' That is indeed an effective reply to the Royal Proclamation! I hope there are not many Hamiltons in the I.C.S. I wish the people and the officials to forget the past and begin afresh. This is possible to some extent if fullest effect is given to the letter and spirit of the Royal Proclamation. One word more. The term 'political offenders' ought to be widely construed. I know different Local Governments put different construction on these words. The Burma Government, for instance, has passed orders in favour of persons dealt with under the Press Act, while other Local Governments have not done so. This is not a matter that should be left to each Local Government. The Royal Proclamation directs the Viceroy to grant amnesty; not the Governor General in Council or any Local Government. The Viceroy alone is charged with this duty. I hope and trust that the Viceroy will take courage and rise to the occasion and give the fullest effect to the Royal Command. With these words I move my resolution."

The Hon'ble Mr. G. S. Khaparde:—"Sir, I take this opportunity of mentioning some facts which appear to me to be relevant to the case of the Savarkar Brothers which my Hon'ble friend Mr. Patel has left me to speak about, because I have seen some of their papers and put questions which have not yet come on the agenda. The elder brother is G. D. Savarkar. The younger brother is popularly known as barrister Savarkar because he went to England and qualified for the Bar. Now the elder brother in the year 1909 published a poem. That poem was considered bad or seditious or whatever you might call it, and the charge he was taken up under was attempting to wage war against His Majesty. The Sessions Judge who tried the case sentenced him to transportation for life and forfeiture of his property believing, as he expressed in his judgment, that he could not give a lesser sentence because the law provides either death or transportation for life. Then the case was taken in appeal to the High Court, and the High Court also held that the law was very clear on the point, that the Courts had no jurisdiction 12-1 P.M.

to give a lesser sentence. I thought that would be a case eminently fitted for being considered mercifully. The man has been in jail since 1909 in the Andamans. I believe he has already undergone ten years' imprisonment, and transportation for that period is a sufficient sentence for writing a poem. The funny part of it is that I do not think that one in a hundred has read that poem. Probably if anybody read it, he would not care to read it for a second time But whatever it may be, I thought that it was a proper case for mercy, and I thought that the man would be released under the general amnesty, granted by His Majesty, but he has not been released. The case of his younger brother, barrister Savarkar as they call him, is rather a remarkable one, and most Hon'ble Members may probably remember it. He was a law student in London, and he was hauled up for some charge for writing something. He was extradited, and while on his way to India at Marseilles he jumped out of the port-hole and swam to the shore. I tell this to the Council because there is an important argument that admits of being based on this part of the case. He touched the land, he was on the land, when he was re-arrested. So he claimed that he was on the French soil and being under the protection of the French Government, he could not be legally re-arrested. He carried the matter further to the Hague Tribunal. In the meantime the man was arrested and brought to Bombay and placed before a Special Bench of the Bombay High Court. He pleaded that the Court had no jurisdiction, that his case was before the Hague Tribunal and until the Hague Tribunal decided the matter he prayed that his case may be postponed. The Judges of the Bombay High Court held, and I am not prepared to differ from their view, probably it is the correct view, that the Court could deal with him. Therefore he declined to take any part in the proceedings and trial and said that he would not cross-examine, that he would not put in any defence, and that he would allow the thing to go on and to take its own course as if he was absent. Well, the trial which may be said to be *exparte* ended in his conviction. He was transported for life and his property was forfeited, and that man has been all along in the Andaman Jail. I thought that this was also a proper case for mercy. He is a young man who wrote something, probably very bad I quite agree. Judges of the High Court did not wait for the Hague judgment. Probably they were right because after all these are matters of opinion. There is, however, one fact very remarkable about these two brothers, and it is this. When the war broke out, these two brothers offered their services and added that if they were released they would enlist and go to the front and perform such duties as would be assigned to them. I have heard it, and, I believe, I have read it somewhere, that Napoleon used to like people of this kind who did not care for their own lives, and sent them to the front, and if they deserved any punishment, he thought he better leave that to the enemy. He put them on scout duty and generally assigned any other dangerous duties; so had the offer of these two brothers been accepted, I suppose the Empire would have benefited by taking advantage of their reckless nature. That was a grand opportunity I thought, and I also thought that the British Government would gladly release them and send them to the front and keep them employed on dangerous duties, but that opportunity also has passed. Then I thought that these two brothers would be released under the general amnesty, because after all these are young people, both of them were under 22 years of age, more or less, when they committed offences I believe, and I thought they would be fit subjects to be released more especially that they had applied to the Government, I believe in 1918, for enlistment expressing at the same time that whatever they had said or done had been recklessly done, and that if they were released they would remain very law-abiding subjects, and one of them who appears to have heard of the Government of India Act as it was being framed then, added that if that Act was passed, he would be a very loyal subject, he would do everything in his power to make it successful, and that he would give up his former ways. When this petition was brought to my notice . . . .

The Hon'ble Sir William Vincent:—"May I know the name of this person?"

The Hon'ble Mr. G. S. Khaparde :—" He is popularly known as Barrister Savarkar."

The Hon'ble Sir Claude Hill (*presiding*) :—"The Hon'ble Member is dealing with the two Savarkar Brothers."

The Hon'ble Sir William Vincent :—" I did not catch the name of this man."

The Hon'ble Mr. G. S. Khaparde :—" Both of these brothers offered to become very loyal subjects and that they would make the Act successful and so on. I thought that when this Act was passed and when this general amnesty was proclaimed, the case of both these two brothers would come under the clause which I will read out from His Majesty's Proclamation. It says ' It is my earnest desire at this time that, so far as possible, any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in the future ". So I thought that the case of these two brothers would come under this clause, because these two people had broken the law, they had said foolish things, they had suffered for it, and now was the proper time to release them so that they might respect the law hereafter more especially as they had promised to do so. But unfortunately they have not yet been released so far as I know, and therefore, I thought it was a proper case to be mentioned in connection with this resolution.

" There is also a case of Maulvi K. M. Abdul Gaffar reference to which has already been made by my Hon'ble friend Mr. Patel. It is reported in fairly full detail in the *Amrita Bazar Patrika*, dated Monday, the 16th February 1920. I suppose all the details which led to his arrest and externment are not well known. The Council may remember that in 1918 there were some disturbances in Calcutta. After that he delivered a speech in Calcutta which was considered seditious. As a result of that he was asked to leave Calcutta. Then he came to the United Provinces. There they found it inconvenient to keep him, and they said ' we do not want you here,' but anyhow he applied again to the Bengal Government.

" But the Bengal Government would not have him back ; he has got a residence in Calcutta, and that is how the poor man is now hanging about without a domicile. There is another case of that same kind, Rahman, editor of the *Akuvat*. That gentleman is also more or less in the same position not convicted of any particular offence, but his articles were considered as rather bad and he has been externed also. I state these cases in some detail to show that the complaint made by my Hon'ble friend Mr. Patel is not groundless, also in the hope that if these cases have escaped the notice of the Government of India (I have put down a question on that and there is a resolution on it which may come up later), and if their attention is drawn to them, they might receive the mercy that has been graciously proclaimed by His Majesty. With these words I heartily support this resolution brought by my Hon'ble friend Mr. Patel."

The Hon'ble Mr. Sachchidananda Sinha :—" Sir, I would like to associate myself with the resolution moved by the Hon'ble Mr. Patel. I sent in, some time back, a question asking for information as to the numbers of the persons released in the various provinces under the Royal Proclamation of His Majesty. That qustion has not yet been disposed of, and I am, therefore, at this disadvantage that I do not know how the figures stand. Perhaps to-morrow we shall know exactly. But without going into details I should like to say, as I did when moving my resolution about the Royal Proclamation on the first day that this Council Session opened, that I do hope His Excellency the Viceroy will extend the Royal clemency as fully and as freely as possible. From the observations of Mr. Patel and Mr. Khaparde, I think there is yet 12-12 P.M.

considerable room for the exercise of the Royal clemency by His Excellency the Viceroy, and I do hope His Excellency will be pleased to extend it as fully and freely as possible."

12-13 P.M. **The Hon'ble Mr. K. V. Rangaswamy Ayyangar:**—"Sir, there is no doubt that there has been a great change in the angle of vision even among the worst of sinners after the advent of the Reforms and after the recent Royal Proclamation. We have seen lately, I think in yesterday's papers, a summary of the book by one Hardyal as has been wired to us by Reuter, which shows how thoroughly changed he is. We have also heard through private sources that Savakar has been writing to his friends and relations that he has changed his views, and he too is prepared to co-operate with the Government. When the process of reclamation of criminals connected even with heinous offences is to be tried, these methods should be first applied to these selfless political offenders. The Government should not be 'logical to the narrowness' in interpreting the Royal Proclamation also. Let it be royal and let the Government excuse all offenders and make a trial of them. England has withstood the tremendous forces let loose by the war, and she need not fear these small forces, even if it be that these forces do not show signs of being diverted in the right direction. I want that the quality of mercy should not be strained. We are thankful to the Government for the clemency shown to so many people, and we press for their sympathetic consideration that the other people who are not yet set free may be given pardon."

12-15 P.M. **The Hon'ble Mr. H. McPherson:**—"Sir, before attempting to deal with various points which have been raised in the course of the present debate, I desire to explain to the Council what is the general attitude of His Excellency the Viceroy and of His Excellency's Government towards the Resolution. The powers conferred by the Royal Proclamation, like the Royal prerogative of mercy exercised by His Excellency under the Letters Patent of his high office are purely powers which are to be exercised according to the dictates of his own judgment. I am authorized by His Excellency to say that he has no objection whatever to the acceptance of this Resolution by the Council, if it be presented purely as a recommendation of a general nature for mercy. His Excellency is not present to-day, and I doubt whether he would be prepared to accept the Resolution if it be presented, on the other hand, as a sort of accusation or insinuation that the Royal direction contained in the Proclamation has been disobeyed. For my part, I am bound to say that the Resolution seems to me to be something of a superfluity, having regard both to the nature of the message contained in the Royal Proclamation, and to the action that has been taken by His Excellency to give effect to it. The direction in the Royal Proclamation to exercise the Royal Clemency to political offenders in the fullest measure, which in His Excellency's judgment is compatible with the public safety, is a direction from His Majesty the King Emperor, as, indeed, the clemency is to be exercised in his name and on his behalf. The direction is therefore binding on His Excellency and needs no commendation from the members of this Council. That the direction has received the fullest compliance and the most generous interpretation from His Excellency, I will now proceed to show, and I hope that what I have to say will convince this Council that there was really no necessity for the Hon'ble Mover to bring his Resolution though, as I have said before, His Excellency has no personal objection to its acceptance by Council.

"Before I proceed to explain what action has been taken by His Excellency under the Royal Proclamation, I desire to make clear to the Council that the policy of conciliation, which is so strongly emphasised by the Royal Proclamation, is not a new policy, but one which has been steadily pursued by His Excellency's Government and by Local Governments for a very long time back, and more particularly from the time when the strain and anxiety of the war were temporarily relieved by the Armistice of 11th November, 1918. I can perhaps best illustrate this by explaining what action was taken in Bengal during the year 1919 to relax the restraints which, in the interests of the public safety, had been placed upon the liberty of revolutionists and the movements of political offenders during the previous years of the war. During the twelve months of 1919 the Bengal Government after a careful scrutiny of individual cases released 22 persons who had been confined under the provisions of Regulation III of 1818, and cancelled the restraints which had been placed on the movements of 513 persons under the Defence of India Act and of 3 persons under the Ingress into India Ordinance—a total of 538 persons. I may illustrate the same thing from the Punjab, and here I am referring not to action taken in connection with the unhappy disturbances of April 1919—a subject to which I will return—but to action taken in connection with an earlier event, with what is known as the Ghadr Conspiracy. In the Punjab the Local Government during 1919 relaxed the restrictions imposed on 67 persons under the Defence of India Act and 467 persons under the Ingress into India Ordinance—a total of 534 persons. In other provinces of India there is less to record of indulgence because there was less of offence. but the grand total for all India of action taken before the amnesty to remove restrictions under the State Prisoners Regulations, the Defence of India Act, and the Ingress into India Ordinance covered 1,210 persons.

"I will now refer briefly to the action which prior to the proclamation of the Royal Clemency had been taken to extend mercy or to give relief to persons convicted in the Punjab disturbances. The Council will remember that in September last, the Hon'ble Home Member announced the intention of Government to have the cases of these persons still remaining under sentence of Martial Courts and any other cases that might be specifically referred to them examined by two High Court Judges who would submit their recommendations to the Government of India through the Local Government. In fulfilment of that promise two High Court Judges (Sir B. K. Mullick from Patna and Mr. Justice Chevis of the Punjab) were duly appointed to undertake the work of examination. These two High Court Judges spent nearly two months on their task and made the most careful examination of all cases tried by Martial Law Courts in which sentences had not expired and of 51 cases tried by Martial Law Commissions. As a result of their labours 99 persons convicted by Martial Courts and 24 persons convicted by Martial Law Commissions were recommended for release The Local Government was fully prepared to accept these recommendations, as were also the Government of India, but in fact they were for the most part anticipated by the action which was taken by His Excellency under the Royal proclamation on the wider recommendations of the Lieutenant-Governor of the Punjab. Apart from these recommendations, however, in all 333 persons who were convicted after the Punjab disturbances had been released by the Local Government before the amnesty was proclaimed, and had the recommendations not been largely forestalled by the amnesty the total number of releases before that event would have amounted to nearly 450.

"I have said enough, I hope, to prove that the policy of pardon and conciliation towards political offenders was the accepted policy of the Government of India before the Royal message of clemency was proclaimed in December last. That message merely placed the coping stone on the work already undertaken by the Local Governments and the Government of India.

"And, having said so much, I need hardly take the trouble of denying the insinuation, the baseless insinuation, which has been made in certain quarters, that the Royal message of clemency was something which was forced upon a reluctant Government by a masterful Secretary of State. On the contrary, the message was framed after due consultation with the Government of India and the general principle involved in it had their full concurrence.

"I come now to the action which has been taken by His Excellency to give effect to the direction of His Majesty, the King-Emperor, that the Royal clemency should be extended to political offenders in the fullest measure, which in His Excellency's judgment is compatible with the public safety. If I may be permitted to say so, no one is more keenly anxious than His Excellency that the new era which has been created by the passing of the Reforms Act, and has been ushered in by the gracious message of His Majesty should begin under the most favourable auspices, and that the political atmosphere should be purged of all traces of bitterness. His Excellency, therefore, started with the strongest predilection in favour of the most gracious interpretation of the terms of the amnesty, and I may also say that the Local Governments, whom His Excellency has necessarily consulted in giving detailed effect to it, have been equally animated with the same gracious spirit. There are, however, limitations to the scope of the Royal message. It is not, and was never intended to be, an 'Open Sesamé' that would unlock the doors of all our jails and let loose upon society every prisoner, however dangerous his character, however unrepentant his disposition, however brutal his crime, and however remote might be the connection between his offence and things political. It was never the intention of His Majesty that under the amnesty indulgence should be extended to persons who under the thin disguise of political excitement have promoted or committed serious crimes of violence, such as murder and arson. Nor do the gracious words of His Majesty extend to persons whom Government know, or have reason to believe, to be utterly unrepentant of their former courses, men who have openly declared that from the moment of their release they will make it their business to rekindle the embers of revolution and to carry on war to the knife against the officers of Government. It would be an act of criminal folly on the part of Government to let loose on the public these mad dogs of the anarchist movement. We want no 'Red Terror' in India.

"And I must make it clear to the Council that there is another class of criminal to whom the Royal Proclamation has no application. The Royal Proclamation does not apply to non-political offenders who have been convicted by Tribunals created under the Defence of India Act, to such persons for example as the persons convicted after the Shahabad riots in Bihar or the Katarpur riots in the United Provinces. It has been argued that the words used in the Royal Proclamation 'persons who for offences against the State or under any special or emergency legislation are suffering imprisonment or restrictions upon their liberty' cover these cases, because the trying Courts were Tribunals created by special or emergency legislation, but this is clearly and obviously a mis-reading of the passage. The offences for which these persons are suffering imprisonment are not 'offences under any special or emergency legislation.' They are for the most part offences under the Indian Penal Code—not offences against the State, but offences against private individuals, and there is not the smallest ground for extending to such individuals the benefit of the Royal clemency.

"And now having explained to what classes of cases the Royal Proclamation does not apply, I will explain what action has been taken to give effect to it.

"The first point to which I would draw attention is this, that His Excellency has in one important respect travelled far beyond the letter of the Royal Proclamation. A strict interpretation of the message would have confined its operation to convictions for offences under Chapter VI of the Indian Penal Code, and for offences under special or emergency legislation, but after consultation with Local Governments and with their concurrence, His Excellency, animated with the desire to remove all possible causes of bitterness, decided to extend the scope of the amnesty to a large circle of offenders convicted for other than State offences after the disturbances of March-April 1919. The number of such cases is very large. It runs to several hundred and the result of this extension of the spirit of the Proclamation may best be seen from its application to the case of the Punjab disturbances.

"I have the details in a reply which was prepared to a question asked by Dr. Sapru: and here I should like to express my regret that through the non-attendance in Council of Dr. Sapru yesterday certain statements which had been prepared in reply to his questions were not placed on the table and therefore did not become available to the Hon'ble Members who have taken part in the present debate Here are the figures.

" The total number of persons convicted in connection with the Punjab disturbances was 1,779; of these, 712 had served their sentences by 1st January, 241 were released under orders passed before that date, 92 were released in connection with the proposals of the Reviewing Judges, 638 have been released under the amnesty, and 96 remain in jail.

" The Hon'ble Mr. Patel has drawn attention to the largeness of the figure 96, but I think that the Council will look at the matter in a different way. In view of the serious character of the disturbances and the many brutal deeds of violence which were committed during their course, the margin of retention is indeed very small, and the generous nature of the recommendations made by the Lieutenant-Governor of the Punjab in this matter will, I am sure, be gratefully recognised by this Council, and by those who are now pressing for the utmost possible effect to be given to the Royal Proclamation. I may add that His Excellency has lately received from Sir Edward Maclagan his recommendations on behalf of those who were convicted five years ago in the Ghadr conspiracy, and His Excellency has agreed to the immediate release of 45 such persons, while the cases of several others are still under consideration. In the case of Bombay, regarding which we have also heard complaints from the Hon'ble Mr. Patel, an equal measure of indulgence with the Punjab has been extended to those who were convicted after the disturbances of April last, and in all 72 persons have been released, while 19 have had their sentences very materially reduced.

"Taking India as a whole, the total number of persons who have benefited from the amnesty is 1,235, of whom 24 were State prisoners confined under Regulation III of 1818, 300 were restricted under the Defence of India Rules, and 132 under the Ingress into India Ordinance, while 52 were persons convicted of offences against the State, and 727 were persons convicted in the disturbances of March and April 1919. Some Hon'ble Members may say that there is another side to the shield; we have indeed heard a good deal in Council to-day regarding that other side —the persons who have been excluded from the benefits of the amnesty. I have already explained to what classes of cases the amnesty could not be extended, and it would be easy to show under which category each case of exclusion falls, but I will not attempt this task because I do not think that this is the time, or the Council floor the place, for discussion of individual cases. I will refer to one individual case only which has been brought forward by the Hon'ble Mr. Khaparde, the case of the Savarkar brothers. Mr. Khaparde came and spoke to me about that case some days ago, and I promised him then that the papers would be carefully examined again. I may add that I am prepared to make the same promise to any Hon'ble Member of the Council who desires to have some individual case re-examined, and I am sure that His Excellency will be pleased to hear any recommendations that may be made in individual cases I will refer also to one group of cases to which attention has been directed, both in the Council and also in the public press—and consider the case of certain State prisoners in Bengal. Their case, I can assure the Council, has been given by His Excellency the Viceroy and the Local Government most careful consideration, and I am now in a position to state that, although this batch of detenus consists of persons against whom there is overwhelming evidence of most dangerous revolutionary activities, His Excellency has just been pleased to accept a recommendation of the Local Government for the release of 15 of their number who have displayed symptoms of repentance and have promised on release to abstain from further association with the revolutionary movement. The cases of the others are still under consideration, and I can say, on behalf of His Excellency, that as soon as ever it appears to him that any person now detained can be released without danger to the public safety, His Excellency will be ready to extend the Royal clemency to that person. I may add that it is his earnest hope that the generosity now displayed will secure the desired object of obliterating all trace of bitterness between those who in their eagerness for political progress have broken the law in the past and the Governments which are responsible for the maintenance of law and order. And may I, before I resume my seat, urge upon the Council the need for reciprocity in this matter. May I make an appeal to the non-official members of Council that they will urge upon those who have received the benefit of the amnesty, with whom they may come into contact, direct or indirect, or over whom they may have influence of any sort, the great need for moderation. The Council is well aware of the generosity which His Excellency displayed as soon as ever the Royal message came into his hands towards certain well-known leaders, like Dr. Kitchlew and Satya Pal in the Punjab, and the Ali Brothers. The response to this generosity was not, most will admit, very gratifying. The gentlemen in question went off in hot haste to Amritsar, and there many of them distinguished themselves by the violence of their invective against Government. There was in their speeches little evidence that the hope expressed by His Majesty for the obliteration of all traces of bitterness would be fulfilled There was little display of that 'common determination among my people and my officers to work together for a common purpose' for which His Majesty the King Emperor appealed.

"There are, however, gradually increasing indications that the Royal message of clemency has not been in vain and that its wide and generous application has been appreciated even by those who clamour for its further extension, but I can assure members of Council that nothing is more likely to spur Local Governments to recommend, and His Excellency to accept, such an extension than the powerful example of those who have already received the benefits of the amnesty and prove by their moderation the wisdom and success of the policy of conciliation and forgiveness"

12-40 P.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"Sir, I think I speak the sense of this Council when I say that we must congratulate the Hon'ble Member on the highly conciliatory statement which he has just made on behalf of Government. He has told us that His Excellency the Viceroy has no personal objection to the acceptance of the Resolution of my Hon'ble friend, and that His Excellency is prepared to extend the fullest measure of clemency which has been announced by His Majesty compatible with the public safety. I do not think that in the Resolution of my Hon'ble friend Mr. Patel there is the slightest insinuation against the Government of India. I hope I have correctly interpreted the meaning of the Resolution. I think from our places here many of us, I at any rate, have declared that the Royal act of clemency has been exercised in a generous manner, and furthermore, I venture to add, that this Royal measure could not have come into operation except with the concurrence and approbation of the Government of India and that His Excellency must have been consulted before the Proclamation was issued, so far at least as this matter was concerned. Mr. Patel deserves the thanks of this Council for bringing forward this Resolution and for the reason that it has elicited the statement which the Hon'ble the Home Secretary has just made. It does good to know what the popular view is and also what explanation the Government has to give with regard to the complaints which have appeared in the public press. We now know that more than 1,200 political prisoners have received their release under the Royal Proclamation, but several cases require further consideration. I understand that 15 of the prisoners in Bengal under Regulation III of 1818 have been amnestied, and that the cases of several others are being discussed. May I inquire if the case of Barendra Ghose has been considered? I hope my Hon'ble friend will be able to give me an answer in regard to that matter . .

. . .

The Hon'ble Sir William Vincent:—"Barendra Ghose has been released and has reached Calcutta."

The Hon'ble Mr. Surendra Nath Banerjee :—"I desire to congratulate the Government on that point. Barendra Ghose is a man of honour, and if he has made a declaration I am sure he will loyally co-operate in the interests of law and order. His case is one that has excited a considerable measure of public attention in Bengal, and I am glad to hear that he has been released. I hope that some of the prominent members of the Alipore Bomb Conspiracy have also been released under the Royal amnesty. I hope a similar measure of generosity will be shown to his brother Arabindo Ghose, who is now in Pondicherry. He is a most cultured man, he was the first man of his year at Cambridge in the classical tripos, and there is a feeling in Bengal that these two men should be released. If Arabindo Ghose is released, it will add to the general feeling of gratitude which has been created by the Royal amnesty. I desire to congratulate the Hon'ble the Home Secretary upon the statement he has made. I am perfectly sure that it will have a very conciliatory effect on the public opinion of the country. I have full confidence that the Royal Proclamation, so far as it relates to the amnesty of political prisoners, will be dealt with in the spirit of generosity which marks that historic document."

The Hon'ble Mr. V. J. Patel :—"Sir, I am very glad that the Government have decided to accept this Resolution. At the same time, I am really sorry that my Hon'ble friend Mr McPherson has chosen to take advantage of the opportunity to observe that Dr. Satya Pal, Dr. Kitchlew and the Ali brothers after their release have made objectionable speeches at Amritsar. I have read all the speeches of the three gentlemen, and so far as I can see, I see not one objectionable word in any of them. I do not understand what really the Government expect these released prisoners to do. If they expect them to co-operate with the Government in working the Reforms, they can understand, but if they expect them to hold their tongues and not educate public opinion in the matter of our grievances, which are many, then I join issue with the Government. We are not at all satisfied with the Reforms granted, and if the Government expects that we should not talk about further reforms or agitate to get our grievances redressed, well I am sorry such attitude we are not prepared to adopt. I should have been very glad if my Hon'ble friend had quoted chapter and verse from the speeches of the three gentlemen referred to; he has not chosen to do so, but speaking for myself I am bound to say that this complaint of my Hon'ble friend is groundless. I have already stated that I am glad the Government have accepted the Resolution. My Hon'ble friend Mr. McPherson tells us that this Resolution is somewhat in the nature of a superfluity. That statement, Sir, is wholly inconsistent with the attitude of Government on the Resolution. If it were in the nature of a superfluity, there was no reason for accepting it. If you had given full effect to the Royal Proclamation there would have been no need for a Resolution. I have placed facts before this Council which my Hon'ble friend Mr. McPherson has not thought fit to controvert. I have already stated that out of 123 persons convicted by the martial law orders in the Bombay Presidency, as many as 51 are still in jail. Are these dangerous persons? We are told by the Hon'ble Mr. McPherson that the same degree of clemency has been extended to the Bombay political prisoners as has been extended to the Punjab. That is absolutely incorrect in view of the fact that, in the Punjab out of hundreds of persons convicted, only 96 are in jail; in Bombay out of 123, as many as 51 are still in jail. He says he does not want to refer to or deal with individual cases. My Resolution of course is not intended for any individual case or cases. It is intended to secure general amnesty on the widest scale possible. I maintain that full effect to the letter and spirit of the Royal Proclamation has not been given. In Bengal, I am glad to hear that 15 out of 52 persons have been released. But there still remain 37 people, and out of 64 detained under the Bengal Regulation III of 1818, only 10 have been so far released. These are facts which my Hon'ble friend Mr. McPherson ought to bear in mind. 12-45 P.M.

Government must not do anything half-heartedly in this matter. I want Government to accept the principle I have suggested, namely, that the persons concerned should be asked whether they are willing to take advantage of the general amnesty clause, forget the past and begin afresh on a clean slate. If you accept that principle, I have no complaint to make. You ask them and if you are satisfied that they agree, let me again assure this Council that you will lose nothing by trusting them. How is His Excellency going to decide whether the release of a particular man is not consistent with public safety? How is His Excellency going to decide that point? His Excellency will naturally ask the Local Government; the Local Government will ask the Inspector General of Police, and the Inspector General of Police will ask his subordinates and so on. This is a most unsatisfactory way of dealing with the question, and, therefore, I suggest that the only solution is to trust these people, to take them at their own word. That is the principle that I still maintain and I hope it will be acted upon by the Viceroy. It has been admitted that there are 96 people in jail in the Punjab; as a matter of fact there are still 51 persons still in jail in Bombay. It is also admitted that 54 persons under the Bengal Regulation are still in detention, and only 15 have been released out of 52 convicted in the conspiracy cases in Bengal. These figures speak for themselves. I have not been able to get other figures from Government yet, but even on the figures I have quoted—and they are correct—because they have not been contradicted, I submit there is ample scope of action by His Excellency the Viceroy.

"There is, however, one point on which I should like to make a few observations. The other day this Council solemnly passed a Resolution expressing gratitude to His Majesty the King-Emperor for the Royal Proclamation. To-day we hear from the Hon'ble Mr. McPherson that this Royal Proclamation is nothing more or less than a continuation of the policy adopted by the Government of India; in fact the Royal Proclamation, he says, is the result of consultation between the Government of India and the Secretary of State. It does not come, according to him, spontaneously from His Majesty, the King-Emperor, but is really a continuation of the policy already adopted by the Government of India. Well, I am very sorry to hear this. It takes away all the grace and dignity of the Royal Proclamation. It belittles it. I always thought, and still think, that the Royal Proclamation came direct from His Majesty, the King-Emperor. I am not prepared to give credit to the Government of India that the initiative in regard to the issue of the Proclamation was theirs, or they had anything to do with it. I am not prepared to give credit to the Government of India at all in this matter. Well, if it was a continuation of the policy pursued by the Government of India and lays down no new principle or announces no new policy, there was really no necessity for the Proclamation at all. Where was the justification for it? People could have been released without the aid of the Royal Proclamation. Where was the difficulty, where was the need for a Royal Proclamation for releasing these people? I am very sorry, I repeat, that attempt has been made to take away the grace of the Royal Proclamation by stating that it is merely a continuation of the policy of the Government of India and nothing more. I hope and trust, however, that full effect will be given to the letter and spirit of the Royal Proclamation after the acceptance of this Resolution."

12-6 P.M. **The Hon'ble Mr. H. McPherson**:—"Sir, I have only a few words to say in reply to the remarks made by the Hon'ble Mr. Patel. As far as I have been able to hear him, he has merely reiterated statements which he made in his opening speech, statements which I have dealt with in my previous reply. I said then that I was not prepared to discuss with him the merits of individual cases, because I do not think this is the time or the place for such discussion. He has quoted to the Council certain figures regarding action taken in the various provinces, but so far as my information goes, his figures are not correct. He has, I think, said that about 50 persons are still in jail in Bengal who were convicted of offences against the State. My information is that in Bengal there were only six persons convicted of offences against the State, of whom three have been released and three are still in jail . . .

The Hon'ble Mr. V. J. Patel :—"Tried and convicted by the Martial Law Commissioners ?"

The Hon'ble Mr. H. McPherson :—"There were no Martial Law Commissions in Bengal nor in Bombay. As regards the Bombay figures, Mr. Patel tells us that about 50 people are still in jail and have not been released. My information as regards Bombay is that 72 people have been released and that 19 only remain in jail, of whom 17 have had their sentences reduced from 7 to 3 years and two from 10 to 5 years. If there are any others in jail besides these 19, I can only surmise that they are persons who took a very prominent part in murder, arson or other serious crimes of violence, and were not recommended for release on that account, but I will make inquiries I have already spoken about the Punjab figures. The number of persons who remain in jail is 96, and I have absolutely no doubt that this figure does not include anybody except persons who have committed most serious crimes, persons, for example, who took a prominent part in the murders that were committed in the course of the Punjab disturbances. I do not think I have anything more to add to what I have already said in reply to the Hon'ble Member's speech."

The Hon'ble Sir Claude Hill presiding :—"It is not very clear from the Hon'ble Mr. Patel's reply as to what he means. Does he intend to move his Resolution although he expresses regret that it is accepted by the Government? I should be quite clear on the point."

The Hon'ble Mr. V. J. Patel :—"It has been accepted by the Government, I understand"

The Resolution was put and adopted.

RESOLUTION *RE* AMENDMENT OF RULES FOR THE RECRUITMENT OF THE PROVINCIAL SERVICES.

The Hon'ble Mr. Sachchidananda Sinha :—"Sir, I rise to move the Resolution standing in my name :— 12-59 P.M.

> 'This Council recommends to the Governor General in Council that he may be pleased to cancel rule VI of the rules recently promulgated for the guidance of Local Governments in framing rules for the recruitment of Provincial Services (Executive and Judicial) and so to amend rule VIII that a 'Barrister of England or Ireland or a member of the Faculty of Advocates in Scotland of not less than 5 years' standing may be eligible for direct appointment to offices in the higher grades of the Provincial Civil Services'.

"Since I gave notice, Sir, of this motion, I have been informed by my friend the Hon'ble the Home Secretary that the rules which I want to modify or amend have been in existence since 1910, and that they are not fresh rules at all. That may be so, but they were very recently re-published in the official gazettes and the newspapers, and I understand that the Government of India have provided that these rules are to be published by the Provincial Governments from time to time, and they are to keep them in view in making their own rules for the recruitment of the Provincial Services. That being so, I feel justified in trespassing upon the patience of the Council for a short time in making my submissions in regard to this Resolution. There are only two points which I raise in this Resolution—one is a minor matter and the other is of some importance. The minor matter is that the rules provide that if the Government desire to appoint to a purely judicial office a legal practitioner, he must be a barrister of England or Ireland of ten years' standing or an Advocate of Scotland of the same standing. Now considering that a member of the English, Scotch or Irish Bar is entitled to be a Chief Justice of a High Court if he be of five years' standing, there does not seem to be any reason for laying down that for a District Judgeship he should be a man of ten years' standing. The differentiation does not appeal to me on any ground of logic or reason, and I therefore ask the Government to retain the same rule for both, namely, if a barrister is made a High Court Judge after five years' standing, he may be appointed after the same period, provided he is otherwise duly qualified, to be a District Judge.

"The other matter to which I refer, namely, the cancellation of rule 6, is of some importance, and I shall bespeak the indulgence of the Council when I read out the rule. It is that: 'Europeans who are not statutory natives of India shall be eligible for appointment if qualified according to the above conditions with the sanction of the Government of India'. Now this is a rule to which I take exception. There is some misunderstanding in the minds of some of my official friends who have very kindly suggested to me that this question should not be raised at the present moment, it being inopportune as it raises a question of race or nationality, but I think that they are entirely mistaken. I am not raising any question of race or nationality. I frankly concede that in the Provincial Service, if a European be domiciled in the province, he has as much right to enter it as any Indian subject of His Majesty, but when a European is not domiciled in the province and is a total stranger, then I take exception to his being appointed in the Provincial Service. For the European who is not domiciled there are the large Imperial Services to which he may be appointed, but the Provincial Services are meant for those who are domiciled in the province. In my own Province of Bihar at Monghyr, there are a number of Europeans who have been settled there for generations and some of them have been appointed as Deputy Magistrates. I make no grievance of that at all; but I take exception to a man who is not so domiciled, who may be a native of Australia or South Africa, or any other part of the British Empire, being suddenly pitchforked into the Provincial Service. I think it raises a question of some importance. It is, therefore, not needful to raise any racial question, and I think the Hon'ble the Home Member will see the advisability of accepting my proposition that this rule should be cancelled. These are my submissions in brief with regard to these rules, and I do not think I need detain the Council any longer."

1-4 P.M. **The Hon'ble Sir William Vincent:**—"I will deal very shortly with the Resolution which the Hon'ble Member has proposed as there are many other matters of greater importance before the Council. The rules which he seeks to modify are in no sense new rules. They have been in force, I think, for the last ten years, and so far as I am aware we have never received any complaint that they operate unfairly. Of the two rules which the Hon'ble Member seeks to modify, the first is rule VIII which runs as follows:—

> 'The Government of India retain power in very special cases to make direct appointments to offices in the higher grades of the Provincial Civil Services, and whenever the Government of India exercise this power in the case of judicial officers, it will be confined to barristers, advocates, or pleaders of the High Courts who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular'.

"As a matter of fact I am informed that the power under that rule has rarely, if ever, been exercised at all, and some Local Governments, the Local Government of Bengal for instance, are in favour of abrogating that rule altogether. The Government of Bengal say in a letter which I have before me:—'The Governor in Council would propose that this power should be abrogated. It is seldom used and when it is used suspicions of jobbery and favouritism are always aroused'. So that, far from relaxing that rule, the only proposal before us, is to do away with it altogether. Where barristers or pleaders of standing are appointed, we contemplate appointing them not to higher places in the Provincial Service, which would be a great hardship to men who have worked their way up the ladder of those Services, but rather to other posts.

"The second rule of which the Hon'ble Member complains is rule VI, which says :—

'Europeans who are not statutory natives of India shall be eligible for appointment if qualified according to the above conditions, with the sanction of the Government of India'.'

"If I understand the Hon'ble Member correctly, he wishes to abrogate that rule, is not that so?"

The Hon'ble Mr. Sachchidananda Sinha:—"Yes."

The Hon'ble Sir William Vincent:—"Well, his intention is of course to prevent the appointment of Europeans who are not domiciled to Provincial Services. The effect of the recommendation which he makes would be exactly the opposite. This rule does not authorise the appointment of Europeans, but merely places a limitation on such appointments. If you remove the rule, you remove the limitation. That I conceive is not what the Hon'ble Member intends. There is another rule which provides that persons appointed to the Provincial Services 'ordinarily shall be natives of India', and that and not the rule to which he refers is really the restricting rule on the power of the Local Government.

"There is only one thing more that I need add and that is, that these appointments to the Provincial Services are clearly a duty which will shortly be delegated, subject to any general principles that may be enunciated by the Secretary of State, to Local Governments, and I do not think that this a matter in which the Government of India at this juncture should interfere in any way, and I suggest to the Hon'ble Member that he need not press this Resolution."

The Hon'ble Mr. Sachchidananda Sinha:—"Sir, I shall be very short in my reply. In regard to the first point, namely, the appointment to the Provincial Services of Barristers of five or ten years' standing, my impression is, unless I am greatly mistaken, that the Public Services Commission have recommended that a large number of legal practitioners, barristers and vakils, should be employed as judicial officers in the various provinces under the new scheme . . . . 1-9 P.M.

The Hon'ble Sir William Vincent:—"As District Judges, not in the Provincial Service, I think."

The Hon'ble Mr. Sachchidananda Sinha:—"Well, I had that in view when I made my suggestions that the rule should be so designed as to place them on the same footing in qualification as High Court Judges, namely, a standing of five years, but if the rule is to be abrogated so far as the Provincial Services are concerned, I shall be quite content to leave the matter at that.

"In regard to the other point, that of the appointment of non-domiciled Europeans in the Provincial Services, the Hon'ble Sir William Vincent makes out that the abrogation of the rule would be to do something just the reverse of what I desire. If I am guilty of that I shall be very sorry for myself and for my resolution. However, I will not pursue that line of argument because Sir William says, that before long, this matter will be delegated to Provincial Governments, who will be at liberty to make such rules as they will deem right and proper. In that view I shall not press my Resolution, but ask leave to be allowed to withdraw it."

The Resolution was, by leave of the Council, withdrawn.

POINT OF ORDER.

The Hon'ble Sir Claude Hill (presiding):—"The next two Resolutions,* those standing in the names of the Hon'ble Mr. Chanda and of the Hon'ble Mr. Patel, Nos. 10 and 11, deal with a question which has already been the subject of discussion at a meeting of this Council on the Resolution of the Hon'ble Mr. Khaparde and they are therefore under Rule 25 (*1*) not open for discussion on the present occasion. On meeting again . . . .

The Hon'ble Mr. V. J. Patel:—"May I explain, Sir?"

The Hon'ble Sir Claude Hill (presiding):—"I am afraid not; I have given my ruling.

On meeting again at half past 2, the Council will therefore proceed to the discussion of the Hon'ble Mr. Sarma's Resolution.

The Hon'ble Mr. V. J. Patel:—"Will you not, Sir, hear me on the ruling that you gave?"

The Hon'ble Sir Claude Hill (presiding):—"No, Mr. Patel."

At this stage the Council adjourned for Lunch.

RESOLUTION *RE* FREE IMPORT OF GOLD.

2-30 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, I beg to move the following resolution:—

'This Council recommends to the Governor General in Council that gold imports into India be freed from all restrictions.'

"The Resolution closely follows the recommendation of the Committee appointed to inquire into Indian exchange and currency and deals with a subject of extreme importance from the financial point of view. I may, Sir, without hesitation say that the consensus of opinion in India has been always in favour of absolute freedom in respect of the inflow and outflow of precious metals into and from India. I do not think, subject to correction, there is any difference of opinion between the British Chambers of Commerce and the Indian Chambers of Commerce in this respect. Almost every one who thought about it recommended that gold should be allowed to be freely imported into India. The Currency Committee state this at page 29 of the Report:—

'Under the Gold Import Act all gold imported into India has to be tendered to Government, at a specified rate based on the exchange value of the rupee and the premium on gold. The export of gold is not prohibited, but owing to the fact that gold commands a substantial premium in the Indian bazaar there is no tendency for it to leave the country under existing conditions. The provisions regarding the import of gold were avowedly enacted under the stress of war and were only intended to be temporary. It is, in our opinion, desirable that the entry of gold into India should be freed from regulation or control by the Government. We accordingly recommend that the Gold Import Act should be repealed as soon as the change in the Statutory ratio of the rupee to the sovereign, to which we refer below, has been effected. Movements of gold to and from India would of course continue, as in the past, to be reported for registration and statistical purposes.'

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* 10. 'This Council recommends to the Governor General in Council that the whole Council do go into Committee to discuss the rules and regulations to be made under the Government of India Act and make recommendations.'

11. "This Council recommends that the Governor General in Council may be pleased to appoint a Committee consisting of the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Mr. Surendra Nath Banerjea, the Hon'ble Mr. Sinha, the Hon'ble Khan Bahadur Ibrahim Haroon Jaffer, the Hon'ble Mr. Sastri, the Hon'ble Mr. Khaparde, the Hon'ble Mr. Paton, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sarma, the Hon'ble Mr. Chanda and the mover to examine the draft rules, regulations and standing orders under the new Government of India Act and to advise generally on all matters connected with reforms."

"One of the reasons which they give for coming to a decision immediately on the various questions referred to them rather than postponing giving a decision until some more permanent feature became discernible in the monetary and commercial transactions of the various countries was that delay would mean a continuance of Government control which they deprecate in the most emphatic terms. This is what they say at page 26:—

> 'The postponement of a decision which is synonymous with the continuance of the existing uncertainty would be open to serious criticism, and would entail the prolongation of Government control over exchange and over the import of the precious metals into India.'

"So they were emphatic in their opinion that, as early as possible, gold should be freely allowed to enter India. The only qualification which they made, and wisely too, was to defend the interests of persons who held sovereigns in India; those that held sovereigns in India were entitled to receive Rs. 15 per sovereign, whereas under the new regimé it would be only Rs 10 and consequently some little time had to be given to those who hold sovereigns in order that they may receive rupees if they care to do so in exchange for their sovereigns. I think that that was the only object with which the Commission said that the necessary steps would have to be taken before free import of gold into India was permitted. I think sufficient time has elapsed between the date of the publication of this report and now for people who hold sovereigns to tender them for conversion into rupees or notes if they cared to do so.

"The Secretary of State as usual accepts the recommendations about which there is some doubt in India, but does not see eye to eye with the report on those recommendations on which there is practical agreement between the report and the people of India; and the reason that he gives is that any sudden change would lead to a shock to the commercial and financial system of India and other countries, and therefore, in the interests of India itself, there should be regulation so that the country may be gradually accustomed to cheap gold. I shall deal with that later, as to whether there is any substance in that argument and as to whether our interests would not be really jeopardised if this decision of the Secretary of State be adhered to. Sir, there is a feeling throughout India that during the war the Government had wittingly or unwittingly to pursue a policy which jeopardised to a large extent the true interests of India in the interests of war and in the interests of the British Empire, especially of the United Kingdom. We know that we did make sacrifices and we cheerfully underwent them. I am not here mentioning that in a spirit of boastfulness or carping criticism, but with the object of showing that there would be a continuous perpetuation of the evils which were inherent in a system of Government control as was pursued during the war. During the war the Government officials, especially those in charge of finance, seemed to be particularly unhappy when there was a large trade balance in favour of India because they found it extremely difficult to finance the exports of this country and the exchange problem was a considerable strain upon them. I fear that that disposition prevails even now. The Finance Minister last year when introducing the budget echoed that sentiment. We find on turning to the figures that during the five years 1914-15 to 1918-19, 182 crores was the value of the excess exports over imports including in the term imports treasure which was imported into India on private account. In 1914-15 it was 27 crores, in 1915-16 it was 30 crores, in 1916-17 it was 45 crores, in 1917-18 17 crores, and in 1918-19 it was 61 crores. How was it financed? Ordinarily if India had her freedom, she might have got gold in payment of this balance of 182 crores, or might have invested part of this money in foreign countries; it might have got silver in part; but there were restrictions imposed by the Government on the import of gold and silver and the net result was a considerable reduction in the quantity of precious metals which flowed into India.

"I think the Indian Chambers of Commerce went into this question fully. Whereas the United States and other neutral countries were adding considerably to their gold stocks during that period, India was really undergoing a gold famine, as it were. The amount of gold allowed to come to India was extremely small; it was 26 million in gold and 35 million pounds in gold and silver during this period on private account. How was the 182 crores balance financed? Well, it is difficult to venture on any specific answer to that question. I hope the Hon'ble the Finance Member will dissipate our doubts in the matter. Dealing with one of these years, the Currency Controller's Report states that the balance, namely 18 crores, was in so far as it was not adjusted by invisible imports of that year represented by credits in foreign countries due to India on private account. It is curious that the total amount of exports up to the end of 1919 agrees very nearly with the total amount of notes printed in India and the amount of metals absorbed during the period. The value of exports during the 9 months of 1919-20 was nearly 9,776 lakhs. The total amounting to Rs. 280 crores, 36 lakhs. It is curious that the number of notes printed in this period was 122 crores in notes and the absorption of metals during this period was 146 crores, the total making up 267 crores. This 267 crores is approximately the same as the 280 crores mentioned above and a margin will have to be left for invisible imports. Instead of India being allowed to get gold she was given 122 crores of paper and some silver in the shape of rupees, included in the 146 crores absorbed. It is curious that against 122 crores of notes Government invested securities in 82 crores in Securities and Treasury balances which unhappily resulted in a loss of 37½ crores. We did not get gold though we were entitled to get it. Currency was inflated although a portion of the metals was absorbed, having done its work. I do not think therefore that we can congratulate ourselves upon the devices employed for the purpose of effecting these transactions, although we must honestly confess there was nothing else perhaps to be done in the circumstances. That was during the war. The Armistice came about at the end of 1918 and we are now 16 months from it. The United States removed their embargo upon the export of gold as far back as June 1919 and eight months thereafter we are told that the time has not yet come when the Indian Government can allow gold to be freely imported into India to pay for India's goods, should India decide that that is the best investment of her balance of trade. The Chamberlain Commission and the Currency Commission emphasised the fact that India must be allowed to be paid readily for her goods in whatever shape or form she liked to receive it. Why should there be this artificial restriction placed on the import of gold which led during the war to such disastrous consequences? I do not think that even up to August, 1919, there was any appreciable addition to the gold stocks. I think it was later that the Secretary of State did buy gold for the benefit of India and has been sending gold to India. But the question arises why should we require the interposition of the Secretary of State in India's free settlement of trade? This is a question which the Government will have to answer. So far as we can see the measures adopted were absolutely detrimental to the true interests of India because India did not get what she wanted during that period. Turning again to the year 1919-20 we find that the exports were 97 crores in excess over the imports and 33 crores were the Council sales. Then we have curiously enough 30 crores as the amount of notes issued, the difference between 183 and 153 crores, the figure at which it stood in April 1919 and altogether we have 63 crores, and I suppose the rest is in the shape of invisible exports and the absorbed silver. There are at present 39 crores of rupees and 45 crores of gold in stock and I do not know whether the sovereign is valued at Rs. 15 or Rs. 10. If the gold in the paper currency is valued at Rs. 15, then it means we shall have to write-off at least one-third So long as the notification or rule fixes the sovereign at Rs. 15, I am afraid there will be a loss and we shall have to adjust our figures of the value of gold where the price of the sovereign is reckoned at Rs. 10. This again is an absolutely anomalous position for the Government to value sovereigns at Rs. 15 when it is really Rs. 10 or below that. I think that is absolutely anomalous and wrong from a financial point of view. Then again what does it mean? It means that a person who wants to buy gold in

India from the Indian Government has to pay a heavy tax to the Government up to 40 per cent., while his brother outside India escapes the tax. Outside India a tola of gold is Rs. 15 or below, whereas in India you would have to pay Rs. 21 or Rs. 23 or Rs. 26 and therefore, I submit, that this is an indirect tax upon the Indian; whether it is for the benefit of the State is another matter. I do not think the Government is justified in taking this money in the form of indirect taxation from the tax-payer. Therefore, I submit that from this point of view also the continuance of control is assailable. You receive gold in London and sell Council Bills to India for various purposes. The loss falls on the Indian exporter so long as you have that rigorous control.

" From the year 1899-1900 when coinage was restricted down to the year 1916-1917, council bills to the extent of about 615 crores of rupees were sold. The average rate of silver at the time was 27*d.* per oz., and the 1*s.* 4*d.* rate would work out to between 41 and 42 pence per ounce. That means to say there was an indirect tax upon the exporter alone, not upon the whole of India, but upon the exporter alone to the extent of about one-third, that is about 315 crores over 19 years. I would ask if that is just, though part of it went to the general tax-payer; but is it just that the exporter, who is generally an agriculturist, should pay this indirect tax? That is another question, but the reason why I brought up this question, is that control is very closely allied with the functions of selling councils. Then when you sell councils in order to maintain exchange and facilitate export of specie what do you find? You are selling gold here at the rate of Rs. 23 a tola according to the tender prices. You wish gradually to bring it down no doubt. But at the same time in selling reverse councils you ship virtually gold out of British India for the benefit of those who wish to transmit money at the rate of Rs. 10 per sovereign. That is to say, the man who sends his money out of India has got a considerable benefit, if my reasoning is right or sound, over the man who purchases gold in India, and I submit, Sir, that this is also an indirect method of stopping the free influx of gold into India. Besides, you have not got a single farthing of gold in the Gold Standard Reserve to meet reverse councils which should be sold only when exchange is weak. The Currency Report recommends that the location of the paper standard reserve should be India, therefore not an ounce of gold has any business to be in England in the paper currency reserve. Then how are we to meet these reverse council bills? You can meet them only with the gold that the Secretary of State gets for his council bills or otherwise purchase it from the Indian tax-payers money. Well, then, what ought to be sent out here, is utilised for the payment of reverse councils. These complications are leading indirectly to the Government encouraging export of money from India showing an apparent partiality to one class of persons—I hope I am not wrong in my general reasoning—the man who pays for gold in India is the loser, and the man who sends money out of India gains considerably. I think, Sir, all these difficulties would only arise by reason of your controlling the import of gold. Why should you do it, I ask? It is said that gold is controlled in order that there may be no shock. Let us analyse the position. You find that the imports from the United Kingdom and the rest of the British Empire are greater than the exports to those parts. That is, it is we who have to send gold to adjust the balances against us to the United Kingdom and the rest of the British Empire. So we do not ask for any gold to flow into this country in trading with those countries. It is other countries like the United States, Japan, France, Italy and Australia that take largely goods from us, and it is here that there is excess of exports over imports, and as London is a free market and the centre of world trade adjustments, gold has to be shipped from these foreign countries to whom we export goods in such large quantities to London to be transmitted to India; if India wants gold, there should be no restrictions. So the countries which give us gold, if India desires gold, is not the United Kingdom, but it is the United States, Japan and other foreign countries. And why should we not have gold from these countries in exchange for our goods? If they wish to pay in gold for our goods, why should Great Britain interpose and say that there will be a shock to other countries. I submit, Sir, that the balance of trade in 1918-19 was in the case of the United States 12 millions in our favour. I think Mr. Dalal has worked out and has shewn the figures for the pre-war year that £88 million was the balance of trade due to us from other countries and 47 millions against us to the United Kingdom, Java, etc. So that it is other countries that in that year had to pay 41 million pounds. Similarly, you will find on analysis that these 97 crores, which was the excess of exports over imports into India during this period of nine months, is largely due to us from other countries and not from the United Kingdom. What is done is that the gold which is due to us from other countries is intercepted. Council bills are sold to us, that means to say paper money or silver is given to us, and a number of mutual adjustments are made to the detriment of India. I think this is the view which was taken by Mr. Dalal on this point, and I think on this point, although we may not agree with him in all his contentions, he is perfectly correct. He says: 'The real reason for this latter practice is not so much to meet the convenience of trade as to retain the power of diverting payments of India's foreign balances from gold to silver.' Then again 'these revolutionary changes are to be explained by the particular bent of the policy followed—a policy of making India accept payment in India of the balances due to her as far as possible in the form of rupees.' And then the rest of it in paragraph 68 is to the same effect. 'It is a policy which is settled and managed in London, and which necessarily operates in the markets of London and India. That the interests of the London markets have not been without influence in shaping the policy may be gathered from the enormous sums of money or investments belonging to the Indian currency which have been accumulated there.'

"So, I submit, there is absolutely no reason whatsoever for any shock to any other country by reason of our demanding gold. After all, we do not demand so much gold. We did demand about 20 millions on an average during the pre-war period quinquennium, and after all there is a limit to it. It is limited by the excess quantity of goods we supply after meeting all the countries' liabilities and investments, and Hon'ble Members will find on analysis that about 5 annas 4 pies worth of precious metal per head was imported into India during the last five years on private account. There are 153 million women in India, and if you divide it amongst them, I think it will give less than a rupee per head, about 11 annas, taking a sovereign to be 15 rupees, and if you turn to the figures for Europe and America you will find that the average consumption in jewellery and on private account in arts and industries is far larger per head than in India. There is of course a small class of people here who wear heavy jewellery, and I shall never encourage in the slightest degree the habit of wearing jewellery, but you will find on analysis that India has not absorbed more gold than she justifiably may and that is the view taken by the Currency Commission also. Therefore, I submit, Sir, there is absolutely no danger, either to India or other countries if she imports gold freely and there is also a chance of our getting gold now because European countries have a minus balance the imports being larger than exports and do not require gold unless it be to back up a floated currency which would be impossible for them to do except by the adoption of other measures. Therefore, I submit, we have got a fair chance of getting gold if only we are permitted to get gold freely. Government may say, 'We are getting gold and selling it, therefore wherein lies your difficulty?' My difficulty is that first of all you are imposing taxation on buyers, secondly, it is leading ultimately to the export of capital from India, and my third difficulty is, that the Secretary of State has grievously erred in setting at naught the recommendations of the Currency Committee and centring control with the attendant complications. If the Government say that they wish gradually to bring down the price of gold in India, my submission is that if your figures are correct, you have nearly succeeded already because the minimum tender the other day was Rs. 16 per tola, and if that be so, one of the reasons urged for the continuance of the Gold Import Act has disappeared. . . .

The Hon'ble Sir Claude Hill (*presiding*):—"I do not want to hurry the Hon'ble Member, but he has exceeded his time and perhaps he will bring his remarks to an early conclusion."

The Hon'ble Rao Bahadur B. N. Sarma:—"I therefore submit, Sir, that the Secretary of State should accept the unanimous wishes of the people of India, expressed from all quarters, that there should be free import of gold into India, and should act upon the recommendation of the Currency Committee and not find excuses which after all are supposed, subject to explanation by the Government of India, to be really meant to improve the condition of the money market or the exchange market in London."

8-2 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—" Sir, I rise to support the resolution of Mr. Sarma. I had thought of bringing the matter before the Council before now, but I was informed that it was the intention of Government to introduce a Gold Import Bill, and therefore to avoid a discussion a second time, I refrained from bringing in a formal resolution. But as a resolution has been brought in I strongly support it.

'Sir, this question of gold imports has been carefully considered by the last Indian Currency Committee and the findings of the Committee are :

(*a*) The quantity of gold taken by India for all purposes before the war (£19 million pounds sterling annually) was not disproportionately large in relation to her economic condition ;

(*b*) India is entitled to require payment for her produce in the form most acceptable to her people ;

(*c*) India's capacity to draw gold from the other countries depends in the last resort on the desire of her customers to secure her produce and so long as they continue to take it, India will be in a position to demand gold, in so far as she may prefer payment in this form to the import of commodities or the investment in foreign securities of credits due to her ; and

(*d*) the entry of gold into India should be freed from regulation or control by Government.'

"The whole position has been summed up thus, and the conclusions are absolutely sound. In the light of this analysis of the Indian trade conditions the apprehension that exports of gold to India would be stopped by foreign countries is groundless. Our demand will be backed by the whole strength of our economic position. The United States of America is now the chief exporting centre, and for long years will remain so. And in her trade relations with that country India is in an exceptionally strong position. There is normally a heavy balance of trade in India's favour In 1913-14, that is at a pre-war period, the value of Indian exports to the United States exceeded that of her imports from there by £11⅓ million pounds sterling. During the war American exports to India increased both in volume and value, but this improvement has not materially affected India's favourable balance of trade. It remains to be seen how far the improvement will be maintained with the restoration of normal conditions of production and shipment in the belligerent countries of Europe, and the establishment of trade relations with enemy countries. With increased demand for her produce within the country, again due to the expansion of her industries, India will be in a better and stronger position in her dealings with foreign countries, the United States of America included. With all these factors in her favour, it is extremely unlikely that India will be refused gold by America. India's position in her trade relations with Japan, another gold-using country, is equally strong. For the matter of that, as pointed out and substantiated by a specially prepared table by Mr. Dalal in his minority report on our currency problems, out of 77 foreign countries engaged in trade with India, only in five is the balance against her. The net balance in her favour in 1913-14 exceeded forty million pounds sterling. This exceptional position of India in her foreign trade insures to her a power to enforce liquidation of her credit in gold. The embargo on exports of the metal has been removed in the principal centres.

"It is not fair to India to restrict her gold imports on the plea of the need of the conservation of the world's stock of gold for legitimate purposes of currency. The fact cannot be emphasised too much that India has been wrongly and unjustly described as the sink of gold. Sir Babington Smith's Committee have found that the Indian demand for gold is not excessive. Sir Stanley Reed, in his able memorandum before that Committee, exposed the unsoundness of the contention in the following passage:

> 'This attempt to fasten upon India an exceptional and invidious responsibility for the consumption of gold cannot be too vigorously combated. India is still an illiterate country, whose credit and banking facilities are miserably unorganised and where the practice of holding small savings in gold and silver ornaments is centuries old. Yet its normal demand for the Industrial arts and for the satisfaction of the social customs of three hundred and fifteen millions of people was met before the war by about ten millions of gold annually. The United States of Ameriea was reported recently to be absorbing a million sterling gold per month for industrial purposes. Yet no one says that the United States is a bottomless sink in the matter of her gold absorption. It is stated that in England one of the most flourishing trades during the war was that in cheap jewellery in which form the working classes invested a substantial proportion of their increased earnings. Every country in the world uses gold and silver for industrial and domestic purposes, and it induces a sense of angry injustice to find that the Indian demand for the precious metals, for precisely the same purposes, is perverted into senseless hoarding, especially when the history and conditions would justify a far larger gold absorption than the Western nations with their general literacy and highly organised credit systems can claim.'

It is true the Government has been selling gold in moderate quantities by tender, but that raises another point of vital interest to the people. Government is making a profit of 40 to 45 per cent. upon these transactions. This heavy profit is paid by the people and is an indirect taxation for which justification is wanting.

"The whole point now before the Council is, whether in these circumstances the gold market should at once be thrown open to India or not? It is entirely wrong from our point of view, as also on grounds of equity and natural justice, that India must be made to wait. Indian public opinion strongly deprecates further delay in making imports of gold free and unrestricted, and Indian public opinion in such matters especially ought to count with the authorities.

"Besides, free imports of gold will help us to have a gold currency. All our coins are token coins on a gold basis. Only gold is wanted to start a sound Gold Currency. Japan took advantage of her strong economic position to have a Gold Currency. Why should not India make use of her present opportunity in a similar way? The Currency Committee too favour a Gold Currency with a Gold Mint for India. That is the only sound policy to follow, and the removal of all restrictions and control from gold imports is the most effective way to give effect to it. The sooner therefore gold imports are made free the better for the country. The debtor countries of Europe have still a Gold Currency. There is no talk of a change in their currency standard even with their huge financial obligations. There is no sound reason for preventing India, a creditor country, from adopting a Gold Currency. The argument that the free import of gold into India at this stage will disturb the world's finance, does scant justice to our interests which are of paramount importance to us and ought to be of paramount importance to this Government.

"With import of gold the exchange will find also a natural corrective. Sir, with these few words I support the resolution. I will bring forward other arguments when the Bill is to be passed."

3-10 P.M. **The Hon'ble Mr. W. E. Crum:**—"Sir, if the last words of Mr. Sarma's Resolution had been, 'as soon as possible' I would certainly have supported it. At present I am not prepared to support it without hearing the arguments that will be brought forward from the Government's point of view, because I think that they must have sound arguments for the policy they are adopting at present. I entirely agree with what the Hon'ble Sir Fazulbhoy Currimbhoy and the Hon'ble Mr. Sarma have said of the right of India to be paid for her exports in whatever way she wishes. If she wishes to be paid in gold she certainly ought to be paid in gold. A special point was made of that in the Bengal Chamber of Commerce's report to the Currency Commission, and the Currency Commission have accepted that point and have agreed that India should be paid in whatever way she demands. But I think that perhaps Mr. Sarma and Sir Fazulbhoy Currimbhoy made a little bit light of the effect that the absolute free import of gold into India would have on the world's commerce, and it is from that point of view that I would like to hear Government before I definitely give my vote to the Resolution. Generally, in principle, I think we are all agreed that, as soon as possible, India should be allowed to import gold and silver as freely as she requires and wishes."

The Hon'ble Mr. W. M. Hailey :—"Sir, I have naturally listened with the very greatest interest to the case presented by the Hon'ble Mr. Sarma, in the preparation of which I realise that he has devoted a great deal of independent study. I fully sympathise also with the point of view taken up by the Hon'ble Sir Fazulbhoy Currimbhoy. I know that Bombay feels strongly on this question of the free import of gold. At the same time, in listening to them I wondered to myself how much real difference there was between the attitude of Government and their own attitude. Let us, if I may, clear the ground a little bit in the first place on general principles. There might have been a time when perhaps economists and perhaps some others might have laid emphasis on the argument that India is a sink for gold, that its craving for gold is insatiable and unreasonable, and that it does an injury to the world to attempt to satisfy that craving. They might have argued that gold is only imported for the purposes of hoarding and that hoarding is an economic evil. Well, Sir, there will certainly be no tendency at present to base our case purely on such arguments. We recognise now—I think everybody recognises now—that India has, as the Hon'ble Mr. Crum says, a right to take payment in any form she wishes. If there is hoarding, well it is a thing we deprecate and which we would like to argue people out of; but knowing the lack of banking facilities in the country we cannot help sympathising with the desire of the people of the country to keep some store of value in the shape of gold. The Chamberlain Commission laid down very clearly the attitude of an independent body of thinkers on that point. It deprecated, I am bound to say, the use of gold in currency, on the ground that it was not an economic use, but it wrote as follows on the subject of the use of gold in India :— 3-12 P.M.

> 'The line between gold in hoards and in circulation is an indefinable one, but the hoarding habit is sanctioned by the experience of centuries in India and by religious and social laws and customs with which the Government of India have neither inclination nor power to interfere. Any attempt to refuse gold to meet these legitimate demands would be unjust and foredoomed to failure and could only cause alarm and instability. The proper line of advance consists not in actively discouraging the use of gold for currency but in encouraging the use of notes'.

"Then you have heard also what the Currency Committee said on the same subject. I am not sure if my Hon'ble friend quoted the passages I have particularly in mind, but it is very much to the same effect. They say :—

> 'It must be remembered, however, that the population of India exceeds 315 millions, and that the use of gold (or, alternatively, of silver) plays an important part in social ceremonies sanctioned by religion and tradition. Presents of gold and silver ornaments are obligatory at weddings and on other ceremonial occasions and so forth. It has always been the habit in India to use the precious metals as a store of value and to hold savings in this form; nor, until banking and investment facilities have been expanded, and the habit of using them has been acquired by the people of India, is it easy to see in what other form savings can be accumulated.'

"Our own conclusion certainly is that India ought to have a free import of gold as soon as that can be provided for without injury to other interests, and that, in effect, was exactly the recommendation of the Currency Committee. Where Mr. Sarma differs from our present attitude is in thinking that the moment for removing all restrictions has arrived. I think he believes that there is still at the back of somebody's mind, perhaps the Secretary of

State's mind or perhaps our mind, some malign desire to deprive India of the gold to which it has a right. There is no such desire at all, but the fact is that at present there is in India an internal premium on gold, and as long as that premium exists, it would be impossible to carry out the policy of the Currency Committee as enunciated in paragraph 65 of their Report, which is to maintain the restriction until the parity of 10 rupees to a sovereign is attained. If we allowed free import of gold at the present moment what would be the result? It would be a result which, I think, Mr. Sarma himself would deprecate. It would be profitable to bring in gold on private account; there would be an enormous demand on the part of profiteers for Reverse Councils in order to pay for it. Now, in maintaining the restriction on gold in order to carry out the policy of the Currency Committee's Report, are we doing any present harm to India? As I have said before, the Report contemplates a temporary restriction only, and the Government only contemplates temporary restrictions. Government is now importing gold freely. Is India able to absorb the whole of the gold that Government imports? No. At the last sales the whole of the gold offered at auction was not bid for. Again, is India suffering in the point of price? No, certainly not. Gold has never been as cheap in India for many generations as it is to-day. I put it to the Council that it is clear that by keeping on the restriction purely as a temporary measure, in order to carry out the policy of the Currency Committee's Report, we are doing at present no injury to India at all.

"Mr. Sarma told us that by our present policy of selling Reverse Councils we were doing a further injury to India because we were sending India's gold out. Now, I was not able to follow his argument in this respect. We are not sending out gold from India. Perhaps when that later stage of discussion comes on, that is, when the Gold Import Act is brought up for discussion, he will be kind enough further to elaborate that argument. At present I have not been able—perhaps it is my fault—to follow it fully.

"Sir Fazulbhoy Currimbhoy said that we are making large profits from the sale of gold; Mr. Sarma referred to the same point. I think if he would realise that we are paying at the rate of 120 shillings in London for the gold, he would revise somewhat his idea of the percentage of profits that we are making on that account. I do not think that either of the Hon'ble Members who have addressed themselves to this point are justified in saying that India has suffered severely in the past by our policy in respect of gold. The imports of previous metals into India have been enormous. It is calculated that India has absorbed in the last 60 years something like 350 million pound worth of gold. There was of course a temporary cessation of imports during the war, owing to the restriction imposed by us. Mr. Sarma attacked that policy, but he was good enough to say at the end of his attack that he himself could see no other way of financing ourselves during the war than in the manner adopted by us. Let me quote against him the opinion of the *Times of India*, a paper which is not always favourable to our currency policy. In discussing the Report of the Currency Committee, the *Times of India* purposely asked its readers not to go back on what was done during the war. It was, the paper said, impolitic to go back on that policy now, because no other policy was possible at the time. We are not dealing with past measures, we are dealing merely with the future; we are dealing with the question whether it is wise at the present moment to allow the free import of gold into India in view of the existing internal premium on gold, and we are merely suggesting that the restriction should be kept on until the internal premium has disappeared.

"My Hon'ble friend reminds me that I did not say whether the Government could or could not accept the resolution. If the Hon'ble Mr. Sarma would be willing to agree that the resolution should be modified by providing that the restriction shall be removed as soon as possible, the Government will be very glad to accept it, and they would at the same time be perfectly prepared to bring before the Secretary of State the opinions expressed by the non-official members of the Council who have spoken this afternoon."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, I am thankful to the Hon'ble Mr. Hailey for his appreciation of our difficulties which urge us in bringing forward this resolution at the present stage, and I am thankful that he has promised to consider whether it would not be possible to address the Secretary of State to remove, at the earliest possible moment, the restrictions on the import of gold. But, Sir, 'at the earliest possible moment' is a somewhat elastic term, and I have never felt any doubt that the Government would abolish these restrictions at what they consider to be the earliest possible time. If the Hon'ble Mr. Hailey gives some indication as to the period within which he expects to do this—I will not say do it to-day or to-morrow—but if he can say when he expects these restrictions will be removed, I think I may see my way to drop the resolution. Of course the resolution is entirely in the hands of the Government. 3-24 P.M.

"But may I say, Sir, that the arguments that were advanced by the Government really strengthen the position for which I stand. As far as I remember the recommendations of the various Chambers of Commerce and public men who appeared before the Currency Committee were in favour of an immediate removal of the restrictions. The Secretary of State must, therefore, have represented his view before the Committee, if he had any views on the matter, showing how it would be impossible to carry out the wishes of the people. The question must have been considered by the Committee in the light of the representations of the Government and the question must have been threshed out before the Committee came to a conclusion on the matter. The Committee state that they deprecated delaying the report although exchange was fluctuating in a remarkable manner, absolutely unforeseen by any one; they deprecated delaying on the ground that that would mean the continuance of Government control over the imports of gold and over exchange. I take it, therefore, Sir, that either the Secretary of State did not raise any objection, or had no arguments to advance to convince the Commissioners, and his arguments were not considered of sufficient value, as to justify the Committee coming to a different conclusion. Consequently, some strong arguments have to be urged now by the Secretary of State before he can justify his position that the Gold Import Act should be continued and that restrictions should be continued for some time. And what are the arguments? It is said that there is a premium on gold; exactly, that is the reason why these restrictions ought to be removed; the premium will continue as long as there is a dearth or scarcity or famine of gold, and the Government sales do not come up to the people's requirements. If they can buy what they want at Rs. 10 per sovereign as they hope to, if the market were free, why should they pay at the rate of Rs. 16 or Rs. 15? There is a lot of smuggling also going on. Therefore the premium on gold would depend upon the quantity of sales by the Government, and if the Government should sell large quantities without making any profit, or if the people are allowed to buy in an open market, then there would be no premium on gold, and therefore I cannot see how this argument of the existence of a premium on gold in India can be used for the purpose of perpetuating a premium on gold. Then, Sir, if my remark was correct that the last tender was 16 rupees a tola which was accepted the other day, the time is fast approaching when the nominal value and the market value will approximate together. Therefore, I submit there would be no necessity for any further continuance of that. The Hon'ble Mr. Hailey says 'India cannot absorb all the gold; we have seen that from the fact that she is not able to buy all the gold we are tendering.' That is exactly the argument which I would use for the purpose of showing that there will not be a shock to the world. If the people of India cannot absorb the gold that is being sold, surely they are not going to grab all the gold available in the world and create a famine in the rest of the world. Therefore, that argument strengthens my position that India would not dislocate the markets of the world.

"Then it is said that India is getting gold as cheaply as at any time. That may be correct from a relative point of view; but if owing to circumstances over which nobody has any control the relative values of gold and silver and other articles have so altered as to enable the people of India to buy gold at the rate of Rs. 15 a tola, what is the use of arguing that Government are selling at the rate of Rs. 18 or Rs. 20, a much cheaper rate than they paid some time ago? The question is, are they buying at the rate which is ruling in the outside world? The answer is no. Why should there be any difference? I submit, therefore, that the argument that the people in India are not so badly off and that they are getting gold as cheap as they did at any time, is no argument in favour of their not getting it as people outside India are getting it at the present moment.

"Then it was said that reverse councils would be demanded in order to buy gold. I really could not follow that argument. Of course, if the people of India were going to buy gold they would not export gold; they must pay in goods or silver; silver they cannot send. The purchasing power would be limited by the goods they export, and reverse council need be sold only when there is an adverse trade balance, which means she has nothing wherewith she can pay for gold. Then again, those who send their capital outside India, are not those who buy gold for private use?

"I do not believe that the trade balance which is now 97 crores in our favour is going against us by reason of a few crores of rupees of gold being purchased by the middle or upper classes. So I do not think much of that argument. Then it was said that India was not treated badly in the past. Nobody has said so except in the matter of the sales of council bills. In 60 years she has absorbed 350 millions and that is a very tiny fraction of the whole quantity; it comes to about 3 annas per head per year at 15 rupees per tola. I do not think that that is a magnificent sum. India has not been indulging in luxuries in absorbing 3 annas per head per year. So I do not think there is much in that argument either. The reason why I have brought up this discussion is to strengthen the hands of the Government of India both in the interest of the people of India and the Secretary of State. Perhaps I should not draw a distinction between the Secretary of State and the Government of India. But there is no harm in our expressing our feelings that we wish to strengthen the hands of Government in the struggle. I wanted this Resolution to be discussed before the Gold Import Act was introduced. I hope the Government will see their way to remove the restrictions at the earliest possible moment, *i.e.*, in the next few weeks."

The Hon'ble Sir Claude Hill (*presiding*):—"Do I understand the Hon'ble Mr. Sarma to accept the four words 'as soon as possible'."?

The Hon'ble Rao Bahadur B. N. Sarma:—"No, Sir."

The Hon'ble Mr. W. M. Hailey:—"I am sorry Mr. Sarma is unable to accept my suggestion in that respect."

The Hon'ble Rao Bahadur B. N. Sarma:—"If the matter is open to consideration I shall accept it, if no definite conclusion has yet been come to. If there is any chance. . . .

The Hon'ble Sir Claude Hill (*presiding*):—"Order, Order."

3-31 P.M. **The Hon'ble Mr. W. M. Hailey**:—"It is of course quite impossible for me, it is quite impossible for anyone here or anywhere to prophesy exactly when the moment will come when the internal premium on gold will disappear? For the information of Members of this Council I may point out the extent to which we have been able to reduce that premium by our sales of gold. When we started the price was about Rs 32 a tola; it has gone down now to Rs 21 a tola; and it has of course still to go down to a little under Rs. 16 a tola before the parity is established. Judging, however, from recent sales of gold it will not be long before the internal premium shows a further reduction. When it does go down to the ten-rupee parity, Mr. Sarma may be assured we shall recommend that the restriction be removed. I did not perhaps fully elaborate the point which Mr Sarma has referred to regarding the effect of the immediate removal of the restriction on gold. Of course when you refer to gold you refer to it in two forms, that of sovereigns and that of bullion. Australian gold, for instance, is imported entirely in the form of sovereigns. Until we have established the ten-rupee parity it would obviously be dangerous to allow the free import of sovereigns into India—that would place an obligation on us of giving Rs. 15 for every sovereign introduced—a sum in excess of its present bullion value. Mr. Sarma himself would recognize this to be a very dangerous obligation. But with regard to the free introduction of bullion I put the matter as follows. So long as gold is at a premium above Rs. 10 to the sovereign, it would be profitable to bring in gold on private account and to pay for this by reverse Councils. There would be a fictitious and non-trade demand for reverse Councils which would be enormously increased by profiteers. That is the exact point I wish to put to Mr. Sarma."

The Hon'ble Sir Claude Hill (*Presiding*) :—"Do I understand Mr. Sarma to accept the words 'as soon as possible' I must ask him to say yes or no."

The Hon'ble Rao Bahadur B. N. Sarma :—"I would rather have the Resolution put."

The motion was put and the Council divided as follows:—

Ayes—22.

The Hon'ble Sir Gangadhar Chitnavis.
,, Mr. W. E. Crum.
,, Mr. S. N. Banerjea.
,, Mr. S. Sastri.
,, Mr. R. Ayyangar.
,, Mr. B. N. Sarma.
,, Mir Asad Ali, Khan Bahadur.
,, Sir Dinshaw Wacha.
,, Mr. V. J. Patel.
,, Mr. E. H. Jaffer.
,, Sir Fazulbhoy Currimbhoy.
,, Raja Sir Rampal Singh.
,, Mr. Abdur Rahim.
,, Nawab Ali Chaudhuri, Khan Bahadur.
,, Mr. S. Sinha.
,, Chaudhuri Muhammad Ismail Khan.
,, Khan Sahib Shah Nawaz Bhutto.
,, Sir Umar Hayat Khan.
,, Sir Zulfikar Ali Khan.
,, Sardar Sundar Singh.
,, Mr. G. S. Khaparde.
,, Mr. K. K. Chanda.

Noes—36.

His Excellency the Commander-in-Chief
The Hon'ble Sir Claude Hill
,, Sir George Lowndes.
,, Sir George Barnes.
,, Sir William Vincent.
,, Mr. Shafi.
,, Mr. W. M. Hailey.
,, Sir Arthur Anderson.
,, Sir Thomas Holland.
,, C. F. de la Fosse.
,, Mr. E. M. Cook.
,, Mr. H. Sharp.
,, Mr. H. McPherson.
,, Mr. A. H. Ley.
,, Sir William Marris.
,, Mr. R. A. Mant.
,, Major-Genl. Sir A. Bingley.
,, Mr. E. Burdon.
,, Sir Sydney Crookshank.
,, Mr. H. R. C. Dobbs.
,, Sir John Wood.
,, Surg.-Genl. W. R. Edwards.
,, R. B. L. M. Chatterjee.
,, Mr. G. R. Clarke.
,, Mr. H. Moncrieff Smith.
,, Mr. A. P. Muddiman.
,, Mr. C. A. Barron.
,, Mr. N. E. Marjoribanks.
,, Mr. K. C. De.
,, Mr. L. F. Morshead.
,, Mr. C. A. Kincaid.
,, Mr. P. G. J. Pipon.
,, Mr. H. A. Casson.
,, Mr. A. E. Nelson.
,, Mr. B. C. Allen.
,, Mr. G. F. S. Christie.

The Resolution was therefore rejected.

RESOLUTION *RE* COUNCIL BILLS.

The Hon'ble Rao Bahadur B. N. Sarma :—" Sir, in view of th Press Communiqué issued last night, I do not wish to move this resolutio now :—

> 'This Council recommends to the Governor General in Council—(*a*) that Council Bill be sold in London only in so far as it may be necessary to do so to meet the requirements o the Secretary of State for India, and (*b*) that Reverse Council Drafts be sold only for *bona fid* trade purposes.'

The Resolution was by leave withdrawn.

RESOLUTION *RE* CONTROL OF FOODSTUFFS.

3-45 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Sir, the resolutio that stands in my name reads thus :—

> 'This Council recommends to the Governor General in Council that the control ove foodstuffs, particularly rice, as between province and province and district and district in the same province wherever it exists at present, be abolished.'

" Sir, this is a question which has been agitating the minds of the masses of India much more acutely than the classes, or the classes are aware of There is hardly a village in the whole country which does not look forward to a satisfactory solution of this foodstuffs problem, and I therefore hope, Sir, that the Council will be able to arrive at correct conclusions on the subject. It is also a question involving the correct determination of very large and vital principles with regard to the relations between the several provincial administrations of India and the principles agreed upon would have to be reduced to practice not at some remote time, but in the immediate present. The question I would ask my Honourable colleagues and the Government alike is, are we to treat the several provinces of India as united only for purposes of defence and collateral purposes, or are we to look upon the whole country as really one wherein the people would have to be benefited by or to suffer alike from a bad crop, high prices or other inconveniences resulting from the fluctuations of the season? If the various provinces can, subject to a loose control by the Government of India, determine for themselves the policy as to whether they should build up a protective wall round themselves whenever they feel that there is a scarcity and that the result of a rise in prices would be to inconvenience their population, if you are to allow the Councils and the people of the various provinces to embark on such a policy, I am afraid we shall be doing something egregiously wrong and detrimental to the union of the people and the treatment of India as a single unit. I have been noticing that the various Provincial Governments have been, in dealing with this and other cognate matters connected with the subjects of other administrations, treating themselves as if they were semi-independent units subject, no doubt, to the advice and control of the Government of India, but entitled to be practically free to do what they wished and justly aggrieved whenever their wishes were not acceded to. I have dwelt upon it at such length, because I often hear the cry that the people of a particular province would be seriously inconvenienced by the depletion of its foodstuffs if an adjoining province which is more unhappily circumstanced gets foodstuffs from there. I hope, therefore, Sir, that a correct solution will be found and that, as far as possible, equality of treatment will be given to all His Majesty's subjects throughout India, and all should benefit or suffer equally from high prices. At the present moment I cannot say as to whether it is due to the stupidity and ignorance of our commercial men, to the difficulties in the way of transport or other obstacles placed by inter-provincial regulations that the prices of foodstuffs within the several provinces and even the limits of a single province present such grave differences and discrepancies, There seems to be absolutely no principle or data by which you can account for these differences, and it is unfortunate that sometimes it so happens that it is just in those places where the rate of wages is low that pressure is the hardest. I will allude a little to details so that I may not be considered to be dwelling upon vague formalities and surmises. Let us take the latest figures from the Supplementary Gazette of India, for February 1914. I suppose when they speak of rice. wheat, etc., the qualities are the same or are approximately equal. You will find from those figures that—let us take the prices in 1920—in the case of wheat the price was Rs. 5-9, Rs. 5-13, Rs. 5-14 in Peshawar, Lyallpur, etc., whereas in Nagpur it is Rs. 9-13-7 per maund of 82 lbs. There is a difference of Rs. 4-4 per maund, and surely no merchant's profits or transport charges could possibly account for such a vast difference. Taking again rice, the price of rice was Rs. 5-13-1 in Rangoon, Rs. 10-10 in Ferozepore, Rs. 10-3 in Poona, and Rs. 8-6-11 in Madras, and, I think, it is really much more in Madras. There again you find a fluctuation of nearly as much as Rs. 4-13 between Rs. 5-13-4 in Rangoon and Rs. 10-10 in Ferozepore. Take Jowar for instance. It was Rs 4-7 in Lahore and Rs. 8-6 in Bombay, a difference of nearly Rs. 4 per maund. Take again Bajri. It was Rs. 5 in Lyallpur and Rs. 7-8 in Ahmedabad. Take Gram which was Rs. 5-0-9 in Peshawar and Rs 10-2-4 in Poona, and it is curious that even between adjoining places that prices are grossly dissimilar. In Ahmednagar the prices fell from Rs. 10-15-3 in 1919 to Rs. 5-11 whereas in Ahmedabad it fell from Rs. 11 (the original difference being only 9 pies) to Rs. 7-8. And my experience of the Madras Presidency also confirms me in the existence there of surprisingly great variations in adjoining districts. In the districts of Kistna and Guntur rice is sometimes 6 or 7 seers to the rupee, while on account of control in neighbouring districts it is 4 seers nominally, really 3 to 3½ seers to the rupee. What is the result? A lot of smuggling, a lot of profiteering and innumerable evils which the Government cannot possibly check. I know that during the previous year the Government had to deal with exceptional circumstances. There was such a tremendous shortage in food crops that unless the Government took over the control people might have died by thousands, on account of inability to obtain food, even though they were ready to pay for it. And I am not asking the Council now to consider the question whether the Government were right in the past in regulating the control and the various steps they took for that purpose. The question now is, is there any reason for a continuance of control during the year 1920? I think it is believed generally that the crops were fairly good throughout India, and that there is enough food in Burma and India to supply the reasonable requirements of the people. I proceed on that assumption subject to correction. It may be that the depleted stocks cannot be replenished immediately from this year's harvests, and that therefore steps must be taken to prevent export, so that the depleted resources may be replenished. I can understand that, but the point is whether, if the premises are correct, namely, that there is enough food to go round India, there is any justification in controlling the movement of foodstuffs by giving licences to particular individuals for carrying on trade either in rice, wheat or other articles of human consumption. That is the real point, and my submission is that, although I admit that the wages in different parts of the country vary so enormously that a price which may be considered to be reasonable in one quarter may be extremely unreasonable in another quarter, yet we must look forward to levelling down prices and levelling up wages also, so that there may not be this disparity, and so that the real economic deficiencies, the real economic difficulties may not be slurred over, may not be hidden from our vision by artifical devices. Of course, if a coolie in the Punjab gets one rupee a day and a coolie in Madras gets 4 annas a day, if there is a free circulation of food from Madras to the Punjab, there would be great hardship; but, Sir, I submit the Government would then have to deal with the situation on a different footing, and I do not think there is any justification in a year which is not a year of famine for taking these artificial distinctions and exercising control. Firstly, the Government will not be must have a sufficient organisation throughout the country so as to minimise the chances of corruption, of profiteering and to avoid a hundred other evils following in the wake of licensed control not properly controlled—and, I think, it must be candidly admitted that the Government has not such a machinery and will not have such a machinery as to really take the place of the retail trade of the country. Then what is the alternative in a normal year? I submit you must leave to the ordinary channels of trade to arrange these deficiencies, and if you find that in any particular place the rate of wages is abnormally low, and the people have no living wage, other remedies must be provided, either by finding employment for the people and raising their wages, by encouraging emigration of a portion so that the wages may be raised, or in such other ways as may be necessary to adopt. These are the immediate problems which confront the Governments of the provinces and the Government of India, and the fear lest exports of a few thousand tons from one province to another may jeopardise the safety of the people should not be pushed too far. As a matter of fact in Madras where district control has been kept up for some time the evils are supposed to be the worst felt. I think it is the people themselves who are clamouring for freedom from control. Of course it may be an ignorant cry. I am not saying Government should immediately listen to that cry and follow it because a large number of people are raising it, if there is no substance in it. But the Government must be aware of this, that unless they can find cogent reasons for stepping in, they should not allow the ignorant coolie or peasant to be under the impression that the Government are taking this control for the benefit of any section of the community, and, rightly or wrongly, I may inform the Government that the racial question has unfortunately also been brought into this in more places than one. I shall not allude to it further, but as I have said already the mere fact that Government are likely to be misunderstood is no reason whatsoever for deterring them from a policy if that policy is the only sound policy that may be followed. But my submission is that the policy of control is not a sound policy at present on other grounds as well . . .

The Hon'ble Sir Claude Hill (*presiding*) :—"May I point out to the Hon'ble Member that as the Council will be adjourning before 4-30, if he takes his full half hour in moving the resolution, there may be difficulty in getting in his reply."

The Hon'ble Rao Bahadur B. N. Sarma :—"I therefore submit, Sir, there is absolutely no reason for continuing this control any longer, that all control as between district and district should be immediately abolished and steps should be taken to induce the Governments, if necessary by command, to draw no distinction between any parts of India, including Burma.

"We find, unfortunately, that even with a bumper crop, prices are rising. They were greater at any rate when I left Madras than they were last year. There is deep misery among the people and it behoves the Government to take every step possible to ameliorate the condition of the peasantry so that this discontent may not deepen and be a source of trouble to the people as well as to the Government."

The Hon'ble Mr. R. A. Mant :—"Sir, I do not think I need detain the Council long, as the hour is getting late, because I can say at once that I am in complete agreement with most of what the Hon'ble Mr Sarma said. He said, he did not wish to go into the question whether our control was justified at the outset or not, and so I propose to deal with that very briefly. As the Council will remember you, Sir, explained in the statement which you made to this Council at this time last year that we were forced to adopt control by the shortage of railway wagons and locomotives. We were never in love with the system and we always said that we would get rid of it as soon as we could. As regards the actual working of the system it has been summed up in the report by Mr. Innes, the Foodstuffs Commissioner, which was published last November. Mr. Innes said :—

> 'It is probable that the measures taken tended to reduce speculation, to conserve supplies, to keep down prices in exporting provinces and to facilitate price control in importing provinces.'

I do not know whether the Hon'ble Mr. Sarma and other members have perused that report of Mr. Innes. If they have, I think they will admit that at any rate we made the best of a bad job in our administration of control, and I think a great deal is due to Mr. Gubbay and Mr. Innes who worked out the details of it. However, as I said, we have never been in love with the system. When I addressed this Council last year on the subject of high prices, I said that we would abolish control as soon as possible, and all I want to tell the Council now is, the extent to which we have not been able to abolish it completely. The Hon'ble Mr. Sarma referred to inter-district control. I take that first. We treated that as rather a domestic affair and left it to Local Governments. The Government of Madras was the only Government that used the system extensively and had an eleborate system of district control. I daresay a good many of Mr. Sarma's criticisms arise from his experience of the working of control there. I am not competent to say whether it is a good thing or a bad thing. We were recently informed by the Director of Civil Supplies in Madras, that it is proposed to abolish the system this month or at any rate at the beginning of March, so, I think, we can leave it at that. The only other provinces in which complete control is maintained over exports and imports of food-grains from or to the province are the North-West Frontier Province and Baluchistan. There have been obvious reasons why special measures should be taken to keep down the price of food-grains there while there was trouble on the frontier, and Government could not resist the advice of the local officers that it would be inadvisable to withdraw control in those areas. The next case is that of wheat and gram which are two staple food-grains in the Punjab. We have removed control over those grains except in the Punjab, and the United Provinces. The Punjab represented that in maintaining restrictions on exports from the North-West Frontier Province, we had deprived them of one of their sources of food supply, as they normally import gram from the North-West Frontier Province, and they represented also the possibilities of trouble in the Punjab, which I have no doubt, Hon'ble Members can appreciate and that it was desirable there also to keep down prices. We have agreed to maintain restrictions on the exports of gram and wheat from the Punjab for the present, but the matter will be re-considered as soon as the new crop comes into the market, and the recent course of prices in the Punjab is encouraging. There has been a fall in the price of wheat, and I hope that we shall be in a position shortly to remove restrictions there. In the United Provinces we have been forced to move in the same vicious circle. The United Provinces said 'if you allow the Punjab to stop exports of wheat and gram, we shall be drained of these grains and so you must allow us to restrict exports too.' So, if we can remove the restrictions in the Punjab, we shall also be able to remove them from the United Provinces.

" There remains only the question of rice. Hon'ble Members are aware, I think, of the arrangements which have been made for controlling the Burma rice crop, whereby the consumer in India and Burma gets his rice at barely half the price that it would fetch in the outside world. India takes large quantities of this rice from Burma, and we have hitherto considered it necessary to control local distribution in order to see that the consumer reaps the benefit of the cheap prices at which we are getting rice from Burma. I am not sure that we could not remove control over rice ; it is a matter which is being considered by a Committee of this Council on high prices and of which the Hon'ble Mr. Sarma is a member, and I hope that he will give us his advice in greater detail at the next meeting of that Committee. I must say that I should have felt happier if he had brought forward some arguments to show that the effect of removing control would be to reduce prices generally. He quoted instances of inequality between different localities, and he made rather a large assumption when he said that he supposed that the standard quoted was the same. Well, that is just one of our difficulties in dealing with these statistics relating to different provinces. They are collected by the Director of Statistics and published in the Gazette, and we really have not detailed information as to quality, and, I think, it is almost certain that the variations to which the Hon'ble Member alluded are largely explained by differences of quality. We have recently arranged to get figures from the Director of Civil Supplies which will be compiled on a uniform basis, and we shall in future be in a better position to judge to what extent prices are going up or down.

"It really then comes to this. The main question which we have to decide—and I am going to ask this Council not to decide it to-day, but leave it to the committee which they appointed last September—is whether we can without danger remove control altogether. The question really is, what will the effect be on prices? It is quite possible that it will cause in the beginning a rise in prices in many localities. My own belief is that eventually they would stabilise and equalise at a lower level, but it is a matter that wants very careful consideration, and I do not think we ought to decide it here and now without consideration of details. Our policy so far has been to move very cautiously in this matter of removing control. It has been the experience of the military authorities, I believe, that demobilisation presented almost as difficult problems as mobilisation, and there has been the same experience in Europe in the process of de-control. I understand that in some cases the removal of control forced up prices so suddenly that the control had to be re-imposed. Now, I think, Hon'ble Members will agree that we do not want any chopping and changing of that kind here. We must foresee exactly the effect of any step we may take and be sure that it will succeed. For these reasons, I will accept the Hon'ble Mover's resolution if he will qualify it by adding at the end the words 'as soon as practicable.'"

4-14 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, the Hon'ble Mr. Mant has invited me to struggle with him at the Committee sitting and try to induce him to agree with me on this question of control. I think across the table in a small committee room there is a chance for much greater success than by challenging Government here on this Resolution. There is a real difficulty, Sir, and we have tried to work it out in practice. This control of Burma rice costing Rs. 5-13-3 in Rangoon and about Rs. 9 in Madras is absolutely unaccountable; neither freight nor profit can account for it, and we know what is going on behind the scenes; and I think it is really to the interest of all that there should be no control, but I shall not go at greater length into it here, and I shall for once seek the gratification of having a Resolution accepted, and accept the modification suggested."

The Hon'ble Sir Claude Hill (*presiding*):—"Before putting the Resolution with the additional words to the Council, I should like to say that Mr. Sarma will find, as Mr. Mant has tried to explain to him, no disagreement in principle between the Government of India and himself on the question at issue here."

The Resolution, as amended, was then put and adopted.

The Council adjourned until Wednesday, the 25th instant, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 4th March, 1920.

SGPI Delhi,—346 L D—5-3-20—750

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 25th February, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B E., Viceroy and Governor General, *presiding*, and 59 Members, of whom 51 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. V. J. Patel asked:— 11-2 A.M

1. "Is it a fact that in no University is there a chair for the teaching, or any facilities for the study and research, of the indigenous system of medicines? Do Government intend to take any steps in the matter?" **Indigenou systems o medicine.**

The Hon'ble Mr. Shafi replied:—

"So far as the Government of India are aware there is no chair in any of the Indian Universities for the study of, and research in, indigenous medicines. Teaching in these subjects was at one time given under the auspices of the Punjab University. The Ayurvedic classes were subsequently transferred to the Dayanand Anglo-Vedic College and the Unani classes to the Islamia College, Lahore; and it is understood that the University gives a grant for their maintenance. The Government of India do not intend to take any steps in the matter. The question is one for consideration, in the first place, by the Universities. The Calcutta University Commission devoted some care to this subject and, while they considered that it affords a fruitful field of study and investigation, felt it impossible to ask the University of Calcutta to undertake to train students in it."

The Hon'ble Mr. V. J. Patel asked:—

Local bodies in India.

2. "Will Government be pleased to give a list of Local Bodies in India (1) which are wholly elected, and (2) which, though not wholly elected, consist entirely of non-officials?"

The Hon'ble Mr. Shafi replied:—

"The list* required by the Hon'ble Member is placed on the table."

The Hon'ble Mr. V. J. Patel asked:—

Taxation.

3. "(*a*) Has the attention of Government been drawn to the following opinion of Lord Selborne's Committee:—

'Whenever the necessity for new taxation arises, as arise it must, the question involved should be threshed out by both parts of the Government in consultation together, and it is especially important that in this matter both parts of the Government should, if possible, be in agreement when the proposals of the Government are laid before the Legislature.'

(*b*) Has the attention of Government been also drawn to the following observations of the Secretary of State appearing at page 283 of the Official Report of the debates in the House of Commons of Wednesday, 3rd December, 1919:—

Mr. Montagu: 'The situation is really this. So far as I understand the Provincial Government in India now has practically no powers of taxation. The powers of taxation are absolutely a new thing. To my mind taxation ought not to be imposed on the provinces. I hope the contingency will never arise except when the whole Government, after consideration of the resources at its disposal, agrees to go to the Legislature and ask for taxation; and I take it all Budget proposals will be discussed in common between all the parties concerned.'

(*c*) Do Government propose to give effect to these opinions, and will provision as indicated therein be made in the rules to be made under the Government of India Act?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) Yes.

(*b*) Yes. The Government of India take these remarks to mean that the future Provincial taxation should be imposed only on the initiative of the whole Local Government and with the concurrence of the local Legislature.

(*c*) It is proposed that the rules regarding the budget and taxation should be framed in accordance with the recommendations of the Joint Committee."

The Hon'ble Mr. V. J. Patel asked:—

Lord Hardinge's Post-war Reforms.

4. "(*a*) Is there any despatch of Lord Hardinge containing proposals for post-war reforms which he prepared and submitted to the Secretary of State after full consultation with the heads of the various Local Governments?

(*b*) If so, will Government lay it on the table?"

The Hon'ble Sir William Marris replied:—

"The answer is in the negative."

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* Not included in these Proceedings.

The Hon'ble Mr. V. J. Patel asked:—

5. "Do Government propose to include in the rules to be framed under the Government of India Act, rules for the appointment of Standing Committees of the Legislative bodies, their composition and regulations governing their procedure?"

Standing Committees of Legislative bodies.

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member's attention is drawn to paragraph 10 of the Joint Committee's Report which runs as follows—

'The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only express this opinion on the understanding that the appointment of such committees, their composition, and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor General or of the Governor, as the case may be.'

In view of this strong expression of opinion the Government of India do not propose that the Governor General's or Governor's discretion should be fettered by rules under the Act."

The Hon'ble Mr. V. J. Patel asked:—

6. "Are Government prepared to do away with the system of confidential reports so far as it is applicable to gazetted officers?"

Abolition of confidential reports on Gazetted officers.

The Hon'ble Sir William Vincent replied:—

"The Government of India do not contemplate any change of the existing practice in this matter."

The Hon'ble Mr. V. J. Patel asked:—

7. "(*a*) Is it a fact that for the purpose of formulating the franchise proposals to be submitted to the Franchise Committee, the Government of Bombay had prepared statistics showing the number of voters on the basis of an annual income of Rs. 250?

(*b*) Will Government be pleased to say what was the number of voters in the Bombay Presidency on that calculation, and why ultimately the idea of including such voters was given up?"

Voters in the Bombay Presidency.

The Hon'ble Sir William Marris replied:—

"(*a*) Yes

(*b*) The number of persons in the Bombay Presidency (excluding Bombay and Karachi cities, which were not included in the calculations) who were estimated to have an annual income of Rs. 250 or over was 170,610. As regards the reason why the Franchise Committee did not include receipt of an annual income of this amount in their proposals for the franchise, the Hon'ble Member is referred to paragraph 9 of their report, in which it is stated that the proposals of the Committee were based on the possession of property as evidenced by the payment of land-revenue, rent or local rates in rural areas, and of municipal rates in urban areas and of income-tax generally. It is presumed that the Committee considered that it would not be possible to make annual income not so evidenced the basis of a satisfactory electoral roll."

The Hon'ble Mr. V. J. Patel asked:—

8. "What action have Government so far taken on the report of the expert employed to study the problem of reviving the trade in natural indigo and to devise means of standardising the natural product in a form which would enable it to compete with the German synthetic dye?"

Steps taken to revive the trade in indigo.

The Hon'ble Sir Claude Hill replied:—

"I lay* on the table the information asked for by the Hon'ble Member."

The Hon'ble Mr. V. J. Patel asked:—

Kazi Abdul Ghaffar.

9. "(*a*) When was the order directing the removal of Kazi Abdul Ghaffar from the Bengal Presidency passed under the Defence of India Rules?

(*b*) Is it a fact that the said order has not yet been withdrawn, and that the Kazi has petitioned the Government of Bengal that the general amnesty be extended to him?

(*c*) Do Government propose to call for the papers and consider his case?"

The Hon'ble Sir William Vincent replied:—

"(*a*) On the 14th September, 1918.

(*b*) Yes.

(*c*) His Excellency the Governor General has considered the case and has decided that it would not at present be consistent with the public safety to cancel the order."

The Hon'ble Mr. V. J. Patel asked:—

Personnel of the informal Advisory Committee to examine the draft rules, etc., under the new Government of India Act.

10. "(*a*) What is the personnel of the informal Advisory Committee recently appointed by Government to examine the draft rules, regulations and standing orders under the new Government of India Act?

(*b*) Is Mr. Surendra Nath Banerjea included as a member of that Committee? If not, why not?

(*c*) Are any members of the Moderate or the Congress Deputations that were sent to England in connection with the reforms, included as members of that Committee? If not, why not?"

The Hon'ble Sir William Marris replied:—

"(*a*) The members of the Committee are—

The Hon'ble Rao Bahadur B. N. Sarma,
" " Mr. Srinivasa Sastri,
" " Sir Dinshaw Wacha,
" " Mr. Surendra Nath Banerjea,
" " Dr. Tej Bahadur Sapru,
" " Sardar Bahadur Sardar Sundar Singh, Majithia,
" " Mr. Sachchidananda Sinha,
" " Khan Bahadur Ebrahim Haroon Jaffer,
" " Rajah of Mahmudabad,
" " Mr. W. E. Crum,
" " Mr. N. F. Paton.

(*c*) It is understood that Messrs. Sastri, Banerjea and Sapru were members of a deputation which visited England in connection with the reforms."

The Hon'ble Mr. V. J. Patel asked:—

"Are any members of the Congress Deputation which were sent to England in connection with the Reforms included as members of the Committee?"

The Hon'ble Sir William Marris replied:—

"I am not aware of the exact personnel of the Congress Deputation."

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* Not included in these Proceedings.

The Hon'ble Mr. V. J. Patel asked :—

Tanning materials yielded by the forests in India.

11. "What action have Government taken on the report of the expert employed on an investigation of the tanning materials yielded by various forests in India with a view to preparing tanning extracts for trial on a commercial basis?"

The Hon'ble Sir Claude Hill replied :—

"The expert employed by the Government of India on investigating the tanning materials yielded by Indian forests has published several preliminary reports. His general survey of Indian tanstuffs was, however, interrupted during the war by the more urgent investigation of tanstuffs which could be readily adopted as a substitute for *tarwad,* the deficiency of which was jeopardising the supply of half-tanned leather to the War Office. The expert is now continuing his general survey of indigenous tanstuffs, and the results of his investigations will be made available to the public, from time to time, as the survey of each local area is completed."

The Hon'ble Mr. V. J. Patel asked :—

Allotment of seats to the rural population of Broach and Kaira.

12. "(*a*) Will Government state what action they have taken or propose to take in regard to the following recommendation of Lord Selborne's Committee :—

'The Committee regard the number of seats allotted to the rural population as distinct from the urban as disproportionately low and consider that it should receive a larger share of representation.'

(*b*) Is it a fact that the seats allotted to the rural population of the Districts of Broach and Kaira in the Bombay Presidency compare very unfavourably with those allotted to the rural population of the Ahmedabad and Panch Mahals Districts?

(*c*) Do Government propose to call for the report of the Government of Bombay on this question?"

The Hon'ble Sir William Marris replied :—

"(*a*) It is proposed to allot from 5 to 7 additional seats to rural constituencies in the provinces of Madras, Bengal, and the United Provinces where the disparity in favour of urban areas was conspicuous.

(*b*) The Hon'ble Member is referred to the statistics of population and voting strength contained in paragraph E of Appendix II to the report of the Franchise Committee. The Government of India do not consider that the disparity between the two pairs of districts is greater than must inevitably occur in any practical scheme of distribution of seats.

(*c*) The answer is in the negative."

The Hon'ble Mr. V. J. Patel asked :—

Municipal elections.

13. "(*a*) Is it a fact that in 1918, a resolution recommending the introduction of the system of proportional representation in elections for select municipal areas was discussed in the Bombay Legislative Council?

(*b*) If so, what has been the outcome of that discussion?

(*c*) Do the Government of India propose to call upon Local Governments and Administrations to apply the said system by way of experiment in elections for select local bodies?"

The Hon'ble Mr. Shafi replied :—

"The resolution referred to by the Hon'ble Member was discussed in the Bombay Legislative Council in 1918, but was subsequently withdrawn. The Hon'ble Member's attention is invited to paragraph 5 of the Resolution of the Government of India on Local Self-Government, dated the 16th May 1918, which lays down the system of representation which the Government of India consider suitable for introduction in local bodies. The Government of India do not propose to call upon Local Governments and Administrations to introduce any system of proportional representation by way of experiment in elections for select local bodies."

The Hon'ble Mr. V. J. Patel asked:—

Repeal of Press Act.

14. "Do Government propose to repeal the Press Act as urged by the Indian National Congress, or at any rate to amend it on the lines outlined by Sir P. S. Sivaswamy Aiyer, in his speech as president of the Second All-India Moderate Conference?"

The Hon'ble Sir William Vincent replied:—

"Government do not propose to repeal the Press Act, but they will examine the suggestions for its amendment made by Sir P. S. Sivaswamy Aiyer."

The Hon'ble Mr. V. J. Patel asked:—

Appropriation of revenue for military purposes.

15. "Under the new Government of India Act, will it be open to the Legislative Assembly to discuss as the Legislative Council now does, at the time when the annual statement is under consideration, the proposals of the Governor General in Council for the appropriation of revenue for military purposes?"

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member is referred to the provision of section 25 (3) sub-section (5) of the Government of India Act, 1919, under which proposals for the appropriation of revenue relating to expenditure classified as 'defence' expenditure shall not be open to discussion in the Indian legislature at the time when the annual statement is under consideration, unless the Governor General otherwise directs."

The Hon'ble Mr. V. J. Patel asked:—

Votes for women in the Bombay Presidency.

16. "(*a*) Is it a fact that in the city of Bombay women have been exercising Municipal franchise for some years, and that recently the Bombay Legislative Council has adopted a resolution recommending that women should be eligible for membership of the Bombay Corporation?

(*b*) Do Government propose to grant the vote to the women of the Bombay Presidency in the new constitution? If not, why not?"

The Hon'ble Mr. Shafi replied:—

"(*a*) There is nothing in the City of Bombay Municipal Act, 1888, which expressly debars women in that city from voting at municipal elections. The Government of India believe that the statement made by the Hon'ble Member himself before the Joint Select Committee on the Government of India Bill that women in the Bombay Presidency have been exercising the franchise for many years past is correct. A resolution recommending to the Governor in Council that steps be taken to remove the disqualification in the Act above mentioned, which prevents a female from being elected or appointed as a Councillor of the Corporation, was moved on the 6th November 1918 in the Legislative Council of the Governor of Bombay and was adopted by a majority of votes.

(*b*) The Hon'ble Member is referred to the report of the Joint Select Committee on clause 7 of the Government of India Bill. It is proposed that the rules should deal with the question of woman suffrage in accordance with the recommendations of the Joint Committee."

The Hon'ble Mr. V. J. Patel asked :—

Reservation of seats for non-Brahmans and Mahrattas.

17. "(*a*) Have the Government of Madras invited the Brahmans and the non-Brahmans to settle the question of separate representation for the latter in the Legislative Council by means of the reservation of seats by negotiation amongst themselves, and if so, with what result?

(*b*) Have the Government of Bombay taken similar action on the question of the treatment to be accorded to the Mahrattas and the allied communities in the Bombay Presidency, and if so, with what result?"

The Hon'ble Sir William Marris replied :—

"(*a*) The Hon'ble Member is referred to the Communiqué recently issued by the Government of Madras. As stated in this, since no agreement could be reached between the Brahmans and non-Brahmans as regards the separate representation of the latter by means of the reservation of seats, the Government of India, at the request of the Government of Madras, have appointed Lord Meston as arbitrator.

(*b*) It is understood that negotiations are in progress between the Mahrattas and the non-Mahrattas, but that they have not yet reached a stage at which the prospects of an agreement being arrived at can be forecasted."

The Hon'ble Mr. V. J. Patel asked :—

The Anarchichal and Revolutionary Crimes Act.

18. "Do Government propose to take immediate steps to repeal the Rowlatt Act?"

The Hon'ble Sir William Vincent replied :—

"The answer is in the negative."

The Hon'ble Mr. G. S. Khaparde asked :—

Postal delivery of certain newspapers in Delhi.

19. "(*a*) Is it a fact that the Delhi post offices are under the administrative control of the Punjab Government?

(*b*) Is it a fact that any prohibition order issued by the Punjab Government in regard to newspapers is regarded by the Delhi post offices as debarring them from serving the papers concerned in the city and province of Delhi with the consequence that (1) the *Independent* of Allahabad, (2) the *Amrita Bazar Patrika* of Calcutta, (3) the *Hamdam* of Lucknow, (4) the *Congress* of Delhi itself, etc., cannot be delivered in Delhi through the agency of the post office though these papers are not prohibited by the Delhi Government itself?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The post offices in Delhi Province are under the administrative control of the Postmaster-General, Punjab and North-West Frontier Circle. They are not under the Punjab Government.

The answer to (*b*) is yes. The newspapers proscribed by the Punjab Government are intercepted by the post offices in the Delhi Province under the authority of the Chief Commissioner, Delhi. Of the papers named by the Hon'ble Member the orders relating to the interception of the *Amrita Bazar Patrika* and the *Hamdam* of Lucknow have since been withdrawn."

The Hon'ble Mr. G. S. Khaparde asked :—

Transmission of gold and silver coin by railways in India.

20. "(*a*) What are the circumstances which necessitated the prohibition of the transmission of gold and silver coin by railways in India?

(*b*) How long will the said prohibition remain in force?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The restrictions on the transmission of specie by railways in India were necessitated by the difficulties of the currency position.

(*b*) The restrictions on the movement of gold coin and bullion were removed in September last. As regards silver bullion, permits for transport by rail are now being issued in all cases, but the Government of India are not at present in a position to make any statement regarding the removal of restrictions on the movement of silver coin."

The Hon'ble Mr. G. S. Khaparde asked:—

Pasture lands.

21. "Will the Government be pleased to state—

(*a*) Whether the Governor General in Council received, on or about 24th March 1916, a memorial and a telegram of that date from Mr. Hansanand Varma of Calcutta praying for setting apart for exclusive purposes of grazing certain plots of pasture lands in every place available in every village, taluka and district in British India?

(*b*) Did Government forward the said memorial and telegram to the Department of Agriculture?

(*c*) If the answer to (*a*) and (*b*) be in the affirmative, will Government be pleased to state the steps taken to give effect to the prayer in the memorial and the telegram?"

The Hon' ble Sir Claude Hill replied:—

"(*a*) The answer is in the affirmative.

(*b*) The matter was considered in the Department of Revenue and Agriculture.

(*c*) No action has been taken by the Government of India, as the question is one for disposal by Local Governments."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked:—

Enhancement of salaries of public servants.

22. "What arrangements have been and are proposed to be made regarding the enhancement of the salaries of public servants in response to the increased cost of living?"

The Hon'ble Sir William Vincent replied:—

"Temporary relief has been given in the shape of war allowances to the lower paid Government servants in all provinces. As a result of the recommendations made by the Public Services Commission the revision of pay, both of the Imperial and of the Provincial Services, has been taken up, and in many cases new rates of pay have already been sanctioned. The permanent revision of the salaries of subordinate services and of Secretariat establishments is now, it is understood, under consideration by Local Governments, and provision to a considerable amount has been made in the provincial budgets for this purpose. In dealing with the question of revision of pay of Government servants account has been taken in all cases of the increased cost of living."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Artificial obstacles created by the Irrigation Department in the way of free flow of the waters of the Ganges.

23. "(*a*) What is the number and the nature of the artificial obstacles created by the Irrigation Department in the way of the free flow of the waters of the Ganges from Hardwar to the Bay of Bengal?

(*b*) Are Government aware of the prevalence of the opinion that these obstacles seriously offend Hindu religious ideas, and prejudice the economic and sanitary welfare of the people of the United Provinces and the Provinces of Bengal and Bihar?

(*c*) Will Government be pleased to state whether and when it is proposed to remove the obstacles or to minimise their harmful effects?

(*d*) Will Government lay on the table a copy of the pronouncement of Lord Hardinge regarding the removal of obstacles at Narora and all papers connected with this question?

(*e*) Has any effect been given to this pronouncement? If not, is it intended to take any steps in this matter, and, if so, what?

(*f*) Has it, among other things, been suggested as a remedial measure that an opening of at least 30 feet should be left in the Ganges at Hardwar, and that a similar opening should be made at Narora, with a view to provide a sufficient and an unobstructed flow of the natural stream for bathing and other religious purposes, and do Government propose to give effect to such suggestions? If so, when?

(*g*) If the answer to the last half of (*f*) be in the negative, will Government be pleased to state how much water flows out of the existing openings at Hardwar and at Narora when the river is at its lowest, and whether such water is sufficient for the purposes mentioned above?

(*h*) If the water be not sufficient for the above purposes, what steps are proposed to be taken to meet these requirements?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) Two weirs have been constructed to divert the water of the Ganges into canals. The first is the new weir at Hardwar which forms part of the headworks of the Ganges Canal. The second is the Narora weir near Rajghat.

(*b*) The Government of India have on two occasions considered representations made by the Hindu community to the effect that the flow of the Ganges should not be controlled. On the first occasion, in 1914, Sir James Meston met a representative gathering of Hindus at Hardwar, and in consultation with them drew up proposals which were accepted as fully meeting their objections. Before these proposals could be carried into effect, a further representation was made in 1916 by the All-India Hindu Sabha. Sir James Meston again held a conference at Hardwar, and this conference agreed to certain proposals involving the provision of a gap in the weir at Hardwar to pass a minimum discharge of 400 cusecs. This gap has since been provided.

At Narora a notch was constructed in February 1916. A continuous flow of water passes through this notch and the continuous flow of the Ganges from Hardwar to the sea is thus ensured.

The Government of India believe that any objection the Hindu community may have had to these weirs has now been removed. They have no reason to believe that the existence of these works can in any way prejudice the economic and sanitary welfare of the people of the United Provinces or of the Provinces of Bengal and Bihar.

(*c*) Since there are now no obstacles such as are described in (*b*) of the question, there are no proposals for their removal.

(*d*) and (*e*). The Government of India have no record of any order issued by Lord Hardinge regarding the removal of obstacles at Narora, but they understand that it was at his suggestion that the notch already referred to was constructed in 1916.

(*f*) and (*g*). It was suggested by the All-India Hindu Sabha in 1916 that an opening of at least 30 ft. should be left in the weir at Hardwar and that a similar opening should be provided in the weir at Narora. At Hardwar an opening, as suggested, has been provided, the bottom of the opening being at the bed level of the river. As already stated the minimum discharge through that opening is 400 cusecs.

The minimum discharge through the notch at Narora is not available, but a continuous discharge is ensured. The width of the notch is 2 ft. and the estimated discharge when water is level with the top of the gates of the weir is 49 cusecs. It is estimated that, if an opening similar to that provided at Hardwar be provided at Narora, the annual loss involved would be Rs. $24\frac{1}{2}$ lakhs, of which practically the whole would fall directly upon the *ryot*. The construction of such an opening further involves serious engineering difficulties and might necessitate the re-construction of the whole weir. The Government of India do not, in the circumstances, consider that they would be justified in acceding to the suggestion."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

House allowance for Provincial Service Officers.

24. "Has any scheme been sanctioned or formulated for including the Provincial Service officers in the scope of the Calcutta, Bombay and Rangoon house-allowance schemes, as recommended by the Public Services Commission in paragraph 69 of their Report ?"

The Hon'ble Mr. W. M. Hailey replied :—

"The Calcutta, Bombay and Rangoon house allowance schemes were not framed with reference to the needs of Provincial Service officers, but a scheme of local allowances for Provincial Service officers specially devised to meet their needs was sanctioned for Rangoon in 1916, and it is understood that a similar scheme is under preparation in Bombay. It has not been considered necessary to extend the principle to Provincial Service officers serving in Calcutta."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

The gross provincial revenue and expenditure.

25. "What is the amount of difference between the gross provincial revenue and the gross provincial expenditure of each of the major provinces of India in each of the six years from 1912-13 to 1918-19 ?"

The Hon'ble Mr. W. M. Hailey replied :—

"A statement* giving the figures asked for is laid on the table. The figures for provincial revenue include assignments to the provinces from Imperial revenues."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

The Provincial Educational Service.

26. "(*a*) With reference to the Communiqué of the Government of India, dated the 26th November, 1919, relating to the re-organisation of the Provincial Educational Service, will Government state—

(*i*) the date from which the orders of the Secretary of State on the subject will be given effect to ;

(*ii*) whether the Secretary of State has sanctioned any incremental scale of pay on the lines of the recommendations of the Public Services Commission in place of the graded system which obtains at present ;

(*iii*) if the answer to (*ii*) be in the affirmative, the details of the scale sanctioned ?

(*b*) Is it in contemplation to promote the more deserving among the members of the Provincial Educational Service to the Indian Educational Service ?

(*c*) If the answer to (*b*) be in the affirmative, will Government state to what extent and from when such promotions will be made ?"

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* Not included in these Proceedings.

The Hon'ble Mr. Shafi replied:—

"(*a*) (*i*) The date from which the orders of the Secretary of State will take effect is primarily a matter for decision by Local Governments.

(*ii*) and (*iii*) The Secretary of State has not sanctioned any such incremental scale. It will be open to the Local Governments to arrange the grades or scales of the Provincial Educational Service within the limits mentioned in the Communiqué.

(*b*) It is under contemplation to promote certain posts together with their incumbents from the Provincial to the Indian Educational Service.

(*c*) The Government are not as yet in a position to make a statement with reference to this part of the Hon'ble Member's question."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Recruitment of Indians in various services.

27. "(*a*) Is the following table, showing the composition of the existing scientific services, correct:—

Name of the service.	Officers (Imperial grade).		Average pay of	
	Europeans.	Indians.	Europeans.	Indians.
			Rs.	Rs.
Botanical Survey	2	0	1,000	0
Geological Survey	16	0	1,010	0
Zoological Survey	3	1	970	700
Agricultural Service	38	5	1,000	460
Forest Service	9	1	1,040	680
Medical and Bacteriological Service (on Civil Employment).	24	5	1,220	520
Indian Munitions Board	11	1	780	300
Meteorological Department	10	2	970	770
Veterinary Department (Civil)	9	0	1,100	...
Educational Service	34	3	910	490
Indian Trigonometrical Survey	46	0	...	...

(*b*) Is it a fact that the Hon'ble Mr. Surendra Nath Banerjea, in his evidence before the Welby Commission in 1897, called attention to the absence of Indians from the scientific services? Was any action taken on that evidence?

(*c*) Is the practical exclusion of Indians from the above services due to lack of qualified men or a matter of policy?

(*d*) Is it a fact that the Provincial Service of the Indian Trigonometrical Survey consists of 112 officers, nearly 80 per cent. of which are Europeans and Anglo-Indians without any academic distinction?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The table given in the question contains many inaccuracies. I am unable to furnish a correct one because the method on which the Hon'ble Member wishes it to be compiled is not clear, but if he will explain exactly what he wants I shall be happy to give him any information required.

(*b*) The reply to the first question is in the affirmative. The Welby Commission presumably gave due weight to the Hon'ble Mr. Banerjea's evidence.

(*c*) The comparatively small number of Indians in the services specified by the Hon'ble Member is due generally, though not in all cases, to the lack of qualified candidates. It is proposed in future largely to increase the Indian element in the scientific services generally.

(*d*) The Hon'ble Member presumably refers to the Provincial Service of the Survey of India Department. This service comprises 112 officers, of whom rather less than 75 per cent. are Europeans or Anglo-Indians.

As regards academic qualifications the Hon'ble Member's attention is invited to paragraph 32(3) of the Survey of India Hand-book, which prescribes that all applicants for admission to the Provincial Service must have passed the B.A. or B.Sc. examination of an Indian University or the Final or High Standard examination under the Code Regulations of European schools, or possess the School Leaving Certificate of any Province or one of the Entrance examination certificates of any University in the United Kingdom."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Political prisoners, detenus, internees and deportees.

28. "(*a*) What is the number of political prisoners, detenus, internees and deportees province by province, regarding whom effect has been given to the Royal Proclamation about amnesty?

(*b*) What is the number of such persons in each province who have not been granted any benefit under the said proclamation?

(*c*) Do Government intend to give relief to them and if so when?

(*d*) Do Government propose to issue or suggest to Local Governments the issue of instructions to the Criminal Investigation Department to try as far as possible to give any reasonable active assistance and in any case to abstain from causing any difficulties to the political prisoners, detenus, deportees and internees who have now been released or about to be released, in obtaining means of earning a livelihood?"

The Hon'ble Sir William Vincent replied :—

"(*a*) and (*b*). A* statement is laid on the table.

(*c*) As indicated in the statement, certain cases remain over for consideration. In other cases His Excellency the Viceroy has not found it possible to extend the indulgence of clemency because the release of the persons concerned would not, in his opinion, be compatible at present with the public safety.

(*d*) Government do not propose to issue instructions of the nature contemplated to Local Governments and Administrations. They have no doubt that officers of the Criminal Investigation Department will abstain from any action likely to prevent those released from earning an honest living; and as a matter of fact it is understood that Local Governments and their officers, including those employed in the Criminal Investigation Department, have in the past done much to help such persons."

The Hon'ble Mr. Sachchidananda Sinha asked :—

System of recruitment for the various Provincial Services in the North-West Frontier Province.

29. "(*a*) Will Government be pleased to state the system of recruitment for the various Provincial Services in the North-West Frontier Province, specifying whether there is any educational standard fixed as a minimum qualification for entry into any of them, and if so, what it is in each?

(*b*) Will Government be pleased to lay on the table a statement showing—

(*i*) the number of appointments held by the various communities in the said services on the 1st of July, 1908, when Sir George Roos-Keppel assumed charge of the province and on the 1st July, 1919, when he was about to retire, and

(*ii*) the strength and the names of the present permanent cadre, detailing the educational qualifications of each of them?"

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* Not included in these Proceedings.

The Hon'ble Mr. H. R. C. Dobbs replied:—

"(*a*) (*i*) *Executive.*

Extra Assistant Commissioners (including Munsiffs) are appointed ordinarily by selection and no minimum educational standard is fixed.

(*ii*) *Educational.*

The Educational Service consists of officers promoted from the subordinate service and an Inspectress selected from the Punjab. No minimum educational standard is fixed.

(*iii*) *Police.*

Deputy Superintendents of Police are appointed either by promotion from Inspectors or direct recruitment or by selection from other departments of Government. They must all possess a minimum educational qualification equivalent to the Punjab University Matriculation, but the Chief Commissioner may dispense with a knowledge of English.

(*iv*) *Medical Service.*

There is no definite system of recruitment for the Provincial Medical Service, but Assistant Surgeons must obtain the M. B. and B. S. degrees.

(*v*) *The Irrigation.*

Forest and Excise Departments obtain their officers on loan from the Punjab cadre.

(*b*) In view of the grave pre-occupations of the authorities in the North-West Frontier Province at the present time the Government of India are not prepared to order the collection and compilation of the information asked for, which would involve the expenditure of much time and labour."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Cost of the administration of the North-West Frontier Province.

30. "(*a*) What was the total cost of the administration of the districts now constituting the North-West Frontier Province when it formed part of the Punjab?

(*b*) Will Government be pleased to state (*i*) the total estimated additional cost of the administration of the said province at the time of its creation, and (*ii*) the total amount of the present expenditure showing the net increase or decrease in the latter over the original additional estimate?"

The Hon'ble Mr. H. R. C. Dobbs replied:—

"(*a*) The total cost of the administration of the districts now constituting the North-West Frontier Province, just before they were separated from the Punjab was Rs. 64,15,417 per annum.

(*b*) (*i*) At the time of its creation the total additional cost of the administration of the province was estimated at Rs. 3,68,407 per annum. The actual additional cost to Government of the formation of the province was estimated at Rs. 3,55,507 as there was a decrease in the cost of headquarter offices of the Punjab Government.

(*ii*) The total expenditure for the year 1918-1919 was Rs. 1,05,62,476, being an excess of Rs. 37,78,652 over the original estimate of the cost of the administration of the North-West Frontier Province."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Release of political offenders.

31. "(*a*) What was the total number of political offenders in detention or jail on the date of the issue of His Majesty the King-Emperor's Proclamation in each province, including the Andamans?

(*b*) How many of these have been released in each province in pursuance of the terms of the said Proclamation?

(*c*) If all political offenders have not yet been released, will Government be pleased to state the reason for not extending to them the benefit of the Royal clemency?

(*d*) Do Government propose to take into further consideration the cases of those not yet released? If not, why not?"

The Hon'ble Sir William Vincent replied:—

"(*a*), (*b*), (*c*) and (*d*).—The Hon'ble Member is referred to the reply given to the Hon'ble Mr. Kamini Kumar Chanda."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Number of officers Indian, European and Anglo-Indian, employed in the office of the Post-master-General of Bihar and Orissa.

32. "(*a*) What is the total number of officers—Indian, European and Anglo-Indian—in the office of the Postmaster-General of Bihar and Orissa, and also in the Postal department of the province, in the various grades, drawing a salary of not less than Rs. 25 per mensem?

(*b*) How many and what proportion of the Indian employees are natives of Bihar and Orissa or domiciled therein?

(*c*) What is the number of the natives of Bihar and Orissa serving in the Postal Department outside their own province?

(*d*) Do Government propose to take any steps to recruit more largely from amongst persons who are natives of the province of Bihar and Orissa or domiciled therein? If not, will Government be pleased to state their reasons therefor?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Out of 61 officials on Rs. 30 and above attached to the office of the Postmaster-General, Bihar and Orissa, 3 are Europeans or Anglo-Indians, 35 are Indians belonging to other provinces and the remaining 23 are natives of the province or domiciled therein, while out of a total number of 1,039 officials on Rs. 25 and above serving in Post offices in the Bihar and Orissa Circle, 9 are Europeans or Anglo-Indians, 260 are Indians belonging to other provinces, and 770 are natives of the province or domiciled therein.

(*b*) 793 persons or more than two-thirds of the employees are natives of the province or domiciled therein.

(*c*) About 450 natives of Bihar and Orissa are serving in the Post Office and Railway Mail Service in other provinces.

(*d*) There is already a standing order to the effect that candidates for the Post Office in the Bihar and Orissa Circle should be recruited, as far as possible, from amongst natives of the province or from amongst persons permanently domiciled therein."

The Hon'ble Mr. Sachchidananda Sinha asked:—

Expenditure in connection with the administration of civil and criminal justice.

33. "Will Government lay on the table a statement showing the income, the expenditure, and the net loss or gain for the last five years (1914—1919) in the various provinces in connection with the administration of civil and criminal justice?"

The Hon'ble Mr. W. M. Hailey replied:—

"A statement* is laid on the table showing in round thousands the total figures of receipts and expenditure under the three principal heads relating to the administration of Civil and Criminal Justice, namely, the receipts from the sale of Court-fee Stamps and the receipts and expenditure under 'Law and Justice,' including Jails. These figures, however, when taken by themselves, are misleading and give no clear indication whether the administration of Civil and Criminal Justice is a source of profit or of loss to Government. To arrive at a correct estimate of profit or loss it would be necessary to include various items which are sufficiently large materially to affect the result. The nature of these items is explained as regards the Civil Courts in the Government of India's Resolution No. 101, dated the 9th January 1890, a * copy of which is also laid on the table. The Hon'ble Member will observe from the Resolution that the compilation of even an approximately accurate statement is a matter which would involve a very large expenditure of time and labour."

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* Not included in these Proceedings.

The Hon'ble Mr. Sachchidananda Sinha asked :—

Primary education.

34. "(*a*) Will Government lay on the table a statement showing the state of primary education in the various provinces since the issue of the Government of India's Resolution, dated 21st February, 1913, in which it was stated 'It is the desire and hope of the Government of India to see in the not distant future some 91,000 primary public schools added to the 100,000 which already exist for boys and to double the 4½ millions who now receive instruction in them?'

(*b*) Has the attention of Government been drawn to the Resolution of the Bihar and Orissa Government, dated the 7th January, 1920, on the report on education in that province for the year 1918-1919, and particularly to the following remarks of the Lieutenant Governor in Council:—

> 'Although there was a very considerable increase in the funds placed at the disposal of local bodies for primary education, the number of schools fell from 25,827 to 25,652 and the number of pupils from 711,715 to 695, 256. * * * The constant failure to record adequate progress in elementary education in spite of an increase in expenditure of over 60 per cent. since the province was founded continues to cause the Lieutenant-Governor in Council much concern ?'

(*c*) Has the attention of Government been drawn to a leading article headed 'Education in the local Council' in the *Searchlight* of Patna, dated 23rd October 1919, in which it is stated that since the province was constituted there has been till now a decrease of 3·5 per cent in the number of students in the primary schools? If so, is that statement of the *Searchlight* correct?

(*d*) In what other provinces, if any, has there been an actual decrease in the number of schools or scholars? If in no other except Bihar and Orissa, do Government propose to take steps to examine for themselves the question of the decline of primary education in that province? If not, why not?"

The Hon'ble Mr. Shafi replied :—

(*a*) "The statement † is laid on the table. It is necessary to explain that, with effect from 1914-15, the figures for a number of Indian States, which it had been the practice previously to include along with the figures for British India, were omitted. The number of all institutions and pupils shown were thereby reduced by approximately 5,000 and 330,000, respectively. This change in the method of collecting statistics affected Bombay more seriously than any other province, with the result that that presidency shows an apparent decline in primary schools and pupils, whereas in reality there has been an approximate increase of 1,900 schools and 103,000 pupils.

(*b*) Yes.

(*c*) The attention of the Government has not been drawn to the leading article in question. If the leading article makes the statement that there has been from the time of the constitution of that province up till now a decrease of 3·5 per cent. in the number of pupils in primary schools, then it is misinformed. There has, on the contrary, been an increase of 7·7 per cent. in such schools over and above the figures for 1911-12.

(*d*) It is not clear whether the Hon'ble Member's question has reference to the year 1918-19 or to some period of years. If the former, the facts are that the number of primary schools did, during that year, decrease in Burma and Bihar and Orissa, but increased in every other province, the total net increase for India being 2,396. There was also in that year a considerable decrease in the number of primary school pupils in Bengal, substantial decreases in Burma, Bihar and Orissa, the Central Provinces and Berar and Assam and a very small decrease in Madras There was a large increase in Bombay, a substantial increase in the United Provinces and small increases in the Punjab, the North-West Frontier Province and other minor Administrations, giving a total net increase of 8,741 pupils for all India. If the Hon'ble Member's question refers to figures over a longer period, the statement laid on the table will furnish him with the necessary information."

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* Not included in these Proceedings.

† *Vide* Appendix.

The Hon'ble Mr. Sachchidananda Sinha asked :—

Publicity Boards.

35. "(*a*) Is it a fact that certain Local Governments and Administrations have recently organized Publicity Boards? If so, which are the Provinces now possessing such Boards?

(*b*) Have these Boards been established as the result of any suggestion or direction conveyed by either the Secretary of State for India or the Government of India? If so, do Government propose to lay on the table a copy of the said communication? If not, why not?

(*c*) If no such communication was issued, will Government be pleased to state the reason for the establishment of these Boards and the objects they are intended to serve?

(*d*) Will Government lay on the table a statement showing the name or names of the officer or officers forming the staff of these Boards in each of the provinces, with their emoluments and all other expenses incidental thereto?

(*e*) Is it a fact that all or some of these Boards issue periodicals? If so, will Government be pleased to lay on the table a copy of each of them and a statement showing, for each province, the annual cost of issuing such periodicals?

(*f*) What is the total annual cost, actual or estimated, of the maintenance of these Boards?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Yes. Publicity Boards exist in Madras, the United Provinces and the Punjab, and there are publicity organizations in certain other provinces.

(*b*) Publicity Boards were originally established in consequence of the recommendation of the Delhi Conference in 1918.

(*c*) Originally war organizations, they have been found to possess considerable utility as sources of public information. They were first established as a result of the recommendation by the Government of India, but their continuance has been a result of local experience of their educational utility. Government do not propose to lay upon the table the correspondence connected with their establishment, but they are prepared to make a statement regarding the objects and methods of publicity work. This will be laid on the table at some later date when there has been time to compile the necessary information.

(*d*) A statement * is laid upon the table giving the particulars asked for by the Hon'ble Member so far as they are now available to the Government of India. Further details will be placed at his disposal when they have been received from the Local Governments concerned.

(*e*) Two Provincial Boards, those of the United Provinces and the Punjab, issue periodicals. A copy * of each is laid on the table.

(*f*) The Hon'ble Member is referred to the statements laid on the table."

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* Not included in these Proceedings.

The Hon'ble Mr. Sachchidananda Sinha asked:—

Articles in connection with the Royal Proclamation in the *Statesman*.

"36. (*a*) Has the attention of Government been drawn to three editorial articles, about the recent Royal Proclamation, which appeared in the *Statesman* of Calcutta in its issues of 27th, 30th, and 31st December last?

(*b*) Is it a fact, as suggested in these articles, that the amnesty granted in the Royal Proclamation was forced on the Government of India by Mr. Montagu, or that it was dictated from London without the Government of India having been consulted about the matter?

(*c*) Have Government taken any steps by means of the issue of a communiqué or otherwise to remove any misapprehension that may possibly exist in the public mind caused by the publication of the *Statesman's* articles in question? If not, will they make a statement in the Council which may remove any such misapprehension? If not, why not?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Government have seen the articles referred to.

(*b*) The message of Royal clemency was proclaimed after consultation with the Government of India, and the general principle involved had their full approval.

(*c*) Government do no believe that any real misapprehension was caused by the articles in question. The answer given to the present question renders any further action in this matter unnecessary."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked:—

Agriculturalists and agricultural labourers in India.

37. "(*a*) Will Government be pleased to furnish information as to what percentage of the Indian population resort to agriculture and agricultural labour?

(*b*) What percentage of the agricultural labourers receive their wages in kind and what percentage in cash?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The Hon'ble Member is referred to paragraph 529 of the Census Report of 1911 in which it is stated that 72 per cent. of the total population of India are engaged in pasture and agriculture.

(*b*) The information is not available."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked:—

Salt factories.

38. "(*a*) Is it a fact that many people were induced by the Government of Madras, through the Board of Revenue, to open salt factories during the last year and the year before last?

(*b*) Is it a fact that the foreign competition by importation of salt is bringing ruin on the native industry and also great loss to the Government revenue?

(*c*) Are Government prepared to impose a duty on the foreign salt imported so that there will not be any discouragement to the native industry?"

The Hon'ble Sir George Barnes replied:—

"(*a*) In 1917 the Government of India asked the Madras Government to take steps to increase the output of salt in view of the danger of a shortage of imported salt. The Madras Government reported in 1919 that the area of land set apart for salt manufacture had risen from 12,000 to 20,000 acres, and the output of salt was estimated at 200 lakhs of maunds per year as compared with 107 lakhs in pre-war years.

(*b*) The Madras salt as manufactured at present is impure, and is not popular in Calcutta, which affords its chief market outside the Presidency. The Government of India have asked the Secretary of State to obtain a technical expert to advise the Madras Government on measures for improving the quality of salt manufactured from sea brine and for producing the grade which is in demand in the Calcutta and other outside markets. The present price of imported salt in Calcutta (excluding duty) is Rs. 1-13-0 per maund. Its price before the war was 11 annas per maund; but, so far as is known, there is no prospect of a material fall in the price of imported salt in the near future. The cost of production of Madras bay salt is never more than 3 annas per maund, the railway freight to Calcutta is 8 annas per maund. This leaves a margin of Rs. 1-2-0 for bagging, intermediate expenses, and for the cost of crushing. The import of foreign salt in 1913-14 was 607,000 tons. In 1917-18 it was 337,000 tons, and in 1918-19 (the first 8 months) it was 255,000 tons (=382,000 tons for the whole year). It does not appear therefore to be a fact that foreign competition is bringing ruin on the native industry.

(*c*) Foreign salt already pays customs duty on import at the rate at which the excise duty is for the time being leviable on salt manufactured in the place where the import takes place."

The Hon'ble Major Malik Sir Umar Hayat Khan asked :—

Increase in present rates of pay and allowances of Indian ranks.

39. "In view of the present increased cost of living, do Government propose to make any increase in the present rates of —

(*a*) Pay of Indian ranks ?

(*b*) Pensions of Indian ranks ?

(*c*) Wound and injury pensions of Indian ranks ?

(*d*) Family pensions of Indian ranks and followers ?"

His Excellency the Commander-in-Chief replied :—

"(*a*) The question of any permanent increase required in the pay of Indian ranks is under consideration by the Army in India Committee in connection with the re-organization of the Indian Army. Meanwhile, the extra six-monthly bonus of Rs. 60 and Rs. 30 for Indian officers and Rs. 24 for other ranks, which was sanctioned temporarily as a war measure and would have been withdrawn on the termination of the war, is being continued. In addition all Indian troops serving out of India or Burma have been granted a special monthly expatriation allowance in lieu of the old foreign service *batta*, the allowance for a sepoy being Rs. 5 compared with Rs. 1-8-0 the *batta* rate.

(*b*), (*c*) and (*d*). The Government of India are engaged in telegraphic correspondence with the Secretary of State on these points."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

The Sukkur Barrage.

40. "(*a*) Is it a fact that no improvements in irrigation are made in Sind ?

(*b*) Are Government aware that considerable loss and damage have been caused to numerous landholders in Sind as a result of the delay in constructing the Sukkur Barrage ?

(*c*) When do Government propose to take the project in hand ?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) No. It is not a fact that no improvements in irrigation are made in Sind. In respect of the developments of irrigation in Sind since 1900, the Hon'ble Member is referred to pages 21 and 22 of the Review of Irrigation in India for 1917-18. Since 1880 the total irrigation from Government works in Sind has increased from 1½ to 3¾ million acres, and it is anticipated that when the principal works recently completed, under construction, or under consideration are in full working order, an additional area of 946,000 acres will be irrigated. This extension of the irrigated area is exclusive of the Sukkur Barrage Scheme, which is estimated will provide irrigation for an increase of 2,200,000 of annual cultivation, or double the cultivation of the whole of the central area of Sind.

(*b*) There has been no delay in the matter of the Sukkur Barrage except such as is incidental in the framing and consideration of a project of great magnitude which is estimated to cost 1,400 lakhs.

(*c*) The plans and estimates for the Barrage portion of the project have been completed and are under the consideration of the Government of Bombay. A soil survey of the tracts under command has recently been completed and the revision of the projects for the Right and Left Bank Canals has been taken in hand. No date can be fixed as to when the construction of the project will be taken in hand."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Publication of the report of the Army Committee.

41. "Do Government propose to publish the report of the Army Committee presided over by Lord Esher, when it is presented, and give this Council an opportunity of discussing it before final orders are passed thereon?"

His Excellency the Commander-in-Chief replied:—

"The report of the Army in India Committee will not be submitted to the Government of India, but to the Secretary of State by whom the Committee was appointed. The Government of India are not aware of the Secretary of State's intentions as regards publication of this Report, and are consequently unable to say whether this Council will be afforded an opportunity of discussing it before final orders are passed."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Normal Imperial expenditure under the Reform Scheme.

42. "What was the normal Imperial expenditure (excluding extraordinary war expenditure) during the years 1917-18 and 1918-19 under the heads proposed to be made Imperial under the Reform Scheme?"

The Hon'ble Mr. W. M. Hailey replied:—

"The Government regret that it is not possible to collect, examine and classify the figures desired, without an expenditure of labour which it would be impossible to undertake during the present budget season; but as recently promised, I will after March 1st lay on the table figures showing actual revenue and expenditure re-classified as desired by the Hon'ble Member."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Railway rolling stock.

43. "What proportion of the railway rolling stock, for which budget provision was made in 1919, has arrived in India, and when is the remainder expected to arrive?"

The Hon'ble Sir Arthur Anderson replied:—

"From information received, it is clear that conditions prevailing in England have delayed the delivery of a large proportion of the materials under order for delivery to Indian Railways during the current year. Information as to the proportion of the rolling stock actually delivered is not yet complete, and Government are unable to say definitely when the balance of stock will come forward, but it is hoped that it will reach India in the early part of the coming financial year."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Formation of a Railway Committee. 44. "When will the proposed Railway Committee be formed, and what will be the terms of reference thereto?"

The Hon'ble Sir Arthur Anderson replied:—

"The proposed Railway Committee will be formed in the coming cold season of 1920-21.

As the terms of reference are under correspondence with the Secretary of State, an announcement thereon cannot at present be made."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Exports of raw skins to the United States. 45. "(*a*) What were the exports of raw skins to the United States since the passing of the Indian Tariff (Amendment) Act, 1919?

(*b*) Has the duty had any protective effect, or has it only been operative as a revenue measure?"

The Hon'ble Sir George Barnes replied:—

"(*a*) During the four months September to December 1919, beyond which figures are not yet available, 200,798 cwts. of raw sheep and goat skins valued at Rs 4,99,12,825/were exported from India to the United States of America.

(*b*) It is obviously too early to judge whether the duty has had any protective effect. Shipments since the imposition of the duty have been unusually large, but conditions have been wholly abnormal on account of the world-wide shortage of stocks arising from the conditions that prevailed during the war. It should moreover be remembered that, as previous commitments were exempted when the duty was first imposed, a considerable proportion of the shipments during the period mentioned above were made free of duty."

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

11-39 A.M. **The Hon'ble Sir William Vincent**:—"My Lord, I beg to present the Report of the Select Committee on the Bill further to amend the Workman's Breach of Contract Act, 1859."

CHARITABLE AND RELIGIOUS TRUSTS BILL.

The Hon'ble Sir William Vincent:—"My Lord, I move that the Hon'ble Raja Sir Rampal Singh be added to the Select Committee appointed to report on the Bill to provide more effectual control over the administration of Charitable and Religious Trusts, *vice* the Hon'ble Pandit Madan Mohan Malaviya, who has told me that he will be unable to act. I may add that it was only by an oversight that the Hon'ble Raja's name was omitted on the day the Committee was appointed."

The motion was put and agreed to.

INDIAN CENSUS BILL.

11-40 A.M. **The Hon'ble Mr. Shafi**:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of census be taken into consideration. No notices of amendments have been received, and the Bill as drafted and slightly amended in the Select Committee is apparently acceptable to all Hon'ble Members."

The motion was put and agreed to.

The Hon'ble Mr. Shafi:—"My Lord, I move that the Bill as amended be passed."

The motion was put and agreed to.

PROVINCIAL INSOLVENCY BILL.

The Hon'ble Sir George Lowndes:—"My Lord, I have the honour to move that the Report of the Select Committee on the Bill further to amend the Provincial Insolvency Act, 1907, be taken into consideration. 11-42 A.M.

"The legislation of which we have now reached the final stages has been a matter of long and mature consideration by the Government of India. In September 1917, an informal committee was assembled to consider the suggestions which had then been made. In September 1918, the Bill was introduced and published and the opinions received on it from all quarters were favourable. In February 1919, it was referred to a Select Committee; the Select Committee considered the Bill and reported in September 1919, and their Report was presented to this Council on the 24th of that month. They recommended *inter alia* that the Bill should be re-committed to them for consolidation with the existing Act, and this was accepted by the Council. The Committee sat again during this Session to re-consider the Bill with the question of consolidation, and they presented their final Report on the 11th of this month.

"Before, my Lord, I deal with the Report, I desire to express my thanks to those who have taken part in these committees, and who have given me and the Government their whole-hearted co-operation in this matter. It is to their ungrudging labours that we owe much that is good in this Bill, and I feel that the Council owes a particular debt of gratitude to them in this case. For myself, I should like to express my thanks in particular to my Hon'ble friend, Mr. Chanda, whose legal experience has been of great value to us, and to my Hon'ble friend, Mr. Sarma, whose many sided attainments have always been the subject of my most earnest admiration, and last but not least, I should like to pay some tribute to my own department for the very heavy spade work that they had to do in this matter.

"Turning to the Bill, I would explain, as shortly as possible, what the position is. As the Council knows, the old Civil Procedure Code of 1882 contains certain rather crude provisions for dealing with insolvents outside the Presidency-towns. These were replaced in 1907 by the Provincial Insolvency Act of that year, which was admittedly a measure rather of an experimental nature, and which in the twelve years in which it has been in operation has not been found to be altogether successful. In 1909 the Presidency-towns Insolvency Act was passed, which was probably a better-considered measure, and in many ways formed the model which we sought to follow in amending the Provincial Act, and a considerable portion of the labours of the committee has been devoted to assimilating in the Provincial Act provisions from the Presidency-towns Act. But the chief defect in the Provincial Act was always found to be that it lent itself peculiarly to the devices of dishonest debtors, and it was thought that it was necessary to make it much more stringent in dealing with debtors who possibly at all events might be dishonest. It is to remedy this that the main labours of the committee have been devoted.

"Many other points, however, arose for consideration in the committee, and they have all been taken into account, and the committee's recommendations on them have been embodied in their first Report. When it came back for consolidation, we did a great deal of additional work, not merely paste and scissors as in the case of so many consolidation Bills; but we have re-arranged the whole Act to get it into a more reasonable sequence. We have fitted it together; we have had to make many consequential amendments, and we have transferred to Schedules certain provisions which were in the Act before, but which we thought could more fittingly be embodied in Schedules. The Council have the consolidated Bill before them, and I propose to deal only with it now as it is somewhat difficult to trace back the provisions which are now in the consolidated Bill to their origin in the Bill as amended by the first Report of the Committee. There are many minor amendments in the Bill as it is now before the Council which have, I think, been sufficiently dealt with in the Select Committee Reports; and I do not propose to refer to them at all.

"If Hon'ble Members will glance at the Bill, they will see that a large portion of it is printed in italics; that is the new part arising from the first Report of the Committee. Certain provisions are also underlined; those are changes which have been made by the second Report of the Committee in the course of consolidation, and they are mainly drafting changes. There are one or two changes which go rather further than drafting, but they are, I think, sufficiently explained in the second Report. We have had only two amendments tabled to this Bill, which no doubt will be dealt with by my Hon'ble friend Mr. Sarma later. It is, I think, in itself some tribute to the labours of the Committee that there are only two points really outstanding for the consideration of the Council. I do not propose to weary the Council at any length with this Bill, as I take it that it has met with general acceptance, but it is my duty very shortly to call attention to the really important changes which we have made.

"If the Council will turn to the consolidated Bill, which is now before them, they will find in clause 4 an important change, in that we have given the insolvency court power to deal finally, if they choose, with any questions of law or fact arising in the course of their investigations We do not make it compulsory upon the court to do so, we merely give them the power to do so, and we hope that where questions of difficulty or complexity, especially touching the rights of third parties, come before insolvency courts, they will think it wise either to leave them to the decision of the ordinary courts, or to act upon the power which we have given to them in sub-clause (*3*), without deciding the rights of parties, to sell whatever interest an insolvent has in the property. This of course makes for expedition, and enables the estate to be wound up with much greater promptitude than if the auditors have to wait for the result of other legal proceedings. It is not a novelty, in that it is little more than the adoption of the ordinary procedure in execution where the right title and interest of the debtor, whatever it may be, is sold by the executing court.

"Turning to clause 10 it provides that it shall be a condition precedent to the presentation of the insolvency petition that the debtor is unable to pay his debts. This is not quite such a simple question as it sounds, because if the court is to be satisfied at the outset that the debtor is unable to pay his debts before it can go further, very large questions may arise for preliminary decision, for instance, in this country, there are often questions of the *benami* holding of property. We do not desire that there should be a preliminary trial of such questions at the outset of every petition, and we have accordingly provided under clause 24 that *primâ facie* proof only of inability to pay debts shall be required at this stage, leaving the question open for more detailed consideration when the adjudication has been made.

"Clause 20 contains a new provision with regard to the appointment of a receiver. We thought that ordinarily where a debtor was the petitioner an interim receiver should be appointed at once. We do not make this compulsory on the court; we only say that *ordinarily* where the debtor is the petitioner an interim receiver shall be appointed, and that where the creditor is the petitioner the court may, if it so desires, appoint an interim receiver. A later clause [56 (*5*)] applies to interim receivers the various provisions of the Act which affect receivers generally.

"Clause 27 and certain clauses that go with it are probably among the most important changes in the Bill. The clauses which the Council will have to consider in connection with it are 43, 10 (*2*) and 13 (*1*) (*f*). The question dealt with here is that of the discharge of the insolvent. In the past debtors have only cared to come before a court to file their petition, to get release from jail, it may be, or protection. They have hardly even cared to come up for discharge. But it is only when they come up for discharge that it is possible to deal with various offences that may have been committed by them. In practice under the Provincial Insolvency Act no application is made for discharge at all. There seems to be no ignominy attaching to an undischarged bankrupt at all events outside the larger towns, and the provisions for discharge have been practically inoperative. The change that we have proposed here is that it shall be compulsory upon every petitioner to come up for his discharge within a certain period. Clause 27 provides that the court is to fix the period within which the debtor must apply for his discharge. Clause 43 provides that if he does not so apply his adjudication shall be annulled. He is liable thereupon to go back to jail if he has been released, and is subject to the ordinary processes of execution. Clause 10 (*2*) provides that no insolvent may file a second petition on the same facts without the leave of the court. Clause 13(*1*) (*f*) provides that every petitioner must state in his petition whether an adjudication has been previously annulled, in order that the court may be able to judge whether the petition is within the law or not.

"Turning to clause 44 (*2*) the words in italics at the end of sub-clause (*2*) are important and provide that an insolvent's discharge shall release him from all debts provable in the insolvency. Under the existing Provincial Act the discharge releases the debtor only from the debts which have been entered in the Schedule. It was thought by the Committee that this puts a premium on creditors not coming in under the Act, but keeping out in order to harass the debtor or to get better terms out of him after the insolvency is over. It is obviously the policy of insolvency law not only to distribute the estate among the creditors fairly, but to give the debtor, if he has been an honest man, a fresh start from that time onwards. It is obvious that this policy will be defeated if we encourage creditors to keep their claims out of the schedule. We have, therefore, proposed the substitution for the existing provision of a provision that the discharge shall extend to all debts which are *provable* in the insolvency. In this instance, as in many others, we have adopted the provision of the Presidency-towns Act which is practically to this effect.

"The next clause of the Bill to which I need refer is clause 69 dealing with penalties. This was clause 19 of the original Bill as amended in the first Report of the Committee. This appears to be a very considerable change from the old Act, but the change is more in form than in substance. It was found that section 43 of the old Act was unworkable largely on account of the vagueness of the language. We have remodelled it largely on the lines of the Presidency-towns Act. The only modifications, however, of the clause as originally introduced in this Council are first that we have provided that in the case of a number of offences committed in the course of the same insolvency proceedings the aggregate imprisonment shall only be two years, and, secondly, that we have added a provision that the insolvency court instead of dealing with the offence itself may, if it thinks fit, make a complaint before the nearest Magistrate. This will enable more serious offences to be dealt with by the ordinary criminal courts.

"Clause 73 deals with the disqualifications of insolvents in the matter of being appointed to various offices. In this matter we have not changed in any way the provisions of the Bill as originally introduced.

"Part V, clause 74, deals with the summary administration of small estates. In this case, again, we have made no changes from the Bill as originally introduced, except that we have restored the old limit of Rs. 500. In the preliminary Committee which sat in September 1917 the question of the limit of summary administrations was discussed at some length. The Act put a limit of Rs. 500, but the Committee thought that, in order to get small estates through with greater expedition, it was desirable to lower the limit and to make the summary procedure apply only in the case of estates of Rs. 200 or under. When the Bill was circulated for opinions there were considerable differences of opinion on this point. Many suggested that the old limit should be maintained, others agreed that the limit should be lowered, others again thought the limit should be raised as high as Rs. 2,000. These opinions were considered by the Select Committee, and it came to the conclusion that, on the whole, it would be better to keep the limit already in the Act, namely, Rs. 500, and we have therefore restored it.

"Clause 78 is, I think, also of sufficient importance to be mentioned. It is a limitation clause. When we provided that if a debtor does not come up for his discharge his adjudication should be annulled, it was obvious that this might cause hardship in the case of creditors, who had causes of action against him at the time of adjudication, but who were precluded from filing their suits. If the adjudication was subsequently annulled, it seemed necessary to provide that the period between the adjudication and the annulment should be extended, and we have embodied this suggestion in clause 78. My friend, Mr. Sarma, did not see eye to eye with the rest of us on this question, and proposes the omission of the proviso at the end of the clause. I will leave him to argue the point, as I shall have another opportunity of dealing with it.

"I do not think there are any other points that I need refer to. I hope I have not wearied the Council with my explanations. If I have done so, I ask for forgiveness. I am conscious that this is a really dull piece of legislation and that it has not got in it even a flavouring of that spice of political interest which many of my Hon'ble friends seek to extract from even the most innocent forms of Government legislation.

"It is, however, none the less a really useful piece of work, and I feel that if it commends itself to the Council, we shall have effected a distinct improvement in a branch of the law which ought to be of greater use to the community than it has been in the past. My Lord, I commend this Bill to the careful consideration of the Council."

The motion was put and agreed to.

12-2 P.M. **The Hon'ble Rao Bahadur B. N. Sarma.**—"My Lord, I beg to move that in sub-clause (2) of clause 4, for the words 'as between the debtor and all claimants against the debtor's estate who were parties thereto' the words 'as between, on the one hand, the debtor and the debtor's estate and on the other hand, all claimants against him or it' shall be substituted.

"It is with great hesitation, my Lord, that I have placed this amendment before the Council for consideration. I have always felt that in view of the great importance of clause 4 of the Bill, we should make our meaning clear when we give finality to the decisions that may be arrived at by the Insolvency Courts in adjudicating upon questions of title, priority or of any nature whatsoever for the purpose of doing complete justice, or for making a complete distribution of the property. It is not merely by way of an idle compliment that I say that it is with considerable hesitation that I placed this amendment, because all our difficulties have been very patiently listened to and considered by the Hon'ble Sir George Lowndes, and I feel that if I was not able to convince him, then it may be somewhat difficult to convince him now. I think that when I make the matter a little more clear he would sympathise with my position in the matter and see his way to accept the amendment. It is but fair to say that in drafting the particular wording of this amendment I have had the assistance of, or I may say I owe the wording to, the very great legal acumen and experience of my friends, and I have therefore ventured to bring it forward. I have always felt that it is necessary to make our meaning clear especially when we deal with the question as to who are the parties to an adjudication. Considerable difficulties have arisen in the administration of justice in deciding questions of *res judicata*, in determining who are the parties to an adjudication, and I think that if we can make our meaning clear by saying that the matters that may be adjudicated upon under clause 4 (*1*) are matters between the debtor and his estate on the one hand, and all persons whatsoever who may claim against that estate on the other hand, the matter would be more simple than if we import the words 'persons who are parties thereto'. Well, let us take a question of adjudication of title. Any creditor who may assert any title against the debtor or his estate to a particular piece of property in insolvency should set up his title, that is, he must be a claimant Well, if he be a claimant against the estate, the matter is *res judicata* whether he is on the schedule or not, and the matter is extremely important in view of the fact that all creditors who have not proved their debts, but who can prove their debts, must be considered to be represented in insolvency and would be represented by the Receiver if a receiver be appointed, and we have made provision for the appointment of a Receiver. I therefore think, Sir, that if we make this provision that on the one hand the party would be the debtor and the debtor's estate, may be the receiver, and the creditors who are represented by the receiver on the one hand, and the persons who claim the estate, on the other hand, the whole ground would be covered. In cases of priority the persons who would dispute would be the creditors themselves or the receiver may dispute the priority of a creditor. In that case the debtor's estate would be represented by the receiver or by the debtor and the creditors would be the persons claiming against the estate within the meaning of that particular clause. I therefore think there will be no harm if we omit the words 'as between the debtor and all claimants against the debtor's estate who were parties thereto' and substitute those that I have suggested . . . . .

The Hon'ble Sir George Lowndes.—"My Lord, I do not want 12-7 P.M. the Hon'ble Member to think that I am obdurate. My heart goes with him and my heart is going to carry the day. My judgment is still against him, I am not at all sure that this is not rather dangerous, but my Hon'ble friend has great experience in these matters, and if the Council agrees to this amendment, I am prepared to accept it. What it means is this that if a question of title has been adjudicated by an Insolvency Court the decision by the Insolvency Court according to my Hon'ble friend, Mr. Sarma, is to be binding upon everybody, the debtor and the debtor's estate on the one hand and everybody who claims against the debtor's estate on the other hand. Personally, I should have thought it safer to limit it only to what I call the parties, that is the people who have actually appeared on the claim. People who had not appeared on the claim possibly had no notice of it at all and should not be bound by it, but I am quite willing to bow to my Hon'ble friend's experience in these insolvency matters, and if the Council thinks that the clause is a better clause than the one we have provided, I am quite willing to accept it. I am quite prepared, if my Hon'ble friend wishes it, that everybody should vote according to his own inclination."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I do 12-9 P.M. not think that there is any real difficulty as apprehended by the Hon'ble Sir George Lowndes. I think matters between the debtor on the one hand and the creditors who support his title and claim their dividends out of the estate would not be *res judicata* upon any subsidiary points upon which the decision may be come to. It is only questions of title with regard to any property claimed and disputed to be the debtor's property that would be adjudicated upon as between the debtor and the creditors who support him on the one hand, and the persons who oppose him or who claim a title to that estate on the other hand All persons who actively claim a title to that estate would be parties thereto necessarily, and I therefore think that no one who is not a party to the suit in that sense of the term would be in any way whatsoever prejudiced by any adjudication. The difficulty I felt was as to whether a creditor siding with a debtor in respect of the title to a particular piece of property but not in the schedule or not proving his debt or not a party regularly to the suit would still be governed by an adjudication on any issue raised in the course of these proceedings. My submission is that those creditors who support the debtor would be on the same side and the matter would not be *res judicata*; only the creditors claiming and receiving a dividend would be estopped. The matter would be *res judicata* as between the debtor on the one side and the persons who claim adversely to the estate on the other, and I do not think that any person by reason of absence of notice or by reason of his not being a party to the suit would be prejudicially affected in any manner whatsoever."

The motion was put and agreed to.

The Hon'ble Rao Bahadur B. N. Sarma:—" My Lord, I move that the proviso to sub-clause (*2*) of clause 78 be omitted. The proviso runs thus :—

'Provided that nothing in this section shall apply to a suit or application in respect of a debt provable but not proved under this Act.'

" The Hon'ble Sir George Lowndes has told us that the Select Committee has extended the original operation of the Bill by bringing in creditors who have not proved under the Act within the purview of clause 44 of the Bill, that means to say that they would lose their right to proceed against the debtor after discharge even though they did not take the benefit of the insolvency proceedings and did not come in for a dividend and did not take a dividend. The question here raised is as to whether we should draw a distinction between creditors who have proved and who have not proved further to the detriment of a person who has not proved by depriving him of the benefit which this clause granted to creditors who have proved before annulment. Let me make my meaning clear. In insolvency proceedings every creditor has got an opportunity of proving his debt and no person can proceed against the debtor or the debtor's estate during the pendency of the proceedings, except as provided in the Act. After the adjudication order has been made, whether a man has proved under the Act or has not proved under the Act equally is he debarred ordinarily from proceeding by way of a suit, against the debtor or his estate. The order of adjudication may, however, be annulled by the court on its being proved to its satisfaction that the debts can be paid or that no order of adjudication should have been made at all, and then the property re-vests in the debtor and persons can proceed from that date onwards against the debtor or his estate. Now during that interval the persons who have been deprived of the benefit of taking the usual proceedings will be given the advantage under this clause of having to their credit, for the purposes of computation of limitation, the period which has elapsed between the date of the order of adjudication and the date of annulment, that is, if they have lost three months they will have three further months within which they can file a suit But if, unfortunately, a man has not proved, this proviso enacts that he shall not have that benefit. My position is that a creditor who is debarred from taking the regular proceedings by reason of an adjudication order should be given the benefit equally whether he applies for a dividend by proving his debt or does not. I will explain by one or two concrete instances wherein the hardship lies. Supposing a creditor has three months within which he can file a suit when an order of adjudication is made He comes to know a little after, say within a month, that an order of adjudication is made, he has still two months' time within which he can sue. Suddenly at the end of a month and 20 days the order of adjudication is annulled. He has still 10 days within which to sue. The suspensory period may be long if the insolvency proceedings are protracted. The order of annulment may be passed when he has only ten days or even two days within which he can sue, or after the period is over. Now in the case of a creditor who has proved or, at any rate, offered to prove under the Act this three months' period or two months and 28 days' period between the order of adjudication and the order of annulment will be counted in his favour, that is, he will have three months or two months and 28 days still to his credit. But the creditor who has not moved the court in insolvency will not have these 2 months and 28 days; he will have only two days within which to bring a suit or one day or it may be he will have no time whatsoever, although in the course of the insolvency, if the proceedings should be continued without annulment, he might have proved his debt. Therefore, in one case he might be deprived altogether of his remedy by reason of a sudden annulment of the adjudication order. In any case he would be seriously prejudiced by the period of limitation being curtailed against him for no fault of his own. I therefore submit that there is no real reason for curtailing the rights and privileges of a creditor further in the manner that is suggested in this proviso.

"The only argument that may be advanced is that it would make creditors diligent in proving their debts. Well, my Lord, there may be occasions when a man does not really know that there is any necessity for proving or thinks that it is not worth while to do so. I will put it to the Council he may discover that the order of adjudication has been annulled by reason that the man is able to pay his debts in full, when suddenly it is found that the debtor is really in possession of a very much larger estate than was supposed to be the case. A man may be justified in not proving his debt if he stands to receive only one anna or six pies of his debt, but why should you deprive him of this period when the circumstances under which an order of adjudication is annulled show that the debtor is in a position to pay a very much higher dividend or practically the whole? I submit, my Lord, that we should not penalise a creditor further than we have done. We have under clause 44, and I hope rightly also, enacted that a creditor who does not prove under the Act will have no remedy against the debtor after discharge. I think we need not go further and rule that he shall not have even the benefit of limitation allowed to other creditors who have offered to prove under the Act."

The Hon'ble Sir George Lowndes:—"My Lord, I can only recommend the Council very strongly not to accept this amendment. My Hon'ble friend Mr. Sarma says there is no real reason why you should penalise a man who has not proved. I can only say with great respect that none are so deaf as those who will not hear. 12-19 P.M.

"I gave my Hon'ble friend the reason when I was addressing the Council just now. The reason is the policy of bankruptcy law. The policy of bankruptcy law is, as I stated, not merely to distribute the bankrupt's estate, but to start the bankrupt afresh after his insolvency; and the tendency in India is, as my Hon'ble friend Mr. Sarma knows quite well, for creditors to hang out and wait till the man is free and then to harass him when he ought to be making a new start in life, by threatening to sue him for debts which they have not proved in insolvency. It is to meet this that we have insisted on the proviso, namely, 'debts provable in insolvency', not merely 'debts which have been proved.' It is in the same way to check this that I strongly advise the Council not to extend this concession in the matter of limitation to people who have not come in and proved their debts in insolvency. The position we are dealing with is this; that a man has filed a petition in insolvency, or a creditor has filed a petition that he may be adjudicated an insolvent; upon that the court, if it finds the petition in order, makes an order of adjudication and at the time of making the order of adjudication declares upon what date the insolvent has to come up for his discharge. The court has power under the clause to enlarge that time if necessary; but everybody knows, everybody who is a creditor of the man knows, that he has been adjudicated an insolvent, and will know that by the order of adjudication a time is fixed within which he has got to come up for his discharge. If the insolvent does not come up for his discharge as the court has ordered, his adjudication will be annulled, and the only question is, whose rights are you to save upon that annulment? I say that you should only save the rights of creditors who have come in and proved their debts—the right of those who though honest creditors having honest debts upon which they could otherwise have sued have been prevented by the law from suing him during that period My Hon'ble friend, Mr. Sarma, says 'let anybody stand out who likes; do not make them come in; there is no necessity for them to prove their debts at all; if the adjudication of the insolvent is annulled let them have the advantage of this concession of limitation in order that their suits too may be saved.' I say that is directly contrary to at least one-half of the policy of insolvency law. I ask the Council to maintain the proviso to section 78 as it stands in the Bill."

12-22 P.M. **The Hon'ble Rao Bahadur B. N. Sarma.**—"I submit, my Lord, that the reasoning of the policy of insolvency law under which we insist upon everybody proving his debt on pain of being unable to proceed against the debtor after discharge is a thoroughly sound one, and I approve of it. There is no difference between the Hon'ble Law Member and myself; but he seems to think that we have made a concession in favour of creditors who have proved to which other people are not entitled. Therein he differs from me widely. I do not look upon it as a concession. I look upon it as a right, the right of a creditor to proceed against a debtor normally in the course of proceedings within the period of limitation, a right conferred upon him by law. The special policy of the insolvency law prevents him from proceeding against the debtor in the ordinary course. Therefore, we say when an order is found to have been wrongly made adjudicating a person as insolvent, when that order is annulled we shall restore the person who is prevented from proceeding in the ordinary manner, to the old position; there is no question of a concession there, it is a question of right; we are restoring in a measure his former privilege. As I say we are not in any way assisting this man because it may be that the creditor would be perfectly justified, though his debt may be an honest debt, in not worrying himself to prove his debt when the assets are very small; but the very reason on which these orders of adjudication are annulled, namely, possible large property in the possession of the debtor, would justify the creditor proceeding against him in the ordinary course; it may be that he may not have thought it worth while proceeding under the old order or it may be that he has postponed it for a month or two. Therefore, my submission is that we shall be unjustly depriving that person of an ordinary right by enacting this proviso. It is not a question of a concession, and there is not the slightest use saying that the policy of insolvency law is against removing this proviso from this section."

The motion was put and negatived.

The Hon'ble Sir George Lowndes:—"My Lord, I beg to move that the Bill as consolidated and amended be passed."

The motion was put and agreed to.

INLAND STEAM VESSELS (AMENDMENT) BILL.

12-25 P.M. **The Hon'ble Sir George Barnes:**—"I beg to move that the Bill to amend the Inland Steam Vessels Act, 1917, be taken into consideration. Since the introduction of the Bill, my Lord, no objections whatever have been received, nor any criticisms."

The motion was put and agreed to.

12-26 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

INDIAN TARIFF (AMENDMENT) BILL.

12-27 P.M. **The Hon'ble Sir William Vincent** :—"My Lord, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, be taken into consideration. I have received no criticisms and no notice of amendments of this Bill."

The motion was put and agreed to.

The Hon'ble Sir William Vincent :—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

INDIAN PASSPORT BILL.

12-28 P.M. **The Hon'ble Mr. H. R. C. Dobbs** :—"My Lord, I rise to move for leave to introduce a Bill enabling Government to make rules with a view to preventing any person not in possession of a passport from entering India by sea, land or air.

"The present passport rules were framed in 1917 under the Defence of India Act of 1915, and will cease to be in force six months after the termination of the war. It is not known when this will be, but it may be presumed that the peace terms with the last of the enemy Powers, Turkey, will be ratified within the next two or three months, so that the present passport rules will cease to be in force about nine months hence.

"The passport rules of 1917 make it obligatory for all persons entering or leaving India by sea to be in possession of a properly issued and *visaed* passport not more than two years old, and the *visaes* are in practice granted for single journeys only There are large classes of exemptions, including *bonâ fide* labourers travelling between India and the Malay States or Ceylon, and *bonâ fide* Muhammadan pilgrims coming to and from Jeddah or Basrah. The system is reported to have worked satisfactorily, and may, on the whole, be said to have fulfilled the object for which it was introduced; that is to say, it has formed a reasonably effective check upon the movements to and from India of actual or potential spies and Bolshevik propagandists.

"It was at first hoped that after the war it would be possible to do away with the system, but it is only too evident that the end of actual hostilities will not free India or any other country of ordered and peaceful conditions from the great danger, to meet which the passport system was devised. Not only the United Kingdom and the Dominions of Canada and Australia, but also certain foreign nations, such as the United States and Sweden, have already decided to retain their war regulations controlling entry into those countries, and it is believed that practically every civilised country intends to follow their example, although we have not yet received detailed information of the intentions of countries other than those mentioned. In the United Kingdom the Aliens Restrictions Act of 1914 was 'continued and extended' by the Aliens Restrictions Amendment Act of 1919, and an Order in Council was promulgated whereby, with certain exceptions, all persons landing in the United Kingdom, whether British subjects or foreigners, have to be in possession of a passport. The new Aliens Restrictions Act under which this order is passed, will continue in force until the 23rd December 1920. With regard to foreigners, India and the Dominions have been definitely invited by His Majesty's Government to bring their system into line, so far as is possible, with that of the United Kingdom.

"I need not dwell at length upon the very special danger to which India would be exposed in the present state of the world, if no attempt were made to scrutinise the intentions and antecedents of persons trying to enter her territories. We know that the Bolshevik Government have published far and wide their intention of flooding the East generally, and India in particular, with trained revolutionary propagandists. We may expect attempts on the part of the agents of Bolshevism to penetrate this country by every possible route and every possible means. We know that there are a number of such persons at the Schools of Propaganda at Moscow, Tashkent and elsewhere in Soviet Russia.

"I am sure that all the Members of this Council, whatever their political creed, will unite in a desire to prevent, so far as possible, this pernicious penetration, the object of which is to create hatred and strife not so much between the Government and governed as between the 'haves' and the 'have nots.' In addition there is the question of restricting the entry into India for the present, of former enemy subjects. The Government of India have not yet finally formulated their policy on this point except in the case of Germans and German-Austrians, whose entry into India will, at all events, be generally prohibited for a period of five years.

"The Council will observe that the Bill which is now being introduced is merely an Enabling Bill, and that the force of it will reside in the rules. The obligation to obtain a passport at present imposed on persons leaving India is being definitely abandoned, and this may remove a considerable inconvenience from the travelling public, although in the case of persons going to countries requiring passports (which, I fear, will be most countries) there will at present be very little practical difference. The object of leaving the main operations of the Bill to be embodied in rules is, of course, to secure elasticity in view of the rapidly changing conditions of the outside world. It is the intention of the Government of India at present to relax the conditions governing the validity of passports by making the *visa* last for one year instead of a new one being required as at present for every journey, and this relaxation will, I hope, be further extended as the world settles down. On the other hand, the Bill takes power to require passports from persons entering India by land and air, as well as by sea. It is not our present intention to make passports obligatory for entry by land except in the case of the Nushki railway by which there is the danger of the entry of Bolshevist emissaries.

"I beg, my Lord, for leave to introduce the Bill."

12-34 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, we have every desire to co-operate with the Government in the object they have at heart, namely, of preventing undesirable foreigners from entering the country with a view to carrying on dangerous propaganda, for the purpose of unsettling the minds of the people here. But we have great difficulty in the way of accepting the introduction of a Bill of this description, because of the extensive powers proposed to be conferred on the Executive, enabling it to prohibit even Indians settled here, resident here, domiciled here, from entering British India if the Government thinks that they are undersirable persons. We can readily, though reluctantly, appreciate the wisdom of a law like this, if it were confined to aliens or to particular classes of British subjects with whom we are at variance on essential, vital principles although I would deprecate drawing any distinction between the several parts of the British Empire. But, my Lord, I think there can be no justification whatsoever for asking this Legislative Council to enable the executive Government to prevent *bonâ fide* Indian subjects of His Majesty from entering the country without a passport, which it would be in their discretion to refuse if that is the meaning of this law. If I am mistaken, I hope to be told so. I daresay the Government would exercise very cautiously the powers that may be given under this law. The question is not whether these powers are to be exercised wisely or unwisely, but whether such powers should be conferred on the Executive in reference to any of His Majesty's British Indian subjects. I know that certain persons who leave India may be considered to be extremely undesirable from several points of view, that they may have come into contact and active association during their stay outside with the King's enemies, with Bolshevists, with persons who are ready and eager to propagate doctrines deemed undesirable. To my mind the remedy seems to be to take powers, if necessary, to arrest such persons, to deal with them when they arrive in British India, but not to prevent them from coming to their homes. The Government have, I think, ample power to deport any person under the Madras Regulations, the Bengal Regulations, and the Rowlatt Acts we have passed recently. Therefore, it cannot be contended that Government has not the power to deal summarily with British Indian subjects who may be considered dangerous to good government. Therefore, I would ask respectfully, what is the necessity for a power to prevent Indian subjects from coming back to their homes. Take the case of Lajpat Rai. I believe it was under the Defence of India Act rules that Lajpat Rai was prevented from entering India, and that has been the cause of a very sore grievance. It was an extremely unwise act on the part of Government. What I would have understood as defensible would have been to deal with Lajpat Rai under the law if it could be proved that he was a dangerous subject, and secure his punishment if he created unlawful mischief outside India. If in this respect the law is weak, you may seek to amend it so as to bring within the category of offences punishable all offences committed outside India by British subjects. If Government has no power to proceed against dangerous persons, in the ordinary course of law, still they have power under the summary laws to deal with them and prevent them from doing mischief. I, therefore, submit that this Bill should be confined only to aliens, and if the Government are prepared to go further they may take powers to extend it to other parts of the British Empire I think there is absolutely no justification for such wide powers as are asked for. Then, again, it may be that at present it is the intention of Government to prevent access to British India to persons outside the frontier, but it should not relate to subjects of Native States. I submit, my Lord, that the Bill should be confined to persons not ordinarily resident in India."

The Hon'ble Mr. P. J. G. Pipon.—"My Lord, I should not have 12-40 P.M. ventured to trespass on the time of the Council, but that I happen to have had about 3½ years' practical experience of the working of passports, and, to a certain extent, I am familiar with the working of the passport system in most countries. I think I might even shorten the debate if I could convince my Hon'ble friend Mr. Sarma that when he has made the suggestion, as he has made, that the Government of India should exempt British Indians from the operation of the law which insists upon passports for all persons entering India, there is no question of principle involved in it at all. It is merely a question of practice. Now a passport system entails not only a properly constituted authority for issuing passports, but a machinery for checking it. It is, therefore, perfectly impossible for that machinery to guess the nationality of any person except by demanding the production of a passport. I speak of those conditions where, as during the present war, passports had to be required from a very large number of persons. What is rather interesting in this matter is that the French Government during the war were confronted with very much the same difficulty as my Hon'ble friend is. They had to make in their country a large number of very complicated rules to govern the circulation (as they call it) of the different classes of persons passing through France. The French Government is like my Hon'ble friend, very very sensitive to the rights of their own nationals, to the rights of Frenchmen in France, and consequently at the beginning of the war they made some attempt to lay down rules by which foreigners had to produce certains papers, but Frenchmen were exempted. The result of that was that the unfortunate Frenchmen who had no papers were stopped at the barrier, whereas foreigners who had papers went through without difficulty. The point is that the Frenchman had to prove that he *was* a Frenchman. I may tell my Hon'ble friend that if in India a general passport system is introduced, an Indian returning to India has to prove first of all that he is an Indian Now that is not a very easy matter without a passport. Any question such as basing it on language is bound to break down. For instance . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"May I rise, my Lord, to make a personal explanation?"

The President :—" Only a personal explanation."

The Hon'ble Rao Bahadur B. N. Sarma :—" I only meant that there should be a clause compelling the Government to exempt British Indian subjects, that is all, and not that no safeguard should be taken to see whether a man is a British Indian subject or not ? "

The Hon'ble Mr. P. J. G. Pipon :—" My Lord, all that I meant to say is that it is practically impossible to exempt any particular class of persons. As I was going to say the French Government made an attempt and a very serious attempt to exempt their own nationals from certain rules, and they were obliged to lay down after a very short period that the Frenchmen must also have papers. Otherwise it was impossible for the machinery to know whether he was a Frenchman or a foreigner. I hope I have made that point clear. I do not wish to detain the Council any longer except to say that I rather hope that I have convinced my Hon'ble friend that there is no question of principle involved in this Bill at all. We may concede him all his principles, but it is absolutely impossible, as shown by my personal experience, to exempt the nationals of a country in actual practice. I do not wish to detain the Council any longer."

The Hon'ble Mr. G. S. Khaparde :—" My Lord, I feel a difficulty about this Bill, because as the wording goes, there is nothing to prevent British Indians from not coming under this Bill . . . . . .

The Hon'ble Mr. A. P. Muddiman :—" May I point out, your Excellency, that this is a motion for leave to introduce a Bill, and the Hon'ble Member is dealing with the principle of it. The usual practice is for members to speak on the principles of a Bill on the motion that the Bill be referred to a Select Committee or for the general consideration of the Bill ? "

12-45 P.M. **The Hon'ble Mr. G. S. Khaparde** :—" I submit, my Lord, I feel a difficulty about the principle itself. The principle is this, that *primâ facie* an Indian has got every right to go out and return to his home when he pleases, and it is only in exceptional circumstances that we can impose restrictions on him. In other countries also it is the same case that every man has got a right to go back to his own country. But in India the question is a little difficult because there are two Indias, British India and Native India or India consisting of Native States, and whether the Act goes so far as to prevent British Indians from going to Native States and *vice versâ*, is not clear from this Bill.

" The next question of principle is that it is left to the executive Government to frame the rules. I submit the Legislative Council sits twice a year, and the rules that are framed by the Government could be brought before the Council and modified as might be found necessary. If that is so, why after the rules are framed, should they not be brought before the Council and considered ? It is said that such rules existed during war time. I quite agree, but during the war we never put our mind to such things. We gave something like a free hand to officers so that they might win the war in any way they liked, but the present is not war time; we are in times of profound peace, I believe, and so I think these rules may be brought here for being considered. Otherwise these rules will be framed and merely published in the Gazette of India and then they will become law. These are the two matters about which I feel some difficulty, and I shall be glad to have an explanation about it when the Hon'ble Member in charge makes a reply."

12-47 P.M. **The Hon'ble Mr. Kamini Kumar Chanda** :—" My Lord, I speak with some diffidence on this Bill. I freely confess that when I first read this Bill and the Statement of Objects and Reasons, I thought that it was a dangerous power that was going to be created and that it might be used against Indians, persons domiciled in India. I felt the force of that. But I confess after hearing my Hon'ble* friend sitting in front of me I feel the force of what he has said.

"There is, however, one difficulty which my Hon'ble friend, Mr. Khaparde, has pointed out, and it is this, that almost everything is left to rules to be framed by the executive Government. These are matters, I think, my Lord, that require careful consideration. Certainly we shall resent it very much that a person born or domiciled in India, if he goes out of India for a short time, should find it difficult to come back to India unless he obtains a passport. There is considerable force, I admit, in that argument, because in certain instances it may be necessary, but in the generality of cases this restriction that a person born in India, if he goes out of India for a short period, should produce evidence before he can come back, would be very much resented.

"I therefore think that if the rules to be framed be revised in this Council, some objection may perhaps disappear. However, I keep an open mind on the matter."

The Hon'ble Sir William Vincent:—"My Lord, I should like to draw the attention of Council to the fact that this is only a motion for leave to introduce. The Hon'ble Mr. Dobbs has not asked the Council to accept this Bill; all he has done is to make a very simple request for leave to introduce and publish the Bill in the Gazette. As, however, attention has been drawn to the question of the possible exclusion, firstly, of Indian subjects generally from India, and secondly, of subjects of Indian States from British India, I had better explain the facts. I have been in charge of the Home Department for the last years of the war, and I may say that it has never been our policy, as far as I am aware, to exclude Indians domiciled in India from this country. I will take a particular instance. A number of Indians were recently convicted, as many members are aware, in America for certain offences. We examined the question of prohibiting them from returning to India very carefully, and we finally came to the conclusion that it was our duty, as I might put it colloquially, to consume our own smoke, and that we should have to take back any of our own people, *i.e.*, persons domiciled in India whether we wanted them or not. So far as I am aware, Mr. Lajpat Rai went to America of his own accord before the war. He got his passport from America to England and then got a passport from the Secretary of State to India, and I cannot find in the very short time available to me that any orders excluding him from India were issued against him by the Government of India. As to excluding subjects of Indian States, I submit that this is a fanciful suggestion. I cannot remember any occasion on which we have excluded a subject of an Indian State from British India, nor is it, so far as I am aware, contemplated by the Foreign Department that any such action should be taken under this Bill. The question whether any specific amendments in the law are necessary to meet that point might well be deferred, but I can assure the Council that we have never used the Defence of India rules which, as Hon'ble Members are aware, give us pretty extensive powers in the direction suggested by the Hon'ble Member. I put it to the Council that it is impossible, however, to exclude persons who are not British subjects without a passport system for all, nor indeed we should be prepared to allow the entry into India of persons of an undesirable character from any country. For the present, hovewer, all the Hon'ble Mr. Dobbs asks is, for leave to introduce this Bill and publish it for information, and subsequently, when opinion has been fully ventilated on it, members of this Council will have ample opportunities of discussing it in detail with fuller information." 12-49 P.M.

The Hon'ble Mr. Shafi:—"My Lord, I would like to add a few words in order to remove a misapprehension under which my Hon'ble friend 12-54 P.M.

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* The Hon'ble Mr. Pipon.

Mr. Sarma is apparently labouring. This Bill by its provisions excludes nobody from entry into India; it only authorises His Excellency in Council to frame rules under the Act for the exclusion of persons from India. And you will notice that under clause 3, sub-clause (*2*)(*c*), the rules may provide for the exemption either absolutely or on some condition of any person or class of persons from any provision of such rules, so that the Bill itself does not exclude any one from entry into India. It only authorises the Governor General in Council to frame rules and in consequence the objection that my learned friend is putting forward against the Bill does not apply."

12-55 P.M. **The Hon'ble Mr. H. R. C. Dobbs**:—"My Lord, I have very little to add to the arguments contained in the Hon'ble Sir William Vincent's remarks. It is the fact that our main difficulty, if British subjects were not brought within the scope of this Bill, would be to distinguish British subjects from aliens, especially of course in the case of Americans, and it is mainly for that reason that British subjects have not been excluded from the operations of the Bill. It is also the fact that there have been countless difficulties in practice and unending telegrams in regard to passports, and we have often had to modify our practice at very short notice, and if rules had to be submitted to the Council, say once a year, there might be considerable difficulty in dealing with the matter as rapidly as might be required. I trust, therefore, that the Council, will agree to the introduction of this Bill and to its publication, and any matters which may be found to be obnoxious can of course be carefully considered when the Bill is further debated after publication."

The motion was put and agreed to.

The Hon'ble Mr. H. R. C. Dobbs:—"I beg to introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

DOURINE (AMENDMENT) BILL.

12-56 P.M. **The Hon'ble Sir Claude Hill**:—"My Lord, I beg to move for leave to introduce a Bill to amend the Dourine Act, 1910. The Bill itself is an exceedingly simple one, and I need not detain the Council for more than a few moments in making this motion since the provisions practically amount only to two qualifications of the existing Act. But I should perhaps explain for the information of the Council that this disease, Dourine, had had a tremendous extension of its baneful activities lately in the Punjab, and that the measures which have been possible under the existing Dourine Act to combat it have proved ineffective. The result has been, since the infection is transmitted wherever breeding operations take place, that a considerable number of stallions has had to be destroyed, and that a considerable economic loss has been occasioned in horse-breeding to private owners as well as to Government. In such circumstances two additional provisions, with a view to prevent this economic loss, are proposed in the Bill, which I am asking for leave to introduce. The first is, it is proposed to give power to the Inspector authorised under the Act to remove a mare found or believed to be affected with Dourine and keep her under observation. The second provision is that, since it has been found that the alternative at present offered in section 8 of the Act of branding mares has failed, it is proposed to abrogate that alternative and no longer to provide for the branding of mares at all. I do not think, my Lord, that, in addition to what is stated in the Statement of Objects and Reasons, I need say anything further in regard to the provisions of the Bill. I therefore move for leave to introduce it."

The motion was put and agreed to.

The Hon'ble Sir Claude Hill:—"My Lord, I now introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

GLANDERS AND FARCY (AMENDMENT) BILL.

12-58 P.M. **The Hon'ble Sir Claude Hill:**—"My Lord, I now beg to move for leave to introduce a Bill further to amend the law relating to Glanders and Farcy. In doing so, I may even be briefer than I have been in reference to the Dourine Act, since the provisions of this Bill are designed practically only to include camels in the list of animals to which the Act applies. Under a Notification issued in September 1910 *surra* was declared to be one of the infectious diseases coming within the scope of the Glanders and Farcy Act. Well, it has been found since that *surra* is a disease to which camels are peculiarly susceptible and that camels are *par excellence* the carriers of the disease of *surra*, and that it is necessary to bring camels within the scope of the Act. That is practically the whole purpose of the very short Bill which is before the Council, my Lord. The only other alteration is to extend the discretion allowed to Local Governments under section 3 of the Act of determining the local application of the Act."

The motion was put and agreed to.

The Hon'ble Sir Claude Hill:—"I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

1 P.M. **The Hon'ble Sir George Barnes:**—"My Lord, last Session I introduced a Bill to extend the operation of, and otherwise to amend the Import and Export of Goods Act, 1916. The Bill was introduced on the 18th of September last, that is to say, very nearly at the end of the Session, and on the 24th of September, a day before the Session came to an end, it came on for consideration. On that day Mr. Sarma appealed to me to give him more time to consider the details of the Bill. He said that the Bill had not been published for a sufficient time to enable him to consider the details. As there was no urgency whatever in the matter, I then agreed to postponing the Bill until the present Session. When Mr. Sarma asked for more time he also tabled two amendments: one was to limit the operation of the Bill to foodstuffs and the other had some other point of limitation. Now, we want the Bill mainly for foodstuffs, probably also for gold, and, I think, for no other purpose. I have discussed the matter with my Hon'ble friend, Mr. Sarma, and he agrees with us in thinking that the most satisfactory course would now be to refer the Bill to a Select Committee and then to consider what amendments are necessary in order to limit its scope, if any limitation at all is necessary. Accordingly, my Lord, I beg to move that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Mant, the Hon'ble Mr. Sarma, the Hon'ble Mr. Ley, the Hon'ble Mr. McPherson, the Hon'ble Mr. Crum, the Hon'ble Mr. Jaffer, the Hon'ble Mr. Cook and myself, and that it be a special instruction to the Select Committee to consider whether the provisions of

section 3 of the said Act should be amended with the object of limiting its scope, and if so, to report the amendments in the Act which the Committee consider necessary or desirable to give effect to that purpose."

1-4 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, I am glad that the Hon'ble Sir George Barnes has seen his way to recommend that this Bill should be referred to a Select Committee. We commit ourselves to no particular course of action, but we all feel that some power must be given to the Government to regulate the export of foodstuffs. Whether any other articles would have to be included, within what period of time the power should be exercised and so on, are matters which will be gone into by the Select Committee. I am thankful that the Hon'ble Sir George Barnes agreed to postponing this Bill to the Delhi Session and that he has seen his way to refer the matter to a Select Committee now."

The motion was put and agreed to.

[At this stage the Council adjourned for Lunch.]

[At this stage the Hon'ble the Vice-President took the Chair.]

HINDU MARRIAGES VALIDITY BILL.

✓ **The Hon'ble Mr. V. J. Patel:**—"Sir, I beg to move that the Bill to provide that marriages between Hindus of different castes are valid be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Vincent, the Hon'ble Mr. Muddiman, the Hon'ble Dr. Sapru, the Hon'ble Mr. Chanda, the Hon'ble Mr. Sastri, the Hon'ble Mr. Khaparde, the Hon'ble Mr. McPherson, the Hon'ble Mr. Sinha, the Hon'ble Mr. Kincaid and myself. In making a few observations on this motion I hope I shall not say anything which might offend my Hindu friends here or outside this Council. I do not desire to lead an attack on the caste system, nor do I wish to discuss the advantages or disadvantages of that system In fact from my point of view such a discussion is not at all necessary for the purposes of this Bill. Let us as practical men take the facts as they exist to-day and try to solve them; let us face them and arrive at some solution. What are the facts? The Hindu community is divided into four principal castes,—the Brahmins, the Kshatriyas, the Vaisyas and the Sudras. Each of these principal castes is again sub-divided into hundreds of sub-castes. Marriages among sub-castes of the same caste, or as I should like to call them, inter-sub-caste marriages are admittedly allowed by the Hindu Shastras and they are in consonance with the general Hindu opinion; and we know that hundreds of such marriages, I mean inter-sub-caste marriages, have taken place in different parts of India.

✓ "Then I come to inter-caste marriages. They are of two kinds, marriage of a man of a higher caste with a woman of a lower caste. Such a marriage is called *Anuloma*, while the second class, called *Pratiloma*, is the marriage of a woman of a higher caste with a man of the lower caste. Now *Anuloma* marriages were admittedly permitted by the Hindu Shastras. *Pratiloma* marriages were condemned by the Hindu Shastras, but such condemnation was according to the best authorities merely moral. There is no text on Hindu law which can be cited to prove that *Pratiloma* marriages were illegal and the issues of such marriages illegitimate. That is the position according to the Shastras. Inter-sub-caste marriages, as I have said, are sanctioned not only by Shastras, but have been in consonance with general Hindu opinion, and hundreds of such marriages have in fact taken place, but in some decisions doubts have been thrown on the validity of such marriages. With regard to inter-caste marriages of both kinds, courts have held that they are invalid and the issues of such marriages are illegitimate. Now, the object of this Bill is to validate inter-sub-caste marriages as well as inter-caste marriages. In the first place, this

Bill will remove the doubt which has been cast on the validity of inter-sub-case marriages; and in the second, it will validate inter-caste marriages. That is the object of this Bill.

"Now, if we look to the history of the marriage legislation, we find that the first Act passed is what is known as the Civil Marriage Act, III of 1872. That Act is really all embracing so to say. To use the words of Mr. Basu 'anybody can marry anybody,' provided both parties make a declaration that they do not profess any of the religions named in the Act, and provided also that the marriage is registered. The two conditions necessary are that there should be a declaration and there should be registration of marriage. These two conditions being fulfilled a Hindu can marry a Muhammadan, a Muhammadan can marry a Christian, a Christian can marry a Hindu, and so forth. Then, a few years ago, was passed the Sikh Anand Marriage Act. Under that Act parties may declare themselves Sikhs and go through the Sikh marriage ceremony called Anand. Such marriage is good and valid in law and the issue of such marriage legitimate. Later, an attempt was made by my friend Mr. B. N. Basu to have a law doing away with the declaration required under the Civil Marriage Act. He in fact wanted that parties could by mere registration and without renouncing their faith, enter into a valid marriage. But that attempt of his failed. His Bill was, as I have stated, all embracing. Under its provisions it was open to a Hindu to marry a Muhammadan, or a Christian or a person of any other faith. My Bill follows the line of least resistance. I want to confine it only to Hindus. I do not include within my Bill any other community. What is more, I want to see that the sacramental character of the Hindu Marriage is retained. I do not wish to engraft any new principles not sanctioned by Hindus on this marriage. I wish a marriage under my Bill should be essentially a Hindu marriage, not a civil contract. Having said this much I now wish to emphasise the fact that in taking up this Bill at this Session we are not rushing through in any sense this legislation. The Bill was introduced as early as September 1918, 18 months have passed and ample opportunities have been given to the public, to those interested, to the Local Governments and to various public bodies and associations to agitate the question, to formulate their views and submit them to the Government of India. The whole record is now complete. We know what Hindu opinion is. No question of deferring further consideration of this measure can, therefore, arise. We are not rushing this Bill through the Council. For the purposes of my argument, I divide the opinions received into three classes—

(1) the opinions of Local Governments;

(2) the opinions of the highest Judicial officers, *i.e.*, of High Courts, of Judicial Commissioners, and of Chief Courts;

(3) the opinions of the Hindu community to whom this Bill is intended to apply.

"I take the first class of opinions, namely, those of Local Governments. I find on a careful study of these opinions that the Chief Commissioner of Delhi says that the Bill should not be supported by Government, he does not go so far as to say that the Government should oppose it; the Chief Commissioner of Baluchistan is not prepared to express any opinion; the Lieutenant-Governor of Burma advises that the Government of India should hesitate before giving sanction to this change; the Chief Commissioner of Coorg is entirely in favour of the Bill; the Chief Commissioner of the North-West Frontier Province puts two sides of the case and expresses no opinion of his own; the Lieutenant-Governor of the Punjab advises that further consideration of the Bill should be deferred. The United Provinces Government strongly supports the Bill. The Government of Bihar and Orissa is of opinion that non-Hindu Members should not vote. The Chief Commissioner of Ajmer-Merwara is of opinion that the Bill should not receive official support. The Assam Government is of opinion that the Government should oppose the Bill unless it is clear that the opponents are in an insignificant minority. The Central Provinces Government thinks that the Government should remain neutral and leave the decision to non-official Members. The Bengal

Government says the voting should be confined to non-official Members or that the Bill should be deferred, the Madras Government would like to see the Bill deferred, so also Bombay. I have analysed these opinions and my analysis is this. There are two Governments who seem to hold the view that the Government of India should oppose the Bill, unless it is proved that there is a great majority in favour of the Bill—they are the Government of Assam and the Government of Burma. There are two Governments who feel strongly that the Government of India should support the Bill; they are the United Provinces and Coorg. There are two Governments that desire to express no opinion; they are Baluchistan and the North-West Frontier Province. There are three Governments who would like to see this Bill deferred; that is the Punjab, Madras and Bombay. There are five Governments who consider that officials should not vote on this Bill; they are Bihar and Orissa, the Central Provinces, Bengal and Ajmer-Merwara, and Delhi. I may say here that the Bengal Government have suggested that either the non-officials alone should decide the fate of this Bill or that the Bill should be deferred. So, generally speaking, it is clear from the analysis I have just given that there are only two Local Governments who are opposed to this Bill. There are two Local Governments who are entirely in favour of the Bill. There are two Local Governments who express no opinion. There are three Local Governments who are of opinion that the Bill should be deferred, and there are five Local Governments who think that officials should not vote on this Bill. That is, so far as I could gather, the result of the opinions of the Local Governments. I want to place my case as fairly before the Council as possible, and if in doing so I quote any opinion which any Hon'ble Member thinks is incorrect, I hope he will pardon me and not think that I have any desire to mis-state the case . . . . .

The Hon'ble Rai Sitanath Ray Bahadur:—"May I interrupt you? Most of the opinions you have quoted are against the Bill, especially Bengal, Madras, Burma and Assam . . .

The Vice-President:—"May I ask if the Hon'ble Member is making a personal explanation?"

The Hon'ble Mr. V. J. Patel:—"Now, I come to the second class opinions, namely, the opinions of the Judicial officers, particularly of the High Courts, the Chief Courts and the Judicial Commissioners. I may say at once that the High Courts of Calcutta and Bombay say that they have no criticism to offer. Then I take the High Court of Allahabad. The opinions of the Judges there are, generally speaking, in favour of this Bill. This is the letter of the Registrar, High Court of Judicature, Allahabad.

"Sir, In reply to your letter . . .

The Vice-President:—"I should like to remind the Hon'ble Member that it is not the practice here to read long extracts to the Council, but to quote from them as shortly as possible."

The Hon'ble Mr. V. J. Patel:—"The Hon'ble Mr. Justice Walsh has no criticisms to offer. Almost all other Hon'ble Judges have given favourable opinions in regard to this Bill The Hon'ble Mr. Justice Bannerjee's opinion is very important. It is only a few lines and I will, with your permission, Sir, read it. 'The proposed measure seems to me to be unobjectionable. It is only an enabling one. Under the strict Hindu law inter-marriage between persons belonging to different castes is not wholly interdicted, but entails degradation. In modern times among some advanced people such inter-marriages have taken place. It is desirable that the issue of such marriages should be declared to be legitimate. Many of those who have contracted marriages of this description are not prepared to make the declaration required by Act III of 1872. They are entitled to relief. The proposed legislation will not affec the general Hindu community'.

"The Hon'ble Mr. Justice Tudball says, 'I approve'.

"The Hon'ble Mr. Justice Rafique says ' . . . Speaking personally, I approve of the provisions of the Bill and think that it is a move in the right direction'.

The Hon'ble Mr. Justice Piggott thinks 'that he would recommend that such advance should take the shape of some amendment of Act III of 1872, making it possible for persons to avail themselves of its provisions without declaring themselves not to be Hindus'.

"Generally speaking, as I say, the opinions of the Judges of the Allahabad High Court are in favour of the Bill.

"Then I take the opinions of the Judicial Commissioner of the Central Provinces. I may say that the opinion of the Judicial Commissioner of the Central Provinces concurs with the opinions of the two Assistant Judicial Commissioners under him. He quotes their opinions which are in favour of this Bill and says he also is of the same opinion.

"Then I take Madras. In Madras some of the Judges express no opinion, while about six Judges who express opinion are in favour. The Hon'ble Mr. Justice Kumaraswamy Shastri is against. I will read the opinion of the Hon'ble Mr. Justice Sadashiv Iyer which is very important. He says:—'I entirely agree with the Bill and the Statement of Objects and Reasons. Under the Vedic Hindu Law such marriages between members of different castes were clearly valid, though they were (as in western countries even now as regards marriages between members of different classes in society) socially disapproved of, and in later times even moral stigma was attached to the parties thereto. Exceptionally they were always allowed and even approved by social opinion, especially in the case of kings and nobles who were freely allowed to take wives from inferior or superior castes. The legal prohibition is a custom of very recent origin being based upon what I believe (with the greatest respect to those who differ) the erroneous view that even what might be called a negative custom (that is, the absence for a long time of what was an undoubtedly a legal practice according to the Shastras) is binding as law now, especially if a forged text or a recent unscrupulous commentator enacts that the practice is prohibited in the *Kaliyuga*'.

"Sir, I am not going to quote other opinions and trouble this Council, but this particular opinion is so important and is so well reasoned that I should like to read one more paragraph from it.

'As regards public opposition to the Bill, we must expect much noisy opposition from the ultra-orthodox Hindus belonging to all kinds of political parties. Radical politicians like the Hon'ble Mr. K. V. Rangaswami Ayyangar, advanced congress politicians like the respected and influential Pandit Madan Mohan Malavya, influential wealthy Brahman and other noblemen like the Maharaja of Darbhanga, wealthy educated reactionaries with high University degrees (especially if they have been "good fellows" and unbelievers in their youth and have reacted to orthodoxy), even influential non-Brahmans like Diwan Bahadur Rajaratna Mudaliyar, C.I.E. (though they are anti-home rulers and anti-Brahmans as they opposed even Mr. Basu's Bill), and most Hindu Matadhipatis whose influence is, however, waning, will all be found ranged together in opposition. But on the other side will be found most of the influential Hindu Theosophists, the Arya Samajists, the Hindu Social Reformers, the members of the Brahmo and Prarthana Samajes and their sympathisers most of whom are within the Hindu religious fold, the Ramakrishna and Vivekananda mutts and their sympathisers, the majority of the younger generation of the educated Hindus (and this, in my opinion, is very important). The great majority of illiterate Hindus will be really indifferent, though, through natural conservatism, they might attend in large numbers the meetings convened by the influential opponents of the Bill. With the safeguarding provisions which I have ventured to recommend the agitation will be mostly artificial and innocuous. Permissive legislation (like the Widow Re-marriage Act) and even prohibitive and substantial legislation like the Acts relating to the abolition of *Sati*, the age of consent and the removal of native converts' disabilities were accepted by the Hindus whose national characteristic is tolerance and who are intuitively non-aggressive towards permissive and even positive legislation when it is really in consonance with justice and equity and with the spirit of the ancient Shastras though against the hydra-headed custom which differs in different places and different centres and hence has not got the strength of unity for the purpose of sustained effort against good legislation. May I, in conclusion, very respectfully suggest that just as the Government was not afraid in the olden days to range itself on the side of Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, M. G. Ranade, K. T. Telang, R. Raghunatha Rao, Sir Sankaran Nair (in connection with the Malabar Marriage Regulation) and other sober, religious and social reformers against unreasonable opposition to beneficent social legislation (opposition led by gentlemen even of the influence and standing of Sir Romesh Chandra Mitter, Sir T. Madhava Rao, the Editor of the 'Amrita Bazar Patrika,' etc) it is their duty to actively support this permissive legislation introduced by the Hon'ble Mr. Patel which is so long overdue but whose need is almost urgent in these days when social changes have to be made *pari passu* with political changes if a genuine Hindu nationality as a valuable and not an obstructive element of a larger Indian nationality is to be built up?'

"So far, Sir, about Madras. Then, again, the Judicial Commissioner of Oudh is entirely in my favour, and the Judges of the Patna High Court are generally speaking, in favour of this Bill. The Bill is further strongly supported by the Chief Court of Burma. Thus you will find that as a matter of fact there is no High Court, or Chief Court, or Court of Judicial Commissioner which is opposed to the Bill. Excepting the Bombay and the Calcutta High Courts, who do not express any opinion, all other highest judicial courts in India are in favour of this Bill.

"Now, Sir, I come to the third class of opinions, namely, the opinions of the Hindu community as a whole. In this connection my contention, Sir, is that the Bill has found support from a very very great majority of the Hindus numerically speaking. You must remember this fact that the Hindu community does not consist of one class or community. The Hindu community consists of several classes and communities, and if you analyse the opinions in connection with this Bill as expressed by all these classes, you will find as a result of your analysis that a great majority of the Hindu community, numerically speaking, is in my favour. I may say at once that the whole community of my Sudra brothers and sisters is entirely in favour of this Bill, and I can say without fear of contradiction, Sir, that almost the entire non-Brahmin community is in my favour. Having in my favour the non-Brahmin community and the Sudra community (and in non-Brahmin of course I include the *Kshatriyas* and the *Vaishyas*) there remain only the Brahmin community. As I have said, I do not wish to lead any attack on any particular community. I quite realise that it is only human nature that one who is in possession of power does not like to part with it so easily. I also recognise this fact, Sir, that a great many supporters as you will see from the voluminous opinions that have been received on this Bill are from the Brahmin community, and I am sure the whole country is indebted to those liberal-minded members of the Brahmin community who have come forward openly to help this noble cause. But I cannot lose sight of the fact that the opposition to the Bill mainly comes from that community. Therefore I submit, Sir, that this Council has no business, and the Local Governments have no business, to say that the majority of Hindus is against this measure. You may say with some justification that the majority of the Brahmins is against my Bill, and I am perfectly willing to accept that statement, but I cannot understand how any one can say that the majority of the Hindu community is opposed to the Bill. Then, Sir, the opposition to this Bill is nothing compared with the opposition that you had in connection with social reform legislation in days gone by. When the Suttee Bill was on the anvil you had a solemn memorial signed by very very influential Hindu gentlemen submitted to

Government stating that marital rites of the Hindu community would be jeopardised, that chastity among women would be an unknown quantity, that husbands would be poisoned and murdered, and that social life would be intolerable. That was the state of Hindu feeling then. In spite of such opposition that Bill was passed. Then you had a tremendous uproar and excitement in the Hindu community when the Age of Consent Bill was put on the Statute-book. Then, again, when you had the question of widow remarriage under consideration, the feeling was that the whole of the Hindu society was going to be upset and the purity of the Hindu widow was going to be destroyed. That was then the feeling among the Hindu community, and when the Removal of Disabilities Act was passed almost the whole Hindu community was up in arms against the Bill and charged Government with having introduced legislation for the purpose of encouraging Christianity. I may say, Sir, in view of all this, the opposition to my Bill is not even one-hundredth part of the opposition that you had to face from time to time in the matter of social legislation in the past.

"When I say that the opposition mainly comes from one community I am bound to give this Council some proof in support of this sweeping statement. The Chief Court of Burma supports this Bill, and the Registrar of that Court in his letter to the Government of India states:—

'I am directed to state that most of the judicial officers consulted are of opinion that the proposed legislation is desirable. The District Judge of Hanthawaddy and Insein, himself a Hindu gentleman, is in favour of it. Such opposition as there is against the proposed measure appears to emanate from Brahmin circles'.

"I am sorry, Sir, but that is the opinion of the Chief Court of Burma.

"Then, Sir, I will refer this Council to the opinion of the Bombay Government. The Bombay Government referred this Bill to the non-official members of the Legislative Council and received their opinions. The following is the summary of those opinions:—

'The opinions of the Hindu non-official members of the Legislative Council follow much the same lines. The Bill is unconditionally supported by the Hon'ble Mr. Chunilal Mehta, a Gujrati Bania, the Hon'ble Mr. Lallubhai Samaldas, a Gujrati Nagar Brahmin, the Hon'ble Rao Bahadur Tekchand Udhavdas, a Sindhi Amil, and the Hon'ble Mr. Harchandrai Vishindas, also a Sindhi Amil. The Hon'ble Mr. R. P. Paranjpye, a Chitpawan Brahmin, the Hon'ble Mr. G. K. Parekh, a Gujrati Bania, the Hon'ble Rao Bahadur Rao Saheb Harilal Desai, a Gujrati Patidar, and the Hon'ble Rao Bahadur V. S. Naik, a Dharwar Brahmin, (probably a Desasth) also support the Bill with certain modifications. Against the Bill are the Hon'ble Mr. P. A. Desai, a Brahmin whose sub-caste is not known, and the Hon'ble Rao Bahadur G. K. Sathe, a Chitpawan Brahmin.

'The conclusion is that the opposition roughly consists of the religious leaders and their following and the more orthodox sections of the Brahmin community; the supporters are mostly "Reformers", a few Brahmins and educated non-Brahmins generally.'

"It seems clear, Sir, that when the Bill was referred to the non-official members of the Bombay Legislative Council the only opponents that could be found were the two Brahmins. I do not for a moment minimise the services of those Brahmin members who have supported the Bill, but the fact remains that no non-Brahmin Member has opposed it.

"Then, in the Bombay Presidency of which I can speak with some knowledge, I know that the political conference at Gujrat, besides the social conferences, passed a resolution supporting the principle of this Bill. Sindh is a cosmopolitan division and is not opposed to my Bill so far as I know. It is only where the Brahmin predominates that the opposition is strong. It is in the Deccan that there is this trouble of Brahmins and non-Brahmins, of Mahrattas and Brahmins, of Lingayats and Brahmins, and there you hear a good deal of noise about this Bill. You hear of lots of meetings in favour and of lots of meetings against. The District Judge of Poona, Mr. P. E. Percival, what does he say? It is only one line, Sir. He says:—

'In view of the strong opposition, especially among the Brahmin community of Poona and elsewhere, Government will no doubt decide to be conspicuously neutral in respect of the Bill'

"I am sorry to have this statement from an eminent judge like my friend Mr. Percival that, because the Brahmins oppose the Bill the Government should remain neutral and neglect the interest of a very large majority of the Hindus. I say again, I am forced to the conviction that the opposition mainly comes from one community, but there it is; the fact must be faced, as I said in the beginning.

"Now, we come to the Madras Presidency. I will just read to this Council the opinion of non-Brahmins expressed in a conference which they held in connection with this Bill. It says:—

> 'This Conference gives its hearty support and approves the principle embodied in the Hon'ble Mr. Patel's Bill regarding the validity of marriages between different Hindu castes.'

The Secretary of the Conference adds:—

> 'I should like to draw your attention to the significance of this Resolution. It embodies the considered opinion of a very large section of the non-Brahmin community of the Presidency. Taken in conjunction with the support given to the Bill by the South Indian Liberal Federation, it practically amounts to a full endorsement of the principle of intercaste marriages by the non-Brahmin Hindus. The conference has not expressed any opinion on those questions of inheritance which are intimately connected with it besides giving their adherence to the underlying principle.'

That means, Sir, that the whole of the non-Brahmin community of Madras—and I am sure the Hon'ble Mr. Sarma will support me in this statement—is, generally speaking, in support of this Bill. There is, of course, a keen difference of opinion on certain political questions between the Brahmins and the non-Brahmins in Madras and we know that. But what we are concerned with here is, whether the majority of the Hindus support this Bill or not. The only issue before this Council is, whether the great majority of the Hindu community is in favour of this Bill or is opposed to it Several Local Governments seem to suggest that there is a great majority of Hindu opinion against the Bill. But, if you analyse the opinions, you will find that it is not so. The fact is that it is mainly one community, the vocal community, the community that is in power, who kicks up a row and seems excited, and the Local Governments feel as if the whole Hindu community is against my Bill. That is really not so. I will just quote to you the opinion of the Hon'ble Mr. P. C. Mitter.

"The Hon'ble Mr. P. C. Mitter writes to the Government of Bengal a long letter, and I will only read the relevant portion.

> 'Lastly, I desire to point out that out of about 21 millions of Hindus in my province over 10 millions are so-called untouchables. These classes have their peculiar marriage custom and amongst some of these classes inter-caste marriages and, at any rate, inter-sub-caste marriages are permissible. Considering that the Brahmins in Bengal are a little over a million, the Kayasthas about the same number and the Baidyas less than one hundred thousand, it is very unreasonable on the part of some section of the members of these higher castes to oppose a Bill which will ultimately solve marriage problems of the so-called lower castes. With the advance of education and improvement in the economic conditions and social life of the so-called lower castes, the necessity of a marriage law of the type intended in the Bill will become all the greater, and if the so-called higher castes have the well-being of the future generations of the so-called lower castes in view, then far from opposing a Bill of this character they should have toleration enough to welcome it, specially as the Bill will compel no one to marry under its provisions.'

"According to this opinion in Bengal also the opposition is confined mostly to the Brahmin community.

"As I said, Sir, I have my best supporters in the Brahmin community, and I am very much grateful to them, and my non-Brahmin brothers and sisters and my Sudra brothers and sisters will also be certainly very much thankful to them. Even in this very Council you find a good many Brahmin members in support of this Bill; my friend, the Hon'ble Mr. Sastri, the Hon'ble Mr. Surendra Nath Banerjea, the Hon'ble Mr. Khaparde and the Hon'ble Mr. Sarma. All these gentlemen are Brahmins, but they are Brahmins of a different type. They understand the situation, they see which way the wind blows, they see how the world goes; they realize the situation and they say:

'Well, if we want a step towards political equality, we must be prepared also to grant a step towards social equality.'

"Now, Sir, I do not wish to trouble the Council with a number of opinions. I had a mind to read some of the opinions which are very weighty, but as you, Sir, have asked me not to read many opinions to this Council, I do not wish to take up the time of the Council. I will turn to other considerations. This is a motion for reference to Select Committee. Now any discussion of a Bill must necessarily relate, firstly, to the principle of the Bill and, secondly, to the details. At this stage according to the well-understood practice of the Council, we discuss the principle of the Bill; and if we agree to it we refer the Bill to the Select Committee who settle the details. Of course we suggest for the consideration of the Select Committee certain vital matters of detail during the discussion on the motion, but that is all. So the discussion at this stage must principally be confined to the principle, namely, whether inter-caste marriages should be in law valid or not. That is the main principle of the Bill. As I have said, this Bill will in the first place remove doubts regarding the validity of the inter-sub-caste marriages; that will be one effect; and no Hindu can or will object to this as far as I know; it being in consonance with the entire Hindu opinion. Then, again, if you look at it from the point of view of equity, you know that hundreds of inter-caste marriages and inter-sub-caste marriages have taken place in India, and what are you going to do with these people? What is the status of the issue of such marriages? No doubt the parties live as husband and wife, but they do not know whether the courts of law, Mr. Justice So and So will decide whether they are in law husband and wife or not. So the whole thing is in suspense and doubt. People do not know, although they have been living together for years, they do not know whether they are in law husband and wife and whether their children are legitimate. As a matter of fact, so far as inter-caste marriages are concerned, it is practically certain that such marriages are invalid and the issue illegitimate. So far as inter-sub-caste marriages are concerned, it is all doubtful; in some cases the Council will see that the parties were absolutely innocent. They did not know the state of the law; perhaps they were minors when they were married, and in all cases certainly the issues are absolutely innocent. Are they to be allowed to suffer? That is the question. Are you not going to give a helping hand to these people who are innocent, who for no fault of their own have to suffer? So as I say equity is also in my favour; you have got to take some step to validate these marriages. In some cases of course the parties believe that inter-caste marriages are allowed by the Shastras and no one has any business to say that they should not follow the Hindu Shastras. They *boná fide* believe, and rightly perhaps that the Hindu Shastras do allow such marriages, and they want to follow the Shastras. Why should you now, why should courts of law interfere and say 'No; though your shastras allow, we shall not recognise these marriages.?'

"Then there is a small minority of the non-Brahmin community that here and there join hands with the great majority of the Brahmins in opposing this Bill; they have done so really from some sort of influence or from want of proper appreciation of the effect of this measure. They do not realise that this Bill is merely a permissive measure; they lose sight of that fact or they are not told about it; they are most of them illiterate poor people; they do not understand these things, the intricacies of the law and so on; and the way some interested and clever people manage to put the case against the Bill mislead them. The fact is that the opposition from that small minority of non-Brahmins is due mostly to my mind to want of appreciation on their part of the provisions of the Bill. The Bill is really permissive; there is no compulsion; no one is asked to marry out of his caste. At the same time, what is to be remembered is this, my Bill preserves the autonomy of the caste which the present interpretation of the Hindu law by the Judges seeks to destroy. I maintain that my Bill is intended to help the autonomy of the caste, to help to preserve the power of the caste; we know it is no shutting our eyes to the fact that inter-caste and inter-sub-caste marriages have been condoned, and I go further and say, in several cases encouraged by the castes concerned. These castes do not mind them, they sometimes welcome such unions, and allow full social intermixture with the parties and their issue, and yet when for some reason the case goes to a court of law the court of law says 'Whatever your caste may do or has done, we do not care; we say that the marriage is illegal; we say that the issues are illegitimate; we say that the so-called wife will not be entitled to maintenance; and so on.'

That is the position the law says one thing; the caste may do another. I say my Bill really helps the caste to preserve its autonomy. There is nothing in my Bill to prevent caste 'hanging' if they like the parties to the marriage; caste may say 'well, you are going against the rules of caste, we do not regard you as a Hindu, or we excommunicate you' My Bill does not interfere with caste, let castes do what do they like. I want caste to preserve its power, its autonomy, but the law is against us, the judges are in the way, they say 'we do not care what the caste has done.' My plea is that by this Bill you will help caste to keep its autonomy, to keep its power. Let them deal with the parties to these marriages, why should law interfere? It is the privilege of caste to deal with its offending members. I have done. I do not wish to take up any more time of this Council. I will take the opportunity on the third reading of the Bill, if it comes to that stage, to once again emphasise the need for this Bill. I trust my Brahmin friends will excuse me if I have said anything to offend them. I have said what I have felt"

3-18 P. M. **The Hon'ble Sir William Vincent**:—" Sir, I move as an amendment to the motion already before the Council 'that the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes and all the non-official members of this Council.' In moving this amendment, I should like to explain the position of the Government in regard to this measure. The Government of India regard the Bill as a liberal measure with which individual members of the Government have every sympathy. It is a permissive measure as I understand it; in no sense is it obligatory upon any person. My own experience is that the best educated Indian opinion I have met, at any rate in the province with which I am familiar, is strongly in favour of the proposals. Many of us indeed feel that it is unreasonable that adult persons who desire to marry should be prohibited by law from doing so because they happen to belong to different castes. Nor am I myself much impressed with the argument that this law will strike a blow at the foundations of the Hindu religion. This argument has been used too often. It was advanced when *Sati* was prohibited, at the time of the Widow Re-marriage Act, when the Caste Disabilities Act was enacted, and later on when the Age of Consent Act was passed. We are many of us unwilling to believe that the Hindu religion does not rest on some more solid basis than that. I am told also that in some Indian States there is legislation comparable to the Bill before the Council. I have no definite information, however, on the point and speak subject to correction.

"I think the Council will sympathise with this attitude of Government towards the Bill. At the same time, this is a matter in which *festina lente* is a very good watchword, and it is most important we should have a definite pronouncement of the views of non-official members on the Bill. There is a great cleavage of public opinion on the merits or demerits of the proposal. I cannot myself agree that the Hon'ble Member has presented a very accurate picture of this feeling. I have no doubt that his affection for his own measure has in some way influenced him in overestimating the value of opinions in support of the Bill and minimizing that of those opposed to him. He said he wished to put the matter clearly before us. I am sure that was his intention, but I do not think that any person who reads through these opinions carefully can accept the view that the majority of orthodox Hindu opinion is not at the present moment opposed to the Bill. It is useless enumerating Local Governments as if they were to be counted on your fingers. To cite the local administration of Coorg, as if it was of the same importance as a large Presidency, is not the way in which the value of local opinion is really ascertained, nor do I think, if I may say so, that the Hon'ble Member was correct in his attack on Brahmins as the real opponents of this measure. There are indications that other castes feel very strongly on this point. Then I was told—and I heard this with amazement—that even if vocal opinion was against the Bill Government should neglect this opposition and that they should be guided by the opinions of the silent millions. How often have I been told in this Council that there is one opinion in India, and that that is the vocal opinion of the educated classes. When any official has ever suggested that there is any other opinion, he is told that it is some invention or delusion of his, but now I am asked to neglect public opinion as voiced by Brahmins. Apart, however, from the justice of this attack on the Brahmins, if I had been in my Hon'ble friend's place, I should have avoided it as a matter of tactics. In the first place, my experience of this Council is that many of the acutest Indian intellects have always been Brahmins. I once said a word about Brahmins in the Council on a former occasion and brought a storm about my ears. I roused in truth a hornet's nest and I have avoided doing so again. I assure my Hon'ble friend that this is the most dangerous hornet's nest he has ever disturbed. If there is one thing which Hindu Members in this Council will not bear, it is any suspicion of what they think is an unfair attack upon the Brahmin community. I have now placed before Council the views of Government on the Bill. There is a natural feeling of sympathy with this measure, but, in view of the opposition from the orthodox community, we seek to obtain the advice of non-official members of this Council as to our wisest course, and for this reason I have moved the amendment now before the Council. We shall largely be guided by the opinion of the non-official members who represent largely the educated opinion of the country.

"It is for that reason, and in order to secure an effectual presentment of that opinion, that I have proposed that this Bill should be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes (who, as Hon'ble Members know, is bound under the rules to be Chairman of every Select Committee) and of non-officials Otherwise, indeed, it is very difficult for Government to ascertain the views of individual members.

"I must, however, say that while I propose this course we retain liberty of action, if we think necessary owing to circumstances, either to defer the further consideration of this measure until the enlarged Legislative Councils come into being, or to re-publish it or to take any other line that may appear to, us to be most proper in the whole circumstances. I should be glad if this motion is carried, and I may say that it will be carried because I shall use the official majority, and I have reason to believe also that my Hon'ble friend Mr. Patel will not oppose, it. If it is carried we shall be glad to have the views of the non-official members not only on the details of the Bill—and I am not going to have it said that the Government have accepted the principle of this Bill in the sense that they mean to pass it in the Council—but also on the question whether the non-official members of this Council think that it would be right to pass this Bill at the present juncture, or whether they think that public opinion is not yet ripe for it and that it should be postponed until we have a more representative Council. Sir, I have been criticised because I have included persons other than Hindus in the Select Committee, and I will again explain very shortly my reasons for doing so. I hope I am not detaining the Council too long. To my mind it is carrying the idea of communal representation to an intolerable length to say that Muhammadans are not to vote on a measure of this kind if they so desire. I did not hear it suggested the other day when the Cutchi Memon Bill was introduced by my friend Mr. Jaffer, that the few Muhammadan Members alone in this Council should vote on it. Such a thing was never suggested; in fact, I believe, the Bill received some support from a particular Hindu Member. There are also some Muhammadan Members in this Council, and other non-Hindu Members who represent mixed constituencies—constituencies partly consisting of Hindus. Would it have been right for the Government to say to deprive these constituencies of their right to discuss this important question because they have chosen to elect a Muhammadan to represent them in this Council? Have not Government also often been told that Members of this Council are in the first place Indians and not merely Hindus or Muhammadans and that they are in closer touch with their own people than any of you officials can be? Is there not any truth in this argument? I admit the Muhammadan and the Hindu in this country may in many cases have more intimate knowledge of social matters affecting Indians than any of us can have. In any case, however, I do not seek to force any Muhammadan to sit on this committee. I merely give him an opportunity of doing so. I hope that many will serve on it, and that they will give the Government the benefit of their views on this question, of their knowledge and their experience. We have no power, however, to force them to do so and if the conscience or feeling of any member prohibits him from sitting on this committee, let him abstain from it. The Government will lose the benefit of the assistance they might have rendered, but this will be a matter of regret; we cannot in any way enforce our wishes.

"Finally, I wish to make it clear that, while the Government are referring this matter entirely to the non-official committee, they quite realise that the responsibility for the ultimate decision will rest with them. So long as the present form of government remains, it would be idle for Government to attempt to get rid of responsibility in this matter. But what we seek in this matter, is the advice and help of all the non-official members of this Council, on a question of very great difficulty, the difficulties, the intricacies and the perplexities of which we, as Europeans, possibly cannot understand as fully as many Members of this Council.

"There are at least one or two official Indian Members on this Council, and I have been asked why I did not include them on the committee, but the answer is very simple. We seek in this matter to obtain non-official opinion. I am, however, prepared in this case to ask any Indian officials there are, should the committee so desire, to sit with them and assist them in any manner possible with their advice and co-operation and that, I hope, will meet the views of those who think that Hindu officials should be put on this committee. Sir, I hope that the amendment which I have moved will commend itself to the Council."

3-32 P.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:**—"Sir, at the express desire of my Hon'ble friend, I wish to withdraw my * amendment, but before I do so I wish to clear the position of my community towards the Bill . . . ."

The Vice-President:—"I only called upon the Hon'ble Member to move his amendment. If he does not desire to move it, he cannot make a speech now."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I withdraw the amendment, Sir."

The Vice-President:—"The Hon'ble Member does not move his amendment."

3-33 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi of Kassimbazar:**—"Sir, I had an unpleasant duty of opposing this Bill when it was introduced in Council in September 1918, and I have unfortunately the same unpleasant duty of opposing it to-day. I know, Sir, that the Bill is not a compulsory one, and is only a permissive measure; yet I have very great fears that, as soon as it gets into the Statute-book, it will begin to disorganize Hindu society and make a wreck of its existing organization. Of the eight different kinds of marriages known and sanctioned by the Hindu Shastras, many have now ceased to exist and hold sway, and I have reasons to believe that the operations of this Bill will undermine the sacramental character of those that still remain. Once this wedge is driven into the economy of Hindu social life, the observance of all traditional Hindu customs and the elementary principles of our domestic organization will begin to crumble to pieces in no time. The Hindu community still consider the caste system as the foundation of the whole Hindu social edifice, and inter-marriage among castes, especially among superior and inferior castes, is regarded by them as an encroachment on their religious system, as the Hindu domestic ceremonies and social customs are based on religion, and the religious and social system of the Hindu are so linked together, that it is impossible for a Hindu to marry outside the caste permitted by Hinduism and still remain a Hindu. It is impossible to effect the Hon'ble Mr. Patel's object by a Bill containing a single declaration and providing for no procedure. The Bill provides for no ceremony and no form of marriage, either religious or civil. A religious marriage between persons of different castes cannot now take place under the Hindu law, and a civil ceremony can only be provided in the circumstances laid down by the existing Act, namely, upon a declaration of parties that they are no longer Hindus. But without prescribing some form of ceremony there can be no legal marriage, and, as it stands, the Bill would be either ineffective or introduce, at best, a sort of marriage that would neither be welcome nor desirable in good society. I hope, Sir, the present Council will be no party to such a measure of a revolutionary character, and that it will not be referred to a Select Committee at all."

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* "That the Bill be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes and all the non-official Hindu members of this Council."

The Hon'ble Raja Sir Rampal Singh:—"Mr. Vice-President, 3-37 P.M. I desire to oppose both the motions with regard to the Bill going to the Select Committee stage, but before doing so, I should like to make an observation of a personal character. Sir, some of us, I may better refer to myself, have to labour under a peculiar difficulty of which I desire to make a confession before the Council for its due appreciation. While addressing the Council I, in common with others who are deficient in public speaking, have to perform at one and the same time three-fold duties :

Duty No. 1. To control myself from natural nervousness due to being unaccustomed, owing to several causes, to such ordeals. The legs tremble and the heart throbs though the tongue speaketh by pressure from within.

Duty No. 2. To develop ideas and thoughts systematically. This is not at all difficult if the debate is a congenial one and I am well conversant with the subject-matter under discussion.

Duty No. 3. To translate those ideas and thoughts into foreign language which forms the medium of giving expression to them. This last duty is arduous and very trying.

"It is for these reasons that I have to lean upon manuscript speeches about which to insinuate that they are written by some one else is simply extremely unbecoming, to use a very mild term. If my Hon'ble colleagues, the official members, had to face half of these difficulties and if the performance of even half the duties mentioned above were to fall on them, I would certainly give them credit if they could carry on the debates with as much eloquence as they do now. But in that case there is one thing of which I am quite certain. None of them would have ventured to liken me to a gramophone entertaining the Council just as the records might be put into the machine. . .

The Vice-President:—"I would ask the Hon'ble Member to address himself to the motion before the Council; I have heard nothing relevant to it yet."

The Hon'ble Raja Sir Rampal Singh:—"I could not catch what the Hon'ble the Vice-President said."

The Vice-President:—"I asked the Hon'ble Member to confine himself to the motion before the Council."

The Hon'ble Raja Sir Rampal Singh :—"It is only a personal matter."

The Vice-President :—"We are not discussing gramophones."

The Hon'ble Raja Sir Rampal Singh :—"The Bill which it is proposed to refer to a Select Committee cannot claim my sympathy. There are special misgivings as to the questions of succession and inheritance, and it is due to that, that great opposition has been raised against the Bill. If the Hon'ble Mr. Patel, who has introduced this Bill, would kindly re-draft it and clear up such points, I think there might not be so much opposition as there is at present. Hindu society, we know, can no longer remain knit together in the trammels which the society provided for itself to remain compact in ancient times or much later, as the case may be. It is no good to go into that controversy. It is true that in ancient times the society survived inroads upon its social structure by the artificial measures which it adopted, but now the civilizing Western influences are too great and forcible to let that structure remain intact in its former or present-day condition. I fully admit that certain very important changes in its social usages and practices are highly imperative. These changes are already taking place imperceptibly, but surely. My submission is, is it at all proper and expedient to rush this measure and cause a shock to the community? In my own humble way, I am also a social reformer, but not a too enthusiastic and head-long reformer such as would cause an eruption in society. The rural population, which is the main population of India, is still quite ignorant of this Bill. Go to a village and inform the elders that such and such a Bill has been introduced into the Council, and I am sure the very information will be treated by them with contempt. What will be their state of feelings when in course of time they will come to know of its effects? The Bill will touch small and big properties whose proprietors and owners, as well as their collaterals, have always prided themselves upon their blue blood. They may be wrong or they may be right, but that is another thing. The question is, will not this measure be shocking to their sentiments and instincts?

"Well, Sir, it has always been our complaint, and to a certain extent, justly, that the present day Councils do not represent Indian public opinion at all. Now we have been granted real and responsible representative institutions. A Select Committee formed from the members of this Council cannot claim to have the weight and representative character as the one that might be formed by the reformed Councils. I ask, Sir, what weight, what influence, what sanction, what authority, will the decision of a Select Committee of this Council carry upon the Hindu mind? I must exclude the official and Muhammadan members because the Bill does not touch them, and their opinions cannot influence the Hindu public in this matter. Does the Council believe that the remaining ten or twelve members are entitled to come to a decision on a question of such momentous importance?

"In this country all the ills to which the people are subjected are attributed to the commissions and omissions of the Government. Is it wise to exasperate the Hindu public mind that a foreign Government has imposed upon them an enactment subversive of the old order of things? The aloofness of the Government of India from the Bill on the words that fell from the lips of the Hon'ble the Home Member when the Bill was introduced or what he has said to-day have not reached and will not reach the ears of the masses and so they, I mean the Government, will have to bear the odium. The news of the grant of a certain measure of Swaraj has certainly reached to a certain extent to every nook and corner of the country. I should think that it would be far better to take up this question when the new constitution is formed. In that case it will carry more weight and authority and people will appreciate its real import owing to its sanction from their own representatives. I believe the Deceased Wife's Sister's Bill took very long before it was passed into law in the mother of Parliaments. England is one of the most advanced countries in the world. Taking that fact into consideration, I hope I will not be thought guilty of recommending dilatoriness for a measure at the importance of which no one can cavil. One year is not a very long time to wait.

"The Hon'ble Mover has, unfortunately, brought forward the Brahmin and non-Brahmin controversy in this connection. I am sorry to say that the Kshytriya community which held sway over this country for a long time, and which even now owns about two-thirds of this country, is bitterly opposed to this Bill. I may remind the Hon'ble Mover that the Hon'ble Raja Moti Chand is not a Brahmin, but he is opposed to the Bill. The Hon'ble Raja Chandra Chur Singh is not a Brahmin, but he is opposed to the Bill. The Hon'ble Lala Sukhbir Sinha, one of the leading members of the Legislative Council of the United Provinces, is also opposed to the Bill. So it is not a question of Brahmin and non-Brahmin; it is a question of the social reform of the Hindu community, and, I think, it would be proper for this Council to take as its guide the public opinion of the Hindu community."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, when this Bill was originally introduced, I supported the principle of it. I adhere to my support of the principle, but I raised certain questions for consideration which do not seem to have appealed to my friend Mr. Patel, and he has not alluded to them at all in the course of his remarks asking for the appointment of a Committee. If the question be as to whether this Bill should be passed into law as it is, I would most emphatically say 'no', although I adhere to the principle of the Bill, because I believe that the Bill as it stands, if passed into an enactment, would do as much harm, as perhaps more harm, than good. We, educated Indians, who foresee what the future of the country is likely to be are naturally extremely anxious to permit those who believe in the tenets of the Hindu religion and are moved by its sublime philosophy to continue to be Hindus and yet live what to them are reformed lives. It is for that purpose, therefore, that we heartily appreciate any movement which tries to encourage the freedom of marriage amongst the various sections of the Hindu community. Therein we are at one with the Hon'ble Mr. Patel; but I think, Sir, he has done wrong in thinking that he has the support of the vast mass of the Hindu community or the non-Brahmin community in his favour. If I were to act upon what I believe would be the mandate of my constituency, consisting mostly of non-Brahmins, I should certainly not be prepared to vote for this Bill at all, and I feel certain that if it were to come to a question of taking the view of the community and basing the election of a representative on that view, I should be surprised if very many who were in favour of the Bill would be returned to the Council. But that is not the position which we have taken up here, because we believe that in enabling the passing of this Bill, we would be doing something which would really build up the future structure of the Indian community. Therefore, his remarks about the Brahmins and the non-Brahmins were, I think, rather unhappy. It is the custom and the fashion of the day to explain away any inconvenient positions by attributing all the inconveniences and the difficulties to the Brahmin. And here the Brahmin comes in as a very handy instrument in the hand of Mr. Patel to explain his difficulty about the position of the Hindu community, but the Brahmin gains by this Bill which makes him a present of the girls of all the other communities to choose from in marriage which he has been prevented from doing by customary law for the last three or four centuries. Wherein does he lose? He does not lose anything at all. The Brahmin is monogamous partly because he cannot marry more girls than one in his community owing to the limitations of the sex ratio. In the good old days, the Brahmin married into all the other castes. He never lost caste, he married into all the other castes. The law of inheritance provided a gradation and, consequently, there was absolutely no difficulty in his way. But it was the Brahmin who saw that the Hindu community would not prosper if this unfair advantage were given to him, and he said 'no'. Now, unless this Bill says 3-43 P.M.

that the parties to a contract of marriage under this Bill are to be monogamous the result may be disastrous to the Hindu community because it would encourage polygamous marriages in future on a large scale since Hindu society and Hindu sentiment do not condemn the association of men of the higher castes with women of the lower castes. A Kshtriya will not lose caste if he marries a Vaishya or Sudra. Consequently, Sir, to bring in the Brahmin caste for the purpose of explaining the opposition seems to me rather unnecessary and useless. I do not go into the statistics of those who support and those who are against the Bill. If I had known that my learned friend would have a fling at the Brahmins I should have collected them, but I know as a matter of fact how the South Indian Federation happened to change its views rather recently. When Mr. Basu's Bill was discussed and I was in Madras, and I heartily supported it, I knew how angry I made many of my non-Brahmin friends there but some of them now seem to think that somehow the privileges of the Brahmins would be effected by this Bill and, consequently, they have suddenly turned round and have taken a different attitude. But I think they no more represent the non-Brahmins of the Southern Presidency than I represent the Brahmins of the Southern Presidency in this matter. The vast majority o the Brahmins to which community I have the honour to belong, as well as the non-Brahmins of the Southern Presidency would, if a vote were taken on this, be against it; but that is a different point.

"I come now, Sir, to the point I was trying to reach. It was this. Is i open to this Council in the Select Committee to treat merely as a matter o detail very vast questions of principle, namely, as to whether the offspring o marriages under this new Bill, if passed into law, would be governed by the ancient Hindu law which would be revived for the purpose, or whether i would be necessary to make a new law for them?

"What is to be the law of adoption in their case? What is to be the law of marriage ceremonial in their case? It is perfectly true that in the old days *anuloma* marriages were very common, though public sentiment was against *pratiloma* marriages. My Hon'ble friend was perfectly right in saying that they were not treated as unlawful although it came to the same thing, because the offspring of a *pratiloma* marriage got hardly anything by way of inheritance The result of our not making any provision by way of rules of inheritance under this Bill would be this. Section 8 of the *Mitakshara* would in the case of communities, in the Southern Presidency, Orissa and Bihar and other persons also, govern the laws of succession. It says the sons of a Brahmin by a Brahmin wife shall have four shares, by a Kshatriya wife, three, by a Vaishya wife two, and by Sudra one. Out of ten shares, the children by a Kshatriya wife three or two, or one, by a Vaishya wife two; so that if a Brahmin marries into all the four castes the shares would be four or three or two or one out of ten. I do not know whether it is the desire of my Hon'ble friend to perpetuate that law of succession; at any rate I would not be a party to it.

"Then, again, my learned friend conveniently forgets that his Bill would provide for *pratiloma* marriages, and I should not be a party to a Bill which draws any distinction between *Anuloma* and *Pratiloma* marriages. I would equally interpose no legal obstacles in the way of men of the lower castes marrying women of the higher castes; but the law of succession is so precarious that the children of these unions would hardly get anything. What is to be done with them? Therefore, I do think the Select Committee would be bound to go into the question of succession and recommend a rule which would not be the Hindu law rule, which may be a very equitable rule, but which would still not be in consonance with the ancient Hindu law. Therefore, as to whether it would be competent to the Select Committee to make a new law in regard to succession—treating it as a matter of detail—is a question I leave to the official members who will have to dispose of this matter.

"Then the question of adoption will come in. Supposing a Brahmin marries a Brahmin wife and a Sudra wife; if he dies issueless, who is to adopt? Is it to be the Brahmin wife or the Sudra wife or both jointly? Is the Sudra wife to adopt a Brahmin or Sudra boy, or is the Brahmin wife to adopt a Sudra or Brahmin boy? What is to be the law? Among the Sudras illegitimate sons would be entitled to a share, and the rules of adoption are different. What is to be the law in the future?

"Then, Sir, there is the question of adult marriages. We shall have to provide whether it would be competent to the reformers to marry their children when not of age into castes to which they do not belong. That is another point which we shall have to consider; it is not contained in the Bill as it stands at present.

"I think these questions of adoption, succession and inheritance are very vital questions, and as I have put it the question of monogamy or polygamy is also a very important one. If we are to frame new rules with regard to monogamy, with regard to adult marriage, with regard to adoption, with regard to succession, there will be precious little of Hindu law left intact. It will be a new law, and the creation of a new sect no doubt, and I should like to encourage that sect and I hope that sect will in future greatly absorb the whole community of India. But however that may be, it would hardly be 'Hindu' in the strict present accepted sense of the term, and therefore it would be a question which would have to be left open to the Hindu community again to consider, as to whether they would like to have these vast changes made before they are permitted to marry into other castes. Sir, the question is not so very simple as it may appear on the surface. There are very important questions as to whether a Brahmin woman or a Kshatriya woman—'Brahmin' sounds very harsh in some people's ears and I will avoid all controversy—as to whether a Kshatriya lady can say 'I will not live with my husband because he has married a Sudra woman.' Well, questions of divorce of that character would arise the moment we pass this Bill. The reform has our hearty sympathy, and I do not therefore stand for an indefinite postponement of the question. I do not believe that if this Bill comes before a committee constituted under the Reforms Scheme, it would have the ghost of a chance. I am rather sceptical—I may be wrong, I personally would not like to introduce any obstacles—but I may state clearly that the Government would be thinking wrongly if the views of any of us should be considered to be representative of the communities to which we belong. They are our honest views, which, we think, would be for the welfare of the future community of India, but I do not think we reflect the opinion of the communities when we vote here one way or the other."

The Council adjourned until Thursday, the 26th February, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 6th March, 1920.

APPENDIX.

[*Referred to in Answer to Question No. 34.*]

Statement referred to in part (a) *of the reply to the Hon'ble Mr. S. Sinha's question regarding primary education.*

PRIMARY SCHOOLS FOR BOYS.

Province.	1911-12.		1918-19.		Average of increase or decrease during the last seven years.	
	Schools.	Pupils.	Schools.	Pupils.	Schools.	Pupils.
Madras . . .	24,044	940,689	29,952	1,250,796	+5,908	+310,107
Bombay . .	11,609	672,391	10,647	608,200	—962	—64,191
Bengal . . .	28,606	1,074,100	34,278	1,144,885	+5,672	+70,785
United Provinces	9,258	480,544	11,507	685,940	+2,249	+205,396
Punjab . . .	3,417	179,588	5,172	246,771	+1,755	+67,183
Burma . . .	4,764	161,236	6,353	206,382	+1,589	+45,146
Bihar and Orissa .	21,990	613,359	23,052	635,123	+1,062	+21,764
Central Provinces and Berar.	3,195	239,711	3,841	257,506	+646	+17,795
Assam . . .	3,469	141,748	3,924	161,804	+455	+20,056
North-West Frontier Province.	260	14,129	618	25,398	+358	+11,269
Other Administrations .	80	5,153	459	23,511	+379	+18,358
INDIA .	110,692	4,522,648	129,803	5,246,316	+19,111	+723,668

N. B.—The increase shown here is an under estimate as the figures for 1911-12 include certain Indian States which were omitted from the returns with effect from 1914-15.

Statement referred to in part (d) *of the reply to the Hon'ble Mr. S. Sinha's question regarding primary education.*

PRIMARY EDUCATION.

Province.	1911-12.		1918-19.		Average of increase or decrease during the last seven years.	
	Schools.	Pupils.	Schools.	Pupils.	Schools.	Pupils.
Madras . . .	25,206	1,029,050	32,009	1,400,994	+6,803	+371,944
Bombay . . .	12,763	757,130	11,968	701,804	—795	—55,326
Bengal . . .	35,186	1,227,180	44,925	1,384,201	+9,739	+157,021
United Provinces .	10,215	512,293	12,653	725,462	+2,438	+213,169
Punjab . . .	4,054	208,679	6,123	289,690	+2,069	+81,011
Burma . . .	5,316	181,406	7,316	239,767	+2,000	+58,361
Bihar and Orissa . .	23,249	645,417	25,652	695,256	+2,403	+49,839
Central Provinces and Berar.	3,504	256,203	4,165	275,713	+661	+19,510
Assam . . .	3,711	148,987	4,271	172,598	+560	+23,611
North-West Frontier Province.	288	16,054	665	28,443	+377	+12,389
Other Administrations	86	5,743	524	27,554	+438	+21,811
INDIA .	123,578	4,988,142	150,271	5,941,482	+26,693	+953,340

N. B.—The increase shown here is an under estimate as the figures for 1911-12 include certain Indian States which were omitted from the returns with effect from 1914-15.

SGPI Delhi—357 L D—12-3-20—750.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Thursday, the 26th February, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 51 Members, of whom 46 were Additional Members.

HINDU MARRIAGES VALIDITY BILL—(*contd.*)

The Vice-President:—"The Council will now resume the discussion on Mr. Patel's motion regarding marriages between Hindus of different castes." 11-2 A.M.

The Hon'ble Surendra Nath Banerjea:—"Sir, when I was listening to the speech of my Hon'ble friend the mover, it seemed to me as if I was attending a meeting in the Southern Presidency which was the centre of controversy between Brahmins and non-Brahmins so full of anti-Brahmanical spirit was that speech and so little was there of tolerance or charity in it for those who do not worship with my Hon'ble friend in the same temple. My Hon'ble friend assumes that the majority of his opponents are Brahmins and that the majority of his supporters are non-Brahmins. I should like to know what is his warrant for that assumption, except it be the information within the four corners of the papers which have been sent to us by Government, and which do not profess to be complete or exhaustive? May I remind my Hon'ble friend that throughout our long and chequered history the representatives of the Brahmanical community have been the intellectual, the social and religious leaders of the people of India, and that even under British rule, despite its equalising and democratic influences they have maintained their position of pre-eminence. In the middle of the nineteenth century India produced the greatest religious leader of his times, he was a Brahmin, Raja Ram Mohan Roy, the founder of the Brahmo Somaj; his successor was Maharşi Debendra Nath Tagore, he was also a Brahmin, and the father of Sir Rabindra Nath Tagore, the first of our social reformers was Pundit Iswar Chandra Vidasayasagar, who was a Brahmin. The founder of the Arya Samaj movement in the Punjab with which the national life of that province is bound up was Swami Dayanand Saraswati. He too was a Brahmin. Next to Keshub Chandra Sen the greatest religious 11-3 A.M.

reformer of the latter half of the nineteenth century was Ram Krishna Paramhansa, who was a Brahmin and whose religious and philanthropic organisations have now spread all over India.

"It seems to me that my Hon'ble friend, apart from the inaccuracy of his statements, is guilty of a gigantic tactical blunder. It serves no useful purpose to alienate the sympathies of the intellectual leaders of India. Nor can I congratulate my Hon'ble friend on the accuracy of the inferences which he has drawn from information that has been placed at our disposal by the Government. My Hon'ble friend seems to think that the bulk of public opinion is in favour of the Bill and that we are in the majority. I am one of his supporters, but it does no good to disguise facts. We, Sir, are in a minority and we have to educate our people and to convert the minority into a majority. That is the present state of things, and I appeal to a statement furnished by the Government of Bengal in confirmation of this view. Sir, out of five divisions of the Bengal Presidency, three divisions are distinctly opposed to this Bill, two are in favour of it. In a statement furnished by the Government of Bengal, Lord Ronaldshay says that the newspapers, with exceptions here and there, are all against the Bill, that is to say, that the whole of the vocal section of public opinion is against the Bill. I think we ought to acknowledge the fact and to realise that we are in a minority, and that if we wish to take the people with us, we shall have to convert them to our views.

"Sir, passing now to another aspect of the question, we find that the Bill has been challenged on the ground,—and I think these objections have been brought forward by my Hon'ble friend* to my right,—it has been challenged on the ground that it will tend to destroy the sacramental character of Hindu marriages, that it will imperil the caste system and dislocate our social arrangements. I entirely dissent from that view. I contend that it will do nothing of the sort. Inter-caste marriages prevailed in the time of Manu, caste system also subsisted in the time of Manu, inter-caste marriages did not interfere with it in the time of Manu. Are we better Hindus than our ancestors? I do not think so. That sacramental character of our marriages was not destroyed, it was not in any way interfered with, it was not in the slightest measure impaired by these inter-marriages in the time of Manu about a thousand years ago. It is said that by the provisions of the Bill, if we accepted them, the caste system would be imperilled. It was not imperilled at the time of Manu; this caste system existed at that time in spite of these inter-marriages. Then the last argument is that it will disturb our social arrangements. This is a very old argument. It was brought forward in 1856 when the law regarding the re-marriage of widows was considered. That law has been placed on the Statute-book. Our caste systems and our social arrangements have not been injured; Hindu society is now as vigorous as then. I do not think, Sir, that the fabric of Hinduism will in any way suffer by this Bill. On the contrary, it seems to me that it will receive added strength in consequence of this wholesome change. Sir, let me remind the Council of some of the arguments which my Hon'ble friend† behind me put forward in the course of his admirable speech. He opposed the Bill but at the same time admitted that changes were necessary. Well, Sir, let me remind the Council of a great dictum of the founder of conservative philosophy, Edmund Burke. He says that a system without the means of change is without the means of conservation. Here is this venerable fabric hoary with age, consecrated by immemorial traditions, bequeathed to us by our ancestors. Are we going to preserve it, hand it down unimpaired, improved and enlarged to those who will come after us and bear our names? If we desire to do so, we must introduce changes. The venerable fabric cannot stand without such changes. We must take out a beam here, rafter there, take down a wall elsewhere and thus renew this ancient and venerable structure. Sir, adaptability is the law of life, adaptability to environments has been the saving principle of Hindu society amid many vicissitudes of time and fortune. Confronted with the militant forces of Buddhism, what did our ancestors do? They bowed to the storm. They borrowed a doctrine here and a doctrine there from the Buddhists, fraternised with them, installed Lord Budha as one of the Gods of Hindu pantheon and crushed Buddhism in their fraternal embrace. That was the procedure of the ancient Hindus. Sir, the world is moving. We cannot stand still. Stationariness is impossible in the law of Providence. We must move and if we do not move forward, we must move backward, and (it seems to me that political progress and social stagnation are inconsistent and unthinkable. We talk of political progress. We must have social progress along with it,) and it seems to me, Sir, that the Hon'ble Mr. Patel's Bill is a small instalment towards that progress. His Bill is by no means a revolutionary one. What he proposes is that unions which, in the absence of a law such as this, would be unlawful should be legitimatised and that the children of such unions should be declared to be entitled to the inheritance of their parents. Is not this just; Is not this fair; and are not the natural canons of justice superior to all laws, all ordinances and even the injunctions of the Shastras? For, Sir, do they not flow from the footsteps of the throne of the Supreme and are graven deep on the hearts and consciences of humanity? I support the Bill, in the first place, because it is just; I support it because it will not interfere with the solidarity of the Hindu system. I support it further because it is but a small instalment towards that progressive evolution with which the future of our race is bound up, and, on these grounds, I give my support to the Bill. I will ask the Select Committee which is about to be appointed to look into the points which have been referred to by my Hon'ble friend Mr. Sarma. They are of great importance. What are to be the rites that are to be followed in connection with these marriages; what is to be the law of succession that will be followed in this connection? There will be other matters of detail which will have to be considered.

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* Hon'ble Maharaja of Kasimbazaar.

† Hon'ble Raja Sir Rampal Singh.

"Then, Sir, I am entirely in favour of the amendment which has been proposed by the Hon'ble the Home Member. This is undoubtedly and essentially a matter for the Hindu community, but, I think, the advice of our Muhammadan and European colleagues would be helpful. Why should we exclude them? Let us hear what they have to say. The decision of the question will be in our own hands.

"Lastly, Sir, we should all look at the matter not merely from the standpoint of social reform. We are here as legislators making laws for the good of a great country. That is the view-point from which we should regard this question, and it seems to me that it would be preferable if this matter were considered and disposed of by a larger and more representative body reflecting in a truer sense the public opinion of the country, speaking with a voice and authority which does not belong to us. I think that would be the proper solution of the question before us. At the same time I desire to accord my whole-hearted support to the principle underlying the Bill."

The Vice-President:—"I had hoped that after the adjournment yesterday the Council would have agreed to bury the Brahmin question; sufficient has already been said on both sides, and the matter is really quite irrelevant. The motion before the Council is whether the Bill should be referred to a Select Committee or not, and I propose to rule in future that all references to the Brahmin question are out of order."

The Hon'ble Mr. Srinivasa Sastri:—"Sir, the Hon'ble Mr. Patel included me yesterday amongst the supporters of his Bill He was quite right. I have great pleasure in supporting his Bill, and I also support the amendment by the Hon'ble Sir William Vincent to his motion. I support the Bill mostly because I believe in the promotion of freedom to the individual in matters vital to his welfare. I believe, Sir, that the institution of marriage is just the institution in which it is necessary within limits to accord the utmost liberty of action to the individual. The limits necessary are prescribed in every community and upheld sometimes by the customary law, sometimes by the statutory law of the land. In the case of India it is the customary law that the Courts enforce in respect of marriage. But it is well known that our ancient Shastras and Scriptures advise one course of action, but that custom in recent times, no doubt extending over several generations, has adopted a somewhat different course. I do not mean to say that every departure from the ancient rule has been wrong. I believe that in every change there has been a conformity to the environment. Every change must have been necessary at the time it was made. But at the present moment there is no doubt that the restrictions imposed by custom far exceed those that the ancient law imposed on the institution of marriage, and that these customary restrictions have begun to enslave the community and restrict the freedom of the individual in a most unwholesome manner. I do not believe really, therefore, that there is any danger to the religion of the land. On the contrary, if I venture to make this statement, it will help to place the religion of the land on a higher and purer footing. Nor do I believe that there is any truth in the charge that has been brought against this Bill that it will disrupt the Hindu society or that it will uproot the institution of caste.

"I believe, Sir, like most proposals for reform, this is likely to be operative on a very small scale in the beginning. If a change comes over the society of this country, it will come over it in a very slow, gradual and natural and safe manner. If, however, there is a possibility of any revolution being effected which I emphatically deny, it is because the consciousness of the community has begun to revolt against the unwholesome restrictions imposed by custom Those who foresee these dangers seem to have in their minds an impression that the community at large has begun to feel the stringency of the restrictions and is ready, the moment the law of the land makes it possible, t overstep the barriers and reorganise the institution of marriage on reasonabl and healthy lines. If that was the case, I should no doubt rejoice, but I hav no reason to think that that is the case. The community is not going to tal advantage on a very considerable scale of the provisions of this Bill. I ther fore do not apprehend in the least any revolution in society, anything t justify the grave alarm that has found expression both in this Council an outside. One thing, however, may be said. The Hon'be Mr. Patel ar some of his supporters have claimed for the Bill that it may have the effe of demolishing caste. I do not think it will have that effect at all. It ma remove some of the acerbities of these caste distinctions; it points the bett way to the community; it is a signpost in the march of the community t wards a better order, but certainly it will not do much more than that. Th Hon'ble Mr. Patel's Bill is brief, attractively brief. He seems to have th idea that if the Bill were confined to a mere declaration of the validity marriages between castes, it would disarm the opposition of the communit it would show them that the minimum departure from the establish practice was contemplated, that it did not try to interfere in any wa with the law of succession and inheritance, that it left the ages of th parties where they would otherwise have been, and it left the co ditions surrounding a marriage just where they were. I confess, Sir, seems to me that this is a wrong line to have taken altogether. The ve brevity of the Bill is its danger. If the Hon'ble Mr. Patel had taken th advice that has been tendered to him from innumerable quarters and amp fied his Bill so as to provide for the many cases of difficulty that arise out this simple declaration, he would have, it seems to me, diminished conside ably the opposition that now finds expression. In this case—more detail, le alarm. I said at the time he asked leave of this Council to introduce th Bill, that I felt the moment that we touch radical institutions like marria in the light of modern reason, it was necessary to introduce other elemen which the enlightened conscience of the modern day connects with the marria institution. For instance this particular Bill will cause a certain amount unhappiness, a certain amount of social ostracism to the people who av themselves of it It will not do to permit parents so to arrange the marriag of their children that those children, when they grow up, may have face difficulties which they would not themselves have courted. It is absolutely necessary therefore that this reform, which is likely to bring social trouble to those who avail themselves of it, should contain a condition that the parties to any marriage under this Bill should be adults, and should be people that had arrived at the age of discretion. It is necessary too, Sir, in my judgment, that it should provide that the parties to the marriage should be otherwise monogamous, that it should also be clearly made out that while it may be open to people who avail themselves of this Bill to go through the customary rites of marriage before the sacred fire, it nevertheless should be ordained by law that the marriage should have a civil aspect as well, for it is quite likely that a great deal of opposition will be raised to the solemnization of the marriage by the ordinary sacred ritual; and it is possible to contend (I do not believe that it will be correct, but it is possible to contend) that the usual ritual had no application to cases of marriage between a higher and a lower caste. To avoid these difficulties many of Mr. Patel's supporters have advised him to include a provision for registration of marriage. I think it would be well to introduce that element also. I make this recommendation at this moment to the Hon'ble Mr. Patel, because I would respectfully remind him that, while he has numerous supporters on all sides, nearly every one of those supporters has qualified his support by the recommendation that various changes and additions should be made to the Bill, so that it may prove a workable machinery. I may mention Sir Narayan Chandavarkar, the Hon'ble Mr. R. P. Paranjpye, and Mr. Madgaokar, District Judge. Then the Local Governments have done the same. The Hon'ble Mr. Patel yesterday claimed Mr. Percival, District Judge of Poona, amongst his supporters. Sir, at the risk of seeming to disobey a certain rule of yours, I would read one sentence from Mr. Percival's opinion which I commend to the earnest attention of Mr. Patel :—

> 'In view of the strong opposition, especially among the Brahmin community of Poona and elsewhere, Government will no doubt decide to be conspicuously neutral in respect of the Bill.'

This is for the Hon'ble Mr. Patel :—

> 'It would also seem desirable to suggest to the Hon'ble Mr. Patel that he would be well advised to travel along the lines of least resistance (as he did in the case of his Educational Bill); that is to say, to confine his Bill to sub-castes, as suggested in paragraph 6 of the report of the Inspecting F. C. Sub-Judge, Poona.'

"Now that does not seem to me to be an opinion which one should have claimed to be entirely in support of the Bill. It is in support of a Bill of much smaller scope than the one before us.

"I conceive then that the Select Committee to which this Bill might be committed in the course of this day's proceedings would have to expand it in various directions and make it a really workable plan, disarming opposition and criticism that has come from all quarters.

"Now, Sir, I want to consider a most important condition imposed by some people on the action of this legislature in respect of matters of social reform. I believe the Hon'ble Sir William Vincent on a former occasion referred briefly, although not on his own individual account, to this condition, that the majority of the community affected by the Bill must be more or less in support of the change indicated before Government could give their sanction to any such measure. Now this condition it is simply impossible, I conceive, to fulfil. I have no desire whatever to enter on any controversy, but I must point out that the Hon'ble Mr. Patel yesterday claimed too much when he claimed that the bulk of the community were in favour of the Bill. Nothing, Sir, is to be gained by exaggerating the support that comes to a measure of this character. The bulk of the Hindu community, both as I read the papers before us and as I know from personal knowledge of feeling all over the country, is decidedly against the Bill. The Hon'ble Mr. Patel pays too much attention to individual opinions, but individual opinions are confessedly individual. Large meetings of the community held up and down the country have protested against the measure, and have memorialised the Local Governments. The Local Governments have only made a selection of the papers which are printed here and communicated to us. The large bulk of opinion, most of it adverse, has not been communicated to this Council. The Maharaja of Darbangha, who presided over a great many of these protest meetings, is referred to both by the Bihar and Orissa Government and the Bengal Government. Now, what did those meetings consist of? They consisted of people of the Hindu community of all castes, Brahmins and non-Brahmins alike. Similarly, meetings, to which the Board of Revenue in Madras refer, consisted also of members of all castes. It seems to me, Sir, that when we set the adverse opinion side by side with the favourable opinion there can be no doubt whatever that the adverse opinion is very much the stronger. That, however, does not seem to me to matter very much in the case of a permissive Bill of this kind. Confessedly, it is for the relief of minorities, and when minorities come and seek relief at the hands of the legislature, it appears to me that the legislature would be imposing a very heavy, almost a prohibitive, obligation if it says 'You go and get the consent of the majority.' The majority are avowedly against a thing of this kind. They do not like sometimes to give the necessary freedom to minorities and to individuals that may be affected. It is a plea on behalf of the minority, on behalf of the individual, that we make to this Council. To claim that the majority are in our favour is to make, it seems to me, a false claim, is to set up, it seems to me, an unnecessary claim. We are a minority; as a minority we come to this Council for relief. But this minority, Sir, is not altogether negligible. It is a considerable minority and the Council need not consider its time and energy wasted if it contemplated a measure that sought to give relief to a considerable minority. I have here a pamphlet, which I daresay other members of this Council also possess copies of, by a certain gentleman named Daphtari, a member of the Bar in Bombay. It is a most instructive pamphlet full of facts and observations which a consideration of this Bill makes necessary. There it is asserted, and I believe it is true, Sir, that there are great numbers of people, numerous castes and sub-castes, in parts of the country, who have been obliged to transgress the limits of the caste distinctions, who have been obliged, in order to find brides and bridegrooms, to overstep the limits set down by custom. Such marriages are now in being, children have been born, and there is a feeling of uneasiness amongst members of these small communities that if ever a case should unfortunately come to a Court of law a decision may be given against them. It is necessary, therefore, for the protection of people who have already taken bold action to pass a Bill of this kind. Now that, Sir, it seems to me, is a significant commentary on the way in which customs are created. The requirement that the custom must be ancient, must be continual and must be uniform is very hard. It militates against the growth of healthy and new customs. I know, as a matter of fact, that in the case of a requirement of the ancient law which is much more binding and goes to the very root of our religion than the one we are considering, in the case, I mean, of the prohibition against marriages as between people of the same Gotra there are communities that have felt that they could not conform to this requirement. I know of a village in the Tinnevelly District where a community accepted as orthodox people have, however, owing to the stringency of that condition, been obliged to transgress even this rule and marriages there have been contracted during the last thirty years between people belonging to the same Gotra; and they are Brahmins and Brahmins of a very orthodox sect. I know of other cases where this law against sagotra marriages has been transgressed It is necessary that cases of this sort should be protected by an enlightened legislature. We must move with the times and as often as people find it necessary to transgress the limits imposed by custom, take that bold action and come to the legislature for relief. I think it will not be wise to withhold that relief merely because three-fourths or seven-eighths of the community have not yet come to ask for the relief.

"Now, Sir, a word as to the attitude of Government in this matter. Now the attitude of Government, it seems to me, is surrounded by a great deal of difficulty and the Local Governments have not spoken with one voice in the matter. The disparity between the views of Government is well brought out when we consider the contrast between the views of Sir Reginald Craddock in Burma and the views of Sir Harcourt Butler in the United Provinces. They seem to me to mark the utmost limits of the divergence of views of the Local Governments. Sir Reginald Craddock would advise the Government to prevent the passage of this Bill. Sir Harcourt Butler exhorts the Government to take the side of the reformers, to help the people to live up to a better ideal. He would persuade the Government of India to support the Bill and help it on. Between these two extremes there lie two views. One view is that this Bill had best be considered by the Reformed Council.

"The Governments of Madras, the Punjab and Bombay hold to this view strongly, while the other view that the Government must be strictly neutral and leave this matter to be settled by the Hindu members of this Council, being non-official, is held by the Central Provinces, Bengal, Bihar and Orissa and the United Provinces, the last Government coming also under this in case the other view which I mentioned a minute ago should not commend itself to the Government of India. I find it difficult, Sir, to blame the Government of India in the circumstances that I have stated if they refuse to give official support to this Bill. It seems to me that the Hon'ble Sir William Vincent's amendment, therefore, takes the only course that it is open to the Government of India to take. They must leave this matter to be settled by the non-official members of this Council, and that is why I believe that the amendment is cast on the right lines. I have great pleasure in supporting the Bill and the amendment of the Hon'ble Sir William Vincent."

The Hon'ble Major Malik Sir Umar Hayat Khan:—" Sir, on behalf of my Muhammadan brethren I rise to say a few words on the amendment, not on the Bill. We have heard very able speakers speaking yesterday and to-day and we have come to know that the matter is very difficult and intricate. Being Muhammadans we know our own law, and we do not know the law of the Hindus so well There is also another difficulty. Just as Government thinks on this occasion it ought to be neutral, we Muhammadans also have got our own difficulties, and we think we ought to be neutral also at this juncture. One of the causes is that we have seen that the community itself is not unanimous on the matter. It is on this account that we ask that we may be kept out of the Select Committee. This is the general opinion of Muhammadans at the present moment. Of course there are all sorts of opinions, and some of us go further than others. We have got our own religious questions; and as we will always be in a minority here, as well as in the Provincial Councils, when we are trying to better our lot and when we bring in such measures, we may be absolutely hampered; I mean the majority may at any time defeat anything we want to do; that is why we say that when we put our house in order, particularly in our religious questions, we should be allowed to be separate; and we want to be separate therefore now in this matter. That is what I have to say on this amendment. We have had a foretaste during the discussion on the Dacca University measure; it has opened the eyes of most of us in Council as well as outside; and that is one of the causes why we want to ask Government that we should be left alone in this matter; and in future when we have a three-fourths majority on any matter affecting us peculiarly, others should not be allowed to meddle with us; that is why we do not want to meddle with others. With these words I do not support the amendment." 11-42 A.M.

The Hon'ble Sir Gangadhar Chitnavis:—" Sir, my attitude towards Mr. Basu's Bill was determined by considerations peculiar to that period, but surely some such legislation as now brought in is necessary in the new conditions due to advanced civilisation, in order to legalise mixed marriages. The increasing number of such marriages clearly proves the existence of a genuine desire in the society, as a whole, for a change in the rules 11-45 A.M.

which have now been unfortunately crystallized by judicial decision. It would be wrong to disregard the growing sentiment and wishes of the people in such a matter. The rules regarding marriage must be relaxed to suit modern conditions of life. It is of course necessary that the Bill should be carefully examined as regards details in view of the other issues involved, as presently instanced by the Hon'ble Mr. Sarma. The language has also to be scrutinised in order to prevent unnecessary litigation. If the Bill is sent to a small Select Committee, mostly of expert lawyers as suggested by Mr. Patel it will, I hope, emerge from it in an acceptable form. It is impossible that it should do so from a large committee, as contemplated by the Hon'ble Sir William Vincent. If the Bill is ultimately passed, the Hon'ble Mr. Patel will have the credit of being looked upon as an apostle of Social Reform, which is gradually but surely taking hold of the public mind."

11-47 A.M. **The Hon'ble Rai Sita Nath Ray Bahadur** :—"Sir, I regret I cannot see eye to eye with some of the leaders and reformers who have spoken in support of the Bill. But before going further I want to know whether these reformers are prepared to carry out into practice the principles involved in these Bills? Are they prepared to allow their children to marry outside their caste? If that is not to be, if they would keep aloof from all these things, then where is the necessity of posing as leaders and giving their whole-hearted and sympathetic support to the Bill? I regret I cannot see my way to support the motion of my Hon'ble friend, Mr. Patel.

"As an orthodox Hindu, I consider the caste-system as the foundation of the whole Hindu social edifice; and any violation of that system would undermine the foundation and ultimately demolish the superstructure. As has been pointed out by Mr. Tonkinson that the social and religious systems of the Hindus are so linked together, that it is impossible for a Hindu to marry outside the circle permitted by Hinduism and still remain a Hindu. The principle underlying the Bill is wholly repugnant to Hindu religion and contrary to the time-honoured customs and practices of the Hindus—customs and practices which age has endowed with the sanctity of religious doctrines. The entire social system of the Hindus is bound up and linked together by caste. It has been admitted by an expert of Sir George Birdwood's eminence that the art industries of India owe their very existence to the system of caste which has preserved them from the corrosive wear and tear of time. The skill of the hereditary craftsmen becomes a second nature.

"It has been said that the measure is merely permissive. But as Mahamohopadhya Hara Prasad Shastri M.A., C.I.E. has said 'The Hindus do not want these validating Acts and they fervently pray that the benign Government set their face against these Acts and let the people alone in social matters.' Attempts have before now been made by reformers and philanthropists to have such validating measures passed by the legislature, but they have fallen still-born: and the only result has been the creation of suspicion in the minds of the people. The tocsin of alarm has already been sounded and that by no less a person than Raja Peary Mohan Mukerjee, C.S.I., whose age, intellectual acquirements, position and public services entitle his opinion to respect. Says the Raja 'Assurances have been repeatedly given both by Parliamentary Statutes and by the Regulations and Acts of the Indian Government to the peoples of India that in matters regarding succession, inheritance, marriage, caste and all religious usages the personal laws of Hindus will be respected. The proposed measure contemplates an express violation of these assurances. We venture to hope that Government will be pleased not to deviate from the policy which they have hitherto followed in the administration of the affairs of their Hindu subjects.'

"Even people outside the pale of Hinduism have admitted the difficulties to which the measure before the Council is likely to lead. I quote below the opinion of Mr. B. C. Sen, officiating Commissioner, Bhagalpore Division.—'Though born a Hindu, I am beyond the pale of Hinduism and should like to see the whole of the caste system abolished to-morrow. At the same time I am clearly of opinion that the present Bill is premature, and would remain practically inoperative even if passed into law. There can be no doubt that the great mass of Hindu sentiment is strongly against the proposal, and I cannot say that that attitude is altogether unreasonable. In Hinduism, religion, social custom and civil law are so bound up together, that it is impossible to separate them. They are all based on Hindu religious books So long as the caste system is recognised as an integral part of Hindu religion, and so long as the laws of Hindu marriage and inheritance are based on Hindu Shastras, the present Bill is bound to be looked upon as an attack on the Hindu religion. There would also be serious practical difficulties.'

"No case has been made out for the measure, and its necessity has yet to be demonstrated. There is no demand for the proposed legislation from a large section of the Hindu community, who think that it would be unwise on the part of the Government to try to force 'reform' down the throat of an unwilling community which seeks solace in the social system of their forefathers and imbibes inspiration from their holy Shastras.

"I do not desire to weary the Council with long quotations, but I may point out that a large section of the community headed by His Highness the Maharaja of Burdwan and His Highness the Raja of Darbangah have submitted a memorial protesting against the passing of the Bill. Even the High Court of Bengal has offered no observations on the Bill. The Government of Bengal is opposed to the Bill and so are most of the Governments that have been consulted. Most of the Governments have requested that it be referred to the enlarged Council. What is the necessity of rushing the Bill? Why not wait for a year for the enlarged Council to take up the Bill in right earnest? There are several questions that require consideration, there is inheritance, adoption, the status and rights of children, all these intricate questions cannot be dealt with in a single-line Bill of this kind. The proposal is to refer it to Select Committee. I do not see the necessity of doing so. If the Bill is to be referred to Select Committee, and if the Bill is to be amplified, modified, or enlarged, then the opinion of the country should be again sought on the new provisions that it is proposed to incorporate. I, therefore, beg Mr. Patel to drop the Bill for the present and to make necessary provisions in it for solving the different problems that have been raised by Mr. Sarma, and then to bring it to this Council. With these words I beg strongly to oppose the Bill."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I support this Bill, but before stating my reasons I may say that I am in agreement with the Hon'ble Mr. Sarma that it would have been wiser if Mr. Patel could have made the Bill more comprehensive and if it had made provisions, among other cases, for inheritance for instance. There is some difficulty about this question of inheritance. I should like to point out to the Council that it is a similar case in regard to Act III of 1872 which was referred to yesterday, and which made provision for the marriage of persons before the Registrar. This is called the Civil Marriage Act. It is much longer than the present Bill. It has 20 sections and a Schedule There is nothing said in that Act about the question of inheritance. It may be a difficult question to decide, and I therefore think it would have been better if provision was made in this Bill in regard to it. But I contend that there is no insuperable difficulty about that matter Surely this is a question that can be gone into by the Select Committee. I agree that it would be wise to make provision for adoption about age. I think that in a matter of this kind men and women who have attained their majority should be allowed to contract marriages under this Bill. The Act of 1872 does not go so far. It provides that in the case of persons who have not attained their majority, they would have to obtain the consent of their guardians. I think it would be better if we confined the provisions of this Bill to those who have attained their majority. Similarly, I think, that there ought to be a provision that marriages under this Bill should be monogamous. No person, man or woman, who has a wife or husband alive at the time should 11-58 A.M.

be permitted to contract a marriage under this Bill. Then there is the question of Divorce and Registration. In this matter I do not think there is any necessity to incorporate any provisions in the Bill. This is a matter that should be considered in Select Committee With regard to the objections that have been raised by the Hon'ble Rai Sita Nath Ray, I should like to answer him. In the first place, Sir, I think it is recognised by everybody that this is purely a permissive measure. It only enables a Hindu to marry out of his caste; it compels no one to do so. It is absolutely optional; it is purely a permissive measure. It is therefore difficult to understand how a measure like this will be aiming a blow at the Hindu religion or custom. All that it seeks to do is to remove certain of the disabilities in the way of the issues of such marriages, because the issues of such marriages, unless legislative sanction is given to such marriages, will not be legitimate. That is the disability which this Bill seeks to remove. Then, on the other hand, while it enables a Hindu to marry out of his caste, there is no obligation on the part of any other Hindu to have anything to do with such marriages or to deal with the party contracting such marriages socially or hold social communion or association with him. Every one is perfectly entitled to treat the parties contracting such marriages as non-Hindus, to excommunicate them or to outcaste them. I do not see, Sir, how, under these circumstances, it can be said that if you pass this measure it will strike at the root of Hindu religion or custom. If you say that by removing the difficulties which at present exist, you are creating facilities for such marriages, put a premium on such unions and thereby in an indirect manner strike at the root of Hindu religion or custom, my answer is this. It may be so to some extent, but then it is not making an innovation. If there is danger in that way to Hindu religion or custom, it already exists in the existing legislation. Under Act III a Hindu can marry anyone he likes, he can marry not only a Hindu girl, but a non-Hindu girl, a Mussulman or a Jew or a Christian girl if he likes. All that he has to do is to sign a declaration that he is not a Hindu. What does this Bill do? It will enable him only to marry a Hindu girl, But what is wanted is to remove the restriction which you at present impose on him. At present he is bound to declare before contracting such a marriage that he is not a Hindu, but in case he has any conscientious objection to doing so, why penalise his conscience? That is the only difference between this Bill and the existing legislation. I do not think, therefore, you can possibly say that you will be disintegrating the Hindu social fabric by passing this Bill. Whether the policy of Act III, 1872, whether the policy of the suppressing *Sati*, whether the policy about the law about re-marriage of Hindu widows, is sound or otherwise, it is too late in the day to discuss this question. But I submit, Sir, if you pass this Bill there will be no such apprehension that you will be doing something grave to jeopardise Hindu religion or custom, and there is strong argument in favour of my contention in the fact that orthodox Hindu States like Indore, Kolhapur and Nepal have a law legalising and re-exposing such marriages. It is a cruel irony of fate, Sir, that while such marriages have validity in Indian Hindu States, British Courts do not recognise such marriages. There is a reported case, Sir, in the Indian Law Reports, 28 All, p. 458. A Brahmin married a Rajput girl in Nepal where such marriages are not prohibited by law. The man died. After his death there was litigation about the property. His son and his widow claimed the property, but the Allahabad High Court held that they had no right to the property because the marriage between the deceased and his wife was not a marriage in law as they did not belong to the same caste. As I said, it is an irony of fate, Sir, that while such marriages are allowed in orthodox Hindu States like Nepal, they are not recognised under the British Government in India. I submit, Sir, there is everything in favour of this measure, and the difficulties which exist and which have been alluded to by my Hon'ble friend, Mr. Sarma, can surely be removed in the Select Committee.

"There is one other point that I should like to refer to. My Hon'ble friend, Rai Sitanath Ray Bahadur was saying that the Hindu society would come to pieces if this Bill is passed. I ask him if it is not a fact that inter-caste marriages are at the present moment prevalent in East Bengal? Now there is a community called the Sahais which is a very wealthy, very respectable and influential community in Bengal, but this community has no social equality of status with Brahmins or Kayasthas or Baidyas. None of these castes will take water or food at the hand of Sahais . . .

The Hon'ble Rai Sitanath Ray Bahadur:—"They are practically outcasted."

The Vice-President:—"Order, Order."

The Hon'ble Mr. Kamini Kumar Chanda:—"If the Hon'ble Member will wait for a moment I will tell him what it is. There is a practice, there is a custom amongst these wealthy Saha castes of having bridegrooms or brides from poor Kayastha or Baidya families in Eastern Bengal. What happens ? The boy or the girl who is thus taken in marriage in a Saha family outcasted is not taken back by his or her parents, but the marriage is valid, the issue of such marriage is legitimate. Has the society come to pieces on account of the existence of this custom? In the last four or five years a number of such marriages have taken place in Calcutta where a Saha has married the daughter of a Kayastha of Calcutta. Now, are these marriages valid or invalid, or has society come to pieces on account of this ? I think, I may say, Sir, in passing that it is difficult to say what would happen if the Calcutta High Court took the same view as the Allahabad High Court that Kayasthas are Kshtriyas. Kayasthas according to the Calcutta High Court, in a case reported 10 Calcutta Series, are Sudras and not Kshatriyas, but the opposite view is taken by the Allahabad High Court. If this view obtains in Calcutta, then I do not know, Sir, if the marriages I have spoken of would be valid. I therefore think on all possible grounds there is no reason why this Bill should not be supported by this Council. I say defects there are in it, but they might be easily rectified in the Select Committee. With these few words I beg to support the motion before the Council."

The Hon'ble Mr. G. S. Khaparde:—"Sir, I do not propose to take up much time because the matter is fully discussed. I have only to submit a few considerations which, I think, will help Hon'ble Members to make up their mind and I believe in a manner so as to support this Bill. When it was first introduced at Simla, I stated my views and those were that the Hindu religion being an Imperial religion tolerates nearly everything, and so it matters very little if these gentlemen now come forward and desire some extension of the laws of marriage. At the most it will create another caste, but that will not uproot real Hinduism at all, and what is of great importance, and to which I also attach great importance, is that the Hon'ble Mr. Patel in introducing this Bill yesterday mentioned that he did not attack the caste system. He also said that he wished to maintain the sacramental character of the Hindu marriage. He also said that he does not wish to introduce or engraft a new principle on old Hindu law. Within these three limitations I think the Bill will be very suitable. What the mover seeks to do is to legalise these marriages ; he has not even gone so far as to say what the inheritance of the children would be. I myself said in Simla that these matters would have to be provided for, and I qualified my support by saying I would consent to it if these matters, which have been left out now, were brought in, and no matter how, but they must be settled beforehand. If they are not settled there will be a great deal of dispute and probably litigation on the matter. I believe the Select Committee to which the Bill will be referred will be able to deal with these matters, which, after all, I think, are matters of detail, and these matters of detail admit of being discussed and settled and so settled as to be acceptable even to the orthodox community. So there will be no difficulty so far as I can see 12-9 P.M.

in this Bill being referred to a Committee, and if it is proposed to enlarge that Committee so much the better. The more of us that put our minds to it and use the past experience and wisdom that we have acquired the more will it be to the good, for after all we have to give certain marriages that have taken place between different castes a status. If we let them alone they might go out of society altogether, and I am anxious that they should be kept in society, and it is our duty to make room for them so as to bring them into proper relations with the rest of India, and, if possible, prevent any kind of misunderstanding or quarrelling or disruption on account of these small differences. In that view of the matter I am of opinion that this Bill should be referred to a Select Committee and these details must be settled. Unless these details are settled, probably the Bill will not be acceptable to a large majority of my countrymen. I therefore submit that this Bill should be referred and I do not object to the Select Committee being enlarged by including all the non-official members of this Hon'ble Council."

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia :—" Sir, I have been a sort of an interested listener to the debate that has been going on the Bill of my Hon'ble friend Mr. Patel. This somehow or other reminds me of the time when the Anand Marriage Act which I had the honour to pilot through during the last stages of the Council was being discussed and was before the Council. There was some flutter in certain corners of the great Hindu society that that Bill would affect some of the old-established customs. I never thought then that the time would come when the Hindu society, or at any rate certain portions of the great Hindu society, would be bringing forward a measure to legalise certain marriages which were being performed in the community, namely, inter-caste marriages. As a Sikh I welcome the measure because it gives an opportunity of very necessary reform to do away with some of the rigidity of the caste system among the Hindu community. I find on the other hand that a great majority of the orthodox section of the Hindu community is against the motion of my Hon'ble friend, and naturally too, as there are many difficulties which have to be contended with. There are difficulties, as my Hon'ble friend Mr. Sarma pointed out, about the children succeeding to the estate, and about the provisions to be made where there are more than one wife. I personally think, Sir, as the Hon'ble Mr. Sastri said, that something is necessary to be done to give effect to the measure, to improve it in such a way that it should apply to persons who have attained the age of majority, and should not be allowed to apply to persons who are still minors and cannot decide for themselves. I, however, think that the measure has got great possibilities, and there is room for many improvements to be effected in it. In the Select Committee that the Hon'ble Home Member has suggested I think those difficulties could be met, and in giving support to a proposal for reform, as the Bill is evidently intended to be, I hope the Government of India will give their consent to the measure being referred to a Select Committee. With these few remarks I support the motion."

12-16 P.M. **The Hon'ble Mr. K. V. Rangaswamy Ayyangar** :—" Sir, I quite endorse what the Hon'ble Mr. Sastri said that Mr. Patel was wrong in saying that the majority of the Hindus are in his favour while the Brahmins alone oppose it. Knowing Mr. Patel as I do I cannot take offence at the strong language and at the loud and emphatic manner in which he put forth his case yesterday and condemned a certain section of his countrymen for being prominent in opposing the Bill. Had Mr. Patel been apprised of the honest and pure intentions of the class of people who oppose the Bill and who are used to voice forth the feelings of the country in all subjects concerning the welfare of the country, and had he been made aware of the spurious and got-up nature of the confederations and leagues on whose authority Mr. Patel relied to base his opinions that Brahmins oppose the Bill while the non-Brahmins support him . . . .

The Vice-President :—"Order, order, I will not allow the Hon'ble Member to go into the Brahmin question."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—"Mr. Patel based his arguments on this point that the majority of the non-Brahmins support his Bill and I have to meet them."

The Vice-President :—"The Hon'ble Member must obey my ruling; he must either obey my ruling or resume his seat."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—"Had Mr. Patel been apprised of the real nature of these institutions then I am sure he would revise his opinion and not attach much importance to the opinions of those associations. My Hon'ble friend, when he represented the Indian views on political aspirations before the Joint Committee in England, had taken a diametrically opposite view of the very same institution which he said yesterday represents the majority of the Hindus . . .

The Hon'ble Mr. V. J. Patel :—"Which institution?

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—"The very same Madras league which he said yesterday supported his Bill. My friend cannot maintain his position if he should really think that that institution represents the majority of the Hindus. In these days people far away from the scene of activities are led away by reports and misrepresentations, and I may venture to suggest to Mr. Patel to take his co-members into confidence before arriving at any conclusion as to what these institutions are really worth. I am happy that the Council has been enlightened by the Hon'ble Sir William Vincent on the hollowness of the charges brought against the upper classes.

"To come to the point. Mr. Patel through some process of reasoning or other has come to the conclusion that the majority of the Hindus are for his Bill and I would not admit the truth of this assertion. The majority are not for this innovation and the most violent of social reformers would admit the accuracy of my statement. I may even say that the question of majority or minority does not arise at all as the people pressing for this reform form only a microscopic section. The only method of settling this contention of Mr. Patel is to take a referendum on this question. When the new electorates are formed it will be very easy to take a referendum and this subject may be the first to be dealt with in that way. I agree with some one member who urged that this Bill may wait till the new Councils are formed not because that would be a better assembly with more conservative elements than this to discuss this question, but because the voters will be many and a referendum may be easily made.

"The peculiar structure of the Hindu society rests on its social features and on the members of the society having faith and paying willing obedience to the masters who founded it and laid the basic rules for the guidance of that society. I cannot understand why any one should profess to belong to a society not being able to loyally follow the rules of that society. If Mr. Patel should attempt to define the term 'Hindu' correctly, then he would not, I think, force his Bill. It is one thing to find out texts or to interpret the texts of the founders of the society according to our own purposes, but it is quite a different thing to say that this Bill validates marriages, whatsoever be the texts or interpretations of them to the contrary. Let Mr. Patel attempt to found a new society as Buddha or Dayanand had done and I will support him in all rational laws that he may frame for his institution. The common law is that a resident of one geographical unit should be loyal to its temporal authority so long as he remains in it, and he should be naturalised and declared as the subject of any other country before he wishes to transfer his loyalty to it as being more comfortable. This principle holds good not only in political but other spheres as well.

"In my speech, when this Bill was introduced, I quoted chapter and verse from Manu to show that he is against inter-caste marriages. There are some texts which show that *Anuloma* marriages were in vogue, but my quotation definitely preventing inter-caste marriages is there; but it has been explained away by the learned Law Member that Manu's Code is a conglomeration of different smritis. The Hindus do not believe that it is so. Manu was a law-giver. If a rare eventuality of an *Anuloma* marriage should be taken into account by him for the purpose of defining the share of inheritance in such cases, it should not be concluded that the text I quoted was borrowed by Manu from some other smritis. I have not the least objection to follow Manu in whatever he has said about the subject and the whole of my contention is to follow him.

"There are so many difficulties about the law relating to succession in *Pratiloma* marriages and the law relating to adoption, as pointed out by Mr. Sarma. One other difficulty struck me and I put it before Mr. Sastri yesterday. The Dwiyas or the first three classes select their brides from a gotra different to their own gotras or clans, and Sa-gothra marriages are illegal. Some castes have lost their gotras and how could marriages be allowed between those with defined gotras and with those who wave lost the connection and who, if traced, might belong to the same gotra? Members of the same gotra are supposed to be brothers and sisters, and among Hindus it is considered as something like the worst form of incest to wed with one of the same gotra. Mr. Sastri says that law should also be amended to permit Sa-gothra marriages, I cannot treat the subject as lightly as Mr. Sastri does. Even if it is contended that the fourth caste has no gotra then how to solve the present existing custom about marriages being performed in the gothra different from one's own? What is to be the Varna of the progeny?

"I am one of those who think that the Bill is conceived on fundamentally wrong basis and nothing but dropping it would meet the wishes of the majority of the Hindu community. It cannot at all be amended in the Select Committee. As a pandit put it yesterday it is as impossible to straighten a camel's back as to amend the Bill. Further, as one who opposes the principle of the Bill, I am not sure if it is consistent for me to accept membership of the Select Committee which is intended only to improve the Bill."

12-25 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"Sir, yesterday while moving his amendment, my Hon'ble friend the Home Member made a reference to the Muhammadan members of this Council who represent both Hindus and Muhammadans. Therefore, I wish to make my position clear. As a Mussulman, I would not like to serve on this Committee and discuss this question, firstly, because it is a purely Hindu question, and, secondly, the Hindus themselves are divided on this question, as we have seen in the debate in this Council for the last two days. If we as Mussulmans serve on the Committee, and if we decide to side with the minority, I think it will not be fair to the other part of the Hindu members that we should mix up and discuss this question and decide it with a Muhammadan majority. It will not be in the interests of either Hindus or Muhammadans, when their religious questions are discussed and when they are divided amongst themselves, that we should be the medium of deciding the whole factor.

"Then, again, it is my opinion that this Bill seems not to be complete because, as my friend Mr. Sarma told us yesterday, the question embraces difficult consequential changes of law in regard to succession, inheritance, adoption and perhaps divorce. We have fortunately got eminent Hindu lawyers in the Council who can do justice to this question, and, I think, it would be a fair thing if the Hindus themselves go into the Committee and decide that question. But, in deference to the wishes of my friend the Home Member, I have asked my own Chamber to express their views and I will abide by those views."

The Hon'ble Mir Asad Ali, Khan Bahadur :—"Sir, the 12-28 P.M.
Hon'ble Mr. Patel's Bill concerns Hindus, and Hindus only, and opinion is divided among Hindus themselves as to the practicability of the measure. Personally speaking, I am in sympathy with the principles of the Bill. For the proposed measure aims at a greater solidarity among my Hindu brethren. With the Hon'ble Mover's optimism on the one hand and with the Hon'ble Mr. Sarma's pessimism on the other, we, Mussalmans, find ourselves in a delicate situation, and feel we are hardly competent to pronounce a sound opinion on the measure. Hence it is both inadvisable and undesirable that Mussalmans should be called upon to sit on the Select Committee. Further, no precedent should be created whereby any piece of social legislation affecting a particular community, especially when it is interwoven with religious customs and usages, may come under the review of the representatives of other communities in the Council, except perhaps when the proposed measure is of such a general character as to concern all the Indian communities. For these reasons I rise to oppose the Hon'ble Home Member's amendment, and if the amendment were carried, I shall have respectfully to decline to serve on the Committee."

The Hon'ble Mr. Sachchidananda Sinha :—"Sir, I rise to 12-29 P.M.
give my adherence to the principle of the Hon'ble Mr. Patel's Bill and also to support the amendment of the Hon'ble the Home Member that the Bill be referred to a Select Committee of all the non-official members of this Council. I hope I shall speak loud enough to be heard even by the Hon'ble Rai Sita Nath Ray Bahadur. It has been said that the Hon'ble Mr. Patel's name will go down to posterity as an apostle of reform, if the Bill be enacted; whether it will be so I do not know; but I congratulate Mr. Patel on having brought forward a measure which has had the unique effect of galvanising into very vigilant activity my friend, the Hon'ble Rai Sitanath Ray Bahadur, who since yesterday has been very alert, indeed, to express his opinions on this Bill and who has conveyed that impression to the Council by means of his interruptions and bobbing up and down in his seat a number of times to catch the President's eye. You will pardon my saying, Sir, that it seemed to me you were rather unkind to the Hon'ble Rai Bahadur in not giving him a chance in the first onrush of his enthusiasm, when he might have said even more interesting things than he did to-day, after his ardour had cooled down slightly. Now, I have always thought that there was some justice in the observation that the civilisation and culture of our friends in Bengal was more of a veneer than substantial or real, and the fact that the presidency of Bengal should have, through the mouths of two of its representatives, the Hon'ble the Maharaja of Kasimbazar and the Hon'ble Rai Sitanath Ray Bahadur, opposed the Bill does seem to me to support that view. But I take strong exception to the exaggeration of the Hon'ble Rai Bahadur when he said that in Bengal nobody who is anybody is a supporter of this Bill. When I heard that, I asked myself whether it had come to this that, in this Council anybody from Bengal could say so in the face of my leader, Mr. Surendranath Banerjea. Is he nobody in Bengal? Mr. Banerjea occupies a high position in our public life, not only in Bengal, but throughout the whole of India, and has done so for the last thirty years; and his support, speaking as a Brahmin and as a leader, should surely carry weight with this Council as against the views of the Maharaja of Kasimbazar and the Rai Bahadur. I have known the Hon'ble Rai Sitanath Ray Bahadur to enjoy a high reputation as a financier, but never as a social reformer, nor as a gentleman who could enlighten this Council on such questions. He read out a great deal of quotations for which he apolgised. I am sorry that in spite of my sitting so close to him I could not catch all that he said; but the few words which escaped through his mufflers gave me the impression that he was opposed to this Bill on the very old grounds of 'religion in danger,' 'society going to pieces,' and such other things. Now, I think, it is time that such frivolous objections were not placed before this Council, except on very substantial grounds, and I venture to say that he advanced to-day no substantial argument in support

of the contention that this Bill should not be referred to a Select Committee. It may be that the Bill is not so comprehensive as it should be; it may be that the Bill leaves various important matters without incorporating them in its text, and I hope that the Select Committee, after careful consideration, will make provision for the matters referred to in the speeches of the Hon'ble Mr. Sarma and the Hon'ble Mr. Sastri. The Hon'ble Rai Sitanath Ray Bahadur went on to say that the Bill was so fundamentally wrong that it should not go before a Select Committee at all. It seems to me, if I may say so without impertinence, to be making a preposterous suggestion to this Council. I do not think I need detain the Council with regard to the observations of the Hon'ble the Maharaja of Kasimbazar. He is a gentleman who is held, not only in Bengal but even outside it, in high regard for his generosity and public benefactions; but he is unfortunately one of those 'birds of evil presage' who think that the whole society is going to pieces when the least change is going to be made in the social customs of the country. That view certainly is absolutely wrong, and I hope in this particular matter we shall be guided, so far as Bengal is concerned, not by the views of the Hon'ble Maharaja or the Hon'ble Rai Bahadur, but by those of so veteran a leader as the Hon'ble Mr. Banerjea. As for my friend, Mr. Ayyangar, he is one of those gentlemen who are home-rulers in matters political but non-home-rulers, I suppose, in all other matters. If it comes to ousting the jurisdiction of the Government and encroaching upon their preserves he is, I am glad to find, the first in the field; but when it comes to making any concession to his own people, some little privilege being conferred on them, he stands up and contends that it is fundamentally wrong, so fundamentally wrong that he would not feel justified even in joining the Select Committee . . . .

The Hon'ble Mr. G. S. Khaparde:—"On a point of order, Sir, is it permissible to any Hon'ble Member to make these personal remarks? That is all that I want to say."

The Vice-President:—"The Hon'ble Member, I think, understands the question of non-parliamentary language very well; that being so, I will only say that until now the Hon'ble Mr. Sinha has said nothing 'unparliamentary.'

The Hon'ble Rai Sita Nath Ray Bahadur:—"We are not here to hear sermons on personal matters."

The Vice-President:—"I greatly regret that I did not hear what the Hon'ble Member said."

The Hon'ble Mr. Sachchidananda Sinha:—"Have I your leave now to go on, Sir?"

The Vice-President:—"Certainly."

The Hon'ble Mr. Sachchidananda Sinha:—"To my mind, Sir, this Bill is a very small instalment of reform which has been long overdue. To begin with, it is a purely enabling and permissive measure; it does not compel anybody to do anything against his wishes. The Hon'ble Rai Sitanath Ray Bahadur thought that he was putting forward a most crushing rejoinder against those in support of this Bill when he said 'Oh! you gentlemen approve of this in theory; but are you prepared to carry it out into practice by marrying your children outside your caste?' I hope I am quoting correctly the substance of what he said. Now, I do not desire to say anything about children, as my only child is two years old, and I do not suppose that even the Rai Bahadur can say that he should be married at the present moment. But, speaking for myself, I am quite willing to marry him outside my caste, if the Rai Bahadur will help me in that matter. My marriage was the first inter-caste marriage among the Hindustânee Kayasthas, and I am prepared to go farther with regard to my child. I think there are many people here who are not only mere theorists in this matter, but who are desirous of taking a step in advance by marrying outside their caste. I do not think that, therefore, it is a fair argument to put forward that everybody, who supports the Bill, is a mere theorist and is not willing to carry out his theories into practice.

"Now, Sir, I am the only member, besides perhaps the Hon'ble Sir Zulfikar Ali Khan, who was in this Council before when Mr. Bhupendranath Basu introduced his Bill. That Bill, as we know, went much further than the present one. I was one of the strongest supporters of that Bill through all its stages. Naturally, therefore, to my mind, this Bill is a very diluted measure, a very meagre one. I wish it had gone much further; but I have always been a most moderate man (I do not yield in moderation to anybody, not even to my leader the Hon'ble Mr. Surendranath Banerjea), and as an exceptionally moderate man, although personally I would go much further than this Bill, I am prepared to support it cordially. I have always believed in acting up to the principle inculcated by Cardinal Newman in his famous hymn—

'Lead, kindly Light, amid the encircling gloom,
Lead Thou me on;
The night is dark, and I am far from home,
Lead Thou me on.
Keep Thou my feet; I do not ask to see,
The distant scene: one step enough for me'

"I believe that in all matters, whether political or social, one step in advance is a great thing to have; and that is why, although personally I think that this measure is not so advanced as it might have been, I am prepared to vote for it.

"Under your ruling, Sir, I am not to say anything about Brahmins and non-Brahmins and I shall loyally abide by it. I shall only say that in the province which I have the honour to represent here, Bihar and Orissa, there is fortunately no such thing as the Brahmin and the non-Brahmin question; but I am glad to find that in this Council the support given to this Bill is not based on any such consideration as that of Brahmin and non-Brahmin. My friends, Mr. Sarma, Mr. Sastri and Mr. Banerjea, who are all Brahmins, have supported the Bill; whereas the objection curiously has come from the Hon'ble Raja Sir Rampal Singh, the Maharaja of Kasimbazar and the Hon'ble Rai Sitanath Ray Bahadur who are non-Brahmins. I do not think, therefore, that their objection is an important matter to be taken into account. I frankly say that the vast bulk of the community, at present, is against the Bill; and if I give it my support I do so as my own personal view, and I do not say that I represent in this matter the views of the vast bulk of the people in Bihar and Orissa. At the same time, I do not concede that because that is so, I have no right to vote for this Bill being enacted. The Hon'ble Mr. Ayyangar propounded certain views which seemed to me rather curious and untenable. He contended that a man who lived in a certain society or under a certain system of administration, social or political, must subscribe to all its rules and regulations, without making any effort to have them improved or amended, or he should go out of it. That is a proposition which I do not at all accept. On the contrary, I think it is the bounden duty of every human being to try to improve his conditions and surroundings, whether political or social, or moral and to advance further and further to higher ideals. It has been my settled conviction that the reason of the phenomenon that, while all the old Empires, Assyria, Babylonia, Phoenicia, Greece, Rome and others have perished, India has survived cataclysms and vicissitudes, and even now after thousands of years is still a vigorous nationality, producing great scientists, orators, legislators, speakers and public men distinguished in all walks of life, is that Indian society has always possessed and displayed most marvellous powers of adaptability to environment. It is that which has saved India from extinction, while all the other great Empires of old have decayed and disappeared. We have got even now the country called Greece, but as Byron said. 'It is Greece, but living Greece no more.' So about Rome, and so about other great Empires in the ancient world. It is, therefore, I think, that those gentlemen who stand against some little progress being made are not the best friends of the people, but they are really those who, not knowing it perhaps, do a great harm to the best interests of the country. I should like to refer for a moment to the question raised by my Muhammadan friends as to whether it is right for them to take part in the proceedings of the Select Committee. It was the view of a very high official, Lord Morley, and, I believe, Mr. Asquith also made certain statements at the time the Minto-Morley reforms were under consideration, to the effect that the differences between Hindus and Muhammadans cut so deep and were so radical that it was impossible for them to act together or for the Government to ignore them. Remembering these, I would congratulate the Hon'ble the Home Member on the observations that he made yesterday on this question. He said it may be that there are differences between Hindus and Muhammadans, but after all they have to live together in the same country; they are under the same conditions of life, and they are more likely to know what are the interests, the grievances, and the requirements of each other than an official from England. I hope I have quoted substantially the observations of my Hon'ble friend, with which I entirely agree. Why should not Hindus give their advice on a question affecting Muhammadans or *vice versa*? Some years ago Mr. Jinnah brought in a Wakf Validating Bill. I was one of those who gave it my support. I did not feel justified in refraining from doing so because it was a matter that primarily concerned Muhammadans. This is a question on which, if I may say so without impertinence or disrespect, the Muhammadans are taking what does not seem to me to be a correct view. I gather from what Sir Umar Hyat Khan said that he is afraid that this will create a precedent for putting Hindus on committees considering questions that concern Muhammadans. I am confident that if ever Government put Hindus for considering a measure particularly affecting Muhammadans, the Hindu members would work loyally with the Muhammadans and would not act in any manner detrimental to their interests. For similar reasons we shall most heartily welcome co-operation on the part of our Muhammadan friends, and I am sure we may expect to benefit from their sound advice. With these observations, I strongly support the motion of the Hon'ble Sir William Vincent."

12-46 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhri**:—"Sir, the Hon'ble Sir William Vincent has moved the amendment that all the non-official members of the Council be included in the Select Committee, and has exhorted Mussalman members to join and work in that Committee. This compels me to rise up and explain our attitude with reference to the Bill and the inclusion of the Mussalman members in the Select Committee. I regret to differ from Sir William, but I feel that I have no right to interfere with the religious custom, usage and the law of inheritance of other communities just as I resent being interfered with in mine. It has been admitted even by Mr. Patel that the orthodox section of the Hindu community is against the Bill, while the liberal elements are amongst its enthusiastic supporters. I confess I am no judge of liberalism and orthodoxy in Hindu religion, and I have no desire to thrust my opinion in a controversial question that purely concerns the Hindu community. My Hon'ble friend Raja Sir Rampal Singh has challenged the representative character even of the Hindu members of this Council and has questioned their right to represent the religious Hindu opinion. Whatever may be the justice and propriety of his remark, the Muhammadans, at any rate, have no *locus standi* there. Let orthodoxy and liberalism fight out their battles in the Select Committee where our amateur advice, I feel, will be more of a hindrance than an assistance. 'Do as you would be done by', says a popular adage, and I cannot tolerate the idea of a legislative measure concerning the religious convictions of Mussalmans being rushed through under the advice and guidance of other communities. But our presence in the Select Committee imposes on us the obligation of acquiescing in the presence of non-Moslim members in committees that shall have to deal with the religious questions of the Mussalmans. This reciprocity of the rights and duties is the first axiom of natural justice, and we cannot insist on any right while we shirk the corresponding duty. Under these circumstances, I regret I am compelled to oppose the inclusion of the Muhammadan members in the Select Committee."

The Hon'ble Sir William Vincent:—"Sir, I should like to advert first to the criticism of Mr. Sastri on the attitude of Government in this matter. As I understood him, he said that the Government insisted that a Bill of this character should be supported by a large majority—I hope I have interpreted him correctly—before it could be accepted. I think he has gone, if I may say so, a little beyond anything that I have said in the course of my tenure of office, although I remember, if my memory serves me correctly, an observation of my predecessor which gives some colour to what he said. What I said when this Bill was introduced was that the Government would be largely guided by the opinions of those primarily affected by the measure in dealing with it at a subsequent stage. That I conceive to be a very reasonable attitude on the part of Government. You, Sir, at a subsequent stage of the debate said 'that the Government will be guided by the opinions they receive and the views they hear is quite certain. But my Hon'ble colleague Sir William Vincent did not say that the fate of the Bill would depend upon the majority of the opinions received. All that my Hon'ble colleague said was that Government would be guided by the opinions they receive'. I think I ought to make the facts clear. Our position in regard to this Bill is one of great difficulty; we are very anxious not to throw out by an official majority what seems to many of us at least to be a liberal and right measure. At the same time, we are anxious not to force upon persons, a majority of whom possibly do not want it, a Bill which affects their social life so closely. I think the Council will admit that that is a difficult position for the Government to be in, and it was for that reason that we seek now to obtain the assistance of non-official members. 12·49 P.M.

"I notice with regret, if I may say so, that many of the Muhammadan members of this Council, whose opinion is entitled to great weight, feel strongly in this matter, and being unwilling to serve on this Select Committee object to the line Government has taken.

"My answer is very short. We cannot in any way insist on their sitting on this committee, nor was it my intention to put any pressure upon them to do so. What I intended was to give those Muhammadan members who desired to do so, particularly those who represented mixed constituencies, an opportunity of sitting on the committee if they thought fit. Further, if the Select Committee had been confined to Hindu Members, it would have meant excluding various members who are not Hindus and yet are not also Muhammadans, but whose opinions would be of great value. I want to make my point quite clear. We do not in any way want to force my Hon'ble friend Nawab Ali Chaudhri, for instance, to act on this committee if he feels that his conscience does not permit him to do so. That is far from our desire, and I am quite sure, far from Mr. Patel's desire too, but we hope that those who think that they can assist in a matter like this can give the committee the benefit of their advice.

"I said a moment ago that this was a liberal measure and for that reason individual members of the Government have great sympathy towards it, and I should like to refer in that connection to what my Hon'ble friend Mr. Banerjea said on the danger of excessive conservatism in Hindu law, and to cite from the letter of the Government of the United Provinces on this point as the argument is of great weight and indicates that this conservatism has been accentuated since the British administration. The Lieutenant-Governor clearly points out how under the strong and stable British Government case-made law prevailed, crystallising superannuated customs and preventing new customs from growing. I agree with what he says and think that this is one of the great dangers of the present Government.

"I turn now to the speech of my Hon'ble friend Mr. Sarma, and I must confess to being much impressed by many of the arguments that he put forward. He supported the Bill, but at the same time he put forward practical difficulties which must have appealed to every member of this Council, to minimise which would be idle. He referred, for instance, to the difficulties about inheritance, adoption and legitimacy. Then we had the question raised by my Hon'ble friend Mr. Sastri as to the necessity of registration, and confining this law to monogamous marriages,—and raised the question whether such marriages should only be permissible to those who have attained majority. And while I am speaking of monogamous marriages I am quite sure that the Hon'ble Mr. Patel does not endorse the suggestion made by the Hon'ble Mr. Chanda on this matter. Mr. Chanda apparently had in his mind not a system of polygamy but of polyandry, for, if I understood him correctly, he referred to a suggestion that no man or woman should be allowed to marry outside his or her caste if he or she had a wife or husband living. This was, I think, a mistake of the Hon'ble Member. I cannot think that the Hon'ble Mr. Patel contemplated any legitimatising of polyandry.

"All these are, however, matters of detail which will have to be considered by the Select Committee, and if the committee think it necessary to alter the Bill very much in these respects the question of re-publication and inviting public opinion on the new provisions will have to be considered as was suggested by the Hon'ble Rai Sitanath Ray Bahadur. Many of the questions involved are of great intricacy and complexity. We are, speaking as a Government, in no way anxious to press a measure of this kind on an unwilling people. We are also well aware of the force of the remarks made by the Hon'ble Raja Sir Rampalsingh that whatever people may say or do now, in the end it is the Government which will be made responsible for the measure. If there is any odium excited, Government will have to bear it, and Hon'ble Members who support the Bill in the Council will escape the responsibility which must attach to Government in such a matter. What we want at first is to get the Bill referred to a Select Committee, where it will, I hope, be examined with the greatest care. If the committee think it ought to be re-published, then we are prepared to re-publish it. If they think that material additions are necessary to provide for the difficult questions raised by my Hon'ble friend Mr. Sarma, then we shall pay the greatest attention to the wishes of the Select Committee, but I hope for the present that Hon'ble Members will accept the amendment which I have placed before the Council."

12-57 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"May I rise to make a personal explanation, Sir?"

The Vice-President:—"Certainly, only a personal explanation."

The Hon'ble Mr. Kamini Kumar Chanda:—"I wish to say that I had the following clause in Act III of 1872 in mind when I made the observation:—

> 'Neither party must at the time of the marriage have a husband or wife living. I thought it is better to provide for a possible contingency on the lines of Act III.'

12-58 P.M. **The Hon'ble Mr. V. J. Patel**:—"Sir, I am indeed very much obliged to the Hon'ble Members of this Council. I have no reason to complain. The motion has been received very well by a great majority of my Hindu friends and, I may say, has been sympathetically treated by the Government. I must say that I have been attacked on all sides for other reasons, but I do not mind the attack because the Bill has received support from those who attack me personally. Perhaps it is my own fault. I invited the attack, and I got it, and I am not sorry for it. My Hon'ble friend Mr. Banerjea thinks that I made a tactical blunder. And he also stated that I was not right in saying that the great majority of Hindus were in favour of the Bill, but in any case he said that I made a tactical blunder in criticising a certain section of the community. Well, I plead guilty to the charge. Perhaps I did make a tactical blunder; I do make tactical blunders now and again. That is my weak point always. I very often speak bluntly, sometimes feelingly too. But that cannot be helped, that is my temperament. I cannot, however, agree to the proposition of my Hon'ble friend Mr. Banerjea and supported by my Hon'ble friend Mr. Sastri, that the great majority of Hindus are not in favour of the Bill. I am not prepared under any circumstances to take that view. The evidence does not justify it. What are the propositions that I submitted in my opening speech in connection with this motion. I said the great majority, if not the entire Sudra community, the great majority of the Sudra community was in favour of my Bill. The second proposition that I submitted was that a great majority of the non-Brahmins were in favour of my Bill, and the third was that a great majority of Brahmins were against my Bill. These were the three conclusions that I drew from the heap of materials placed before this Council. Now let us analyse each. Is it or is it not true that the majority, and a very great majority, of the Sudra community, is in favour of my Bill? I challenge any member of this Council to prove that the majority of the Sudra community is not in favour of this Bill. Why, for the matter of that, out of 20 millions of Hindus in the Presidency of Bengal from which my Hon'ble friend Mr. Banerjea comes, more than half, I think, about 11 millions are Sudras. All of them are in my favour. How can you possibly say then that the majority of the Hindus of the Bengal Presidency are not in my favour, unless you are prepared to say that Sudras are not Hindus, which you dare not If the Brahmins are prepared to say they do not count Sudras among the Hindus, then I can understand it. Under these circumstances, I do maintain, and I am sure every member of this Council will agree that a very great majority of the Sudra community of this country is in my favour. The second proposition is that the non-Brahmins by a majority are in my favour. I do admit that there is a minority of non-Brahmins against this Bill, but I cannot persuade myself to accept the view which my friends state that the non-Brahmins are by a majority against my Bill. I see no evidence in the heap of papers that have been placed before this Council that the majority of non-Brahmins are against my Bill. We were told by my friends Mr. Sarma and Mr. Rangaswamy Ayyangar that the associations that I referred to and on whose opinions I relied were really not representing the non-Brahmin opinion in Madras. That may be so. I do not know the inner intricacies of the working of these Brahmin and non-Brahmin institutions in Madras. I do not profess to know these things. I bow to the superior knowledge of my friends; but may I ask what associations in Madras represent the Hindu opinion? Does the Mahajan Sabha of Madras represent the Hindu opinion? Well if it does, there is an opinion in the papers here from the Mahajan Sabha, Madras, of which my friend the Hon'ble Mr. Sarma is the President. That Sabha sends an opinion to the Government of India that the Hindus are in favour of my Bill, and that opinion has been signed by my friend the Hon'ble Mr. Sarma.

The Hon'ble Rao Bahadur B. N. Sarma:—"That the Sabha is of that opinion."

The Hon'ble Mr. V. J. Patel:—"The question is whether the Sabha represents Hindu opinion or whether the non-Brahmin Association represents Hindu opinion. Take them together if you like. If those two Associations together do not represent Hindu opinion, what Association in the Madras Presidency really represents the Hindu opinion, may I know from these two gentlemen? Under these circumstances, I am not prepared to accede to the view that the non-Brahmins are by a majority against my Bill. I am still strongly of opinion, from the evidence before me, that the non-Brahmin by a majority are in favour of my Bill. So there is the proposition that Sudras are by a majority in my favour and there is this further proposition that non-Brahmins by a majority are in my favour. There then remain only the third and the only other class, namely, the Brahmins, and I agree that the Brahmins by a majority are against me. Is any one prepared to challenge that statement of mine? I shall be glad to be corrected if I am wrong, but I am quite sure they are not prepared to say that the Brahmins are not against my Bill. Perhaps it may be said that the majority of the Brahmins and great minority of non-Brahmins are against, and therefore the great majority of the Hindus are against my Bill. That is not so. I am glad my friend Mr. Sastri referred to a pamphlet by an eminent legal gentleman from Bombay of the name of K. R. Daphtary, in regard to the majority and the minority opposition to my Bill. Mr. Daphtary says:—"

> 'It is impossible to say that the opposition to Mr. Patel's Bill is in the majority. If you deduct out of the 22 crores of Hindus the untouchables and Sudras there remain only 9 crores! Of these, the Rajputs, the Marathas, and many other castes have allowed intermarriages with other castes, though in individual cases, it may be difficult to prove a custom in the Courts of law. The same may be said of Vanias and Vaishyas and some Brahmin castes. You have then to take out the Jains, Buddhists, Sikhs, and those religious sects and samajs and institutions, which have seceded from Brahmanism or which have as their object the removal of the present differences and distinctions of caste. A vast majority of the educated people sympathise with the Bill. What remains is an insignificant minority though on account of its present position it may make some noise.'

"Well, Sir, I am not alone in taking the view that only an insignificant minority oppose the Bill. However, as one Hon'ble gentleman pointed out, and very rightly too, it is not a question of majority or minority. The Bill is intended only for those who want to take advantage of it; it is certainly not intended for those who do not want it.

"Now I come to the discussion in this Council by Hon'ble Members on the provisions of the Bill. In the first place, there are those who oppose the very principle of the Bill, on the ground that the whole Hindu religion is in danger. That is an old cry, we know, and I do not propose to reply to that argument as other Hon'ble Members have already answered it, but I must try to answer those Hon'ble gentlemen who point out certain defects in the Bill. Well, I do not claim that my Bill is perfect. I certainly claim simplicity for the Bill. It is as simple as it possibly could be, but I have not claimed perfection for it. The points raised are mainly whether this Bill should not be restricted only to monogamous marriages, and whether it should not be applied only to adults, and whether any provisions regarding inheritance and succession should not be incorporated in it. Well, when I drafted the Bill, I considered all these points, and with regard to the first two I thought it would be much better if I proceeded on the lines of least resistance. As I said in my opening remarks, I do not desire to engraft on the Hindu marriage any new principle not yet recognised by the Hindus. I thought the Bill would be opposed if I attempted to do so. In fact, I am perfectly at one with my Hon'ble friends who put forward these points, but may I point out to them that they go further than I propose, and they must consider whether they will not provoke more opposition from the Hindu community by trying to engraft these new principles on to Hindu marriage.

"My Hon'ble friend Mr. Sastri referred me to the opinion of Mr. P. E. Percival, the District Judge of Poona, for whom I have very great respect What did he refer me to that opinion for? He referred me to that opinion by way of caution that I should proceed on the lines of least resistance. Well, I am perfectly prepared to do so, but my friend says that this Bill should apply to monogamous marriages only and that the parties to them should be adults. Personally, I have no objection, but is it consistent with his advice to proceed on the lines of least resistance? I am perfectly at one, as I have said, with my friends who criticise my Bill on these grounds, and am quite prepared to incorporate these points in the Bill. In fact that great social reformer, Mr. Natarajan, the Editor of the 'Social Reformer,' had criticised this Bill on these two grounds and I had a talk with him when I told him that, so far as I was concerned, I was perfectly willing to go forward on the lines suggested by him. In fact, I stand out for social equality of all communities. I hate the social domination of one section of the community by any other as much as I hate the political domination of one nation by any other. That is the reason why I have brought this Bill, but, as I said, I want to proceed on the lines of least resistance, and I should certainly like to incorporate these provisions in the Bill if the majority of the Select Committee so desire.

"Then I come to the difficult question of inheritance and succession. I must say . . .

The Vice-President:—"I would ask the Hon'ble Member not to discuss those questions now. They are purely questions for Committee."

The Hon'ble Mr. V. J. Patel:—"That question also I had considered at the time and thought that the difficulties regarding inheritance and succession were really solved by the Removal of Caste Disabilities Act I find there are many people who think similarly. Sir P. K. Bose of the Central Provinces is of the same opinion, so is Mr. DeSouza, a District Judge of the Bombay Presidency. They think these difficulties do not arise because of the provisions of the Removal of Caste Disabilities Act. Therefore, I did not think it worth my while to incorporate any such provision, but if the Select Committee think that these difficulties are still there, I am sure they will make the necessary amendments. It is a question more for the lawyers to decide. I do not claim to know much about these legal technicalities, though I do not think that the point made by the Hon'ble Mr. Sarma is so strong that a provision must find a place in the Bill; I am inclined to agree with the other view.

'Then, Sir, the motion that stands in my name is a motion for reference to Select Committee consisting of six non-officials and five officials. The motion of my Hon'ble friend the Home Member is a motion for a Select Committee of all the non-official members. I do not know really what to say . . .

The Hon'ble Major Malik Sir Umar Hayat Khan:—"Leave out the Muhammadans."

The Hon'ble Mr. V. J. Patel:—"But I do feel that the Government should have decided its attitude in this matter. To my mind the duty of the Government is absolutely clear. We are out for responsible government When Mr. Basu's Bill was on the anvil the position was quite different. You are committed now to the introduction of responsible government; we all want it. You believe, rightly or wrongly, that these castes and these creeds and these differences of opinion and divisions and all sorts of things are an obstacle to the attainment of responsible government. You never make a secret of your views; you have been saying that times without number. The whole Montagu—Chelmsford Report—the Chapter on Difficulties of the Problem—is full of these things. Now, if you honestly believe that this is one of the obstacles to the attainment of responsible government in India, is it really not your duty to help those of us who want gradually to get rid of these obstacles? As I say the times have changed; we have adopted a different policy. His Majesty's Government has announced that responsible government is the goal and that you are asked to co-operate with us. There is a mandate from His Majesty the King-Emperor. How are you going to co-operate if you do not help us in removing what in your opinion are obstacles? Why do you assume a neutral attitude? Is not such attitude likely to be misconstrued by men like me? This is a question which the Government has got to consider. I would like here to refer to the attitude taken years ago by the

Government of India in matters of social legislation. Sir Fitzjames Stephen as Law Members years ago, said—

> 'That English education in all its forms 'leads straight away, from all forms of Native orthodoxy, is a proposition which I have never yet heard disputed. How can we sow the seed and refuse to recognise the crop?'

"Then again, Sir, when the Hindu Widows Marriage Bill was on the anvil, Mr. Grant, afterwards Sir John Peter Grant, in the course of the debate on that Bill said the following words which are applicable with equal force to-day:

> 'It was said that this measure would interfere with the Hindu religion and it was also said that this measure, though in outward appearance merely a permissive law, was in point of fact a coercive law.
>
> 'There was no foundation whatever for the first of these objections. The Bill left every Hindu free to act in accordance with his own religious views, but it would be an interference with Hindus in their religious concerns if the Council should refuse to pass this Bill . . . . If when 5,000 Hindus came forward and asked to be relieved from the operation of a Municipal Law which prevented their acting in this matter according to their convictions, the Council allowed that Municipal Law to remain in its present state then indeed would it be interfering with the religion of a large body of Hindus; but if it did relieve the petitioners, and all who think with them, from the restriction of the Municipal Law of which they complain he denied that this would be an interference with the religion of any human being.'

"Sir, there is no question of interference with any religion. I do not ask you to help me in making a law for the equality of all classes of the Hindu community, but I want you to help me in unmaking a law which imposes inequalities. I want you to help me in unmaking the Judge-made law which imposes disabilities. I want you to leave the caste free to deal with such matters. However, as my Hon'ble friend the Home Member has already stated, the matter has not yet finally been decided by the Government and their attitude will be determined later on. At present the Bill goes to the Select Committee. I should very much like that committee I have proposed be appointed, but I know that as my Hon'ble friend has his own motion down my motion stands no chance, I would, therefore, rather accept his than lose both."

The Vice-President:—"I propose to put the Hon'ble Sir William Vincent's amendment first. The original motion is that the Bill to provide that marriages between Hindus of different caste are valid be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir William Vincent, the Hon'ble Mr. Muddiman, the Hon'ble Dr. Sapru, the Hon'ble Mr. Chanda, the Hon'ble Mr. Sastri, the Hon'ble Mr. Khaparde, the Hon'ble Mr. McPherson, the Hon'ble Mr. Sinha, the Hon'ble Mr. Kincaid and the Hon'ble Mr. Patel.

The amendment moved thereto is that the Bill be referred to a Select Committee consisting of myself and all the non-official members of the Council."

The amendment was put and agreed to.
The Council adjourned till Monday, the 1st of March at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 8th March, 1920.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Monday, the 1st March, 1920.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 56 Members, of whom 48 were Additional Members.

OATH OF OFFICE.

The Hon'ble Rai Bahadur Kurma Venkata Reddi, Nayudu, made the prescribed oath or affirmation of allegiance to the Crown.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked :— 10-55 A.M.

Employment for discharged Indian Army clerks.

1. "(*a*) Is it a fact that Indians were enlisted as combatants for the Indian Army for service as clerks in Indian regiments and other military offices of the Military Departments, after a course of training for which two schools have been in existence, one at Kamptee (Central Provinces) and the other at Rawalpindi?

(*b*) Do Government propose to advise the Government of the provinces to which they belong to instruct heads of departments definitely that the cases of such clerks should, on their discharge from military service, be considered favourably, and that they should be given clerical appointments commanding fair salaries?

(*c*) Do Government propose to suggest to the Provincial Governments the desirability (1) of throwing open to enlisted clerks discharged from the Military Department admission to Government institutions for training as Police Sub-Inspectors, Prosecuting Sub-Inspectors, and Revenue Inspectors, and (2) of placing the said clerks, after training on probation under Prosecuting Inspectors and Tahsildars for a reasonable time to be fixed by Government within which the candidates should qualify themselves for these posts?

(*d*) Do Government also propose to relax some of the physical and educational qualifications in the case of discharged combatant clerks who may be a little below the standards prescribed for such posts?"

His Excellency the Commander-in-Chief replied:—

"In view of the heavy demands for, and difficulty in, obtaining trained Indian clerks for employment, both regimentally and departmentally, in India, on the frontier and with Overseas Forces, two training schools were instituted in May 1918, one at Kamptee (Central Provinces), and the other at Rawalpindi. The former has since been closed. When trained, the clerks were employed on liberal terms either regimentally, in which case they were enrolled as combatants, or in military non-regimental offices, in which case they were detailed as civilian clerks. As the outturn from the schools did not commence until July 1918, the large majority of the clerks were employed in India, and very few were sent overseas.

The attention of the Hon'ble Member is drawn to Home Department Resolution No 1099, dated the 8th August 1919, published in the Supplement to the Gazette of India, dated the 23rd *idem*, in which announcements were made of the concessions granted in the matter of civil appointments under Government to those persons who have rendered services in the prosecution of the recent war. Copies of the Resolution were communicated to Local Governments and Administrations, and the Government of India do not intend to issue further instructions on the subject."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked:—

Increase of pay of subordinates of the postal and railway mail service staff.

2. "(*a*) Have not Government been receiving numerous petitions from the subordinate Postal and Railway Mail Service staff that their pay should be increased, that the number of working hours should be limited, and that the staff in respective offices should be increased to cope with the increased work?

(*b*) If so, have Government taken any action to inquire into the grievances and remedy them?

(*c*) Is it a fact that the responsibilities of the Postal staff are far greater than those of similar clerks employed in the Telegraph Department; while the qualifications of the Postal staff are in no way inferior to that of the Telegraphists, and that on many occasions the postal officials are made to work on main wires?

(*d*) Is it a fact that Telegraph signal room clerks were granted time-scale pay, with effect from 1st March, 1919, according to local scale telegraphists? If so, has any such scale of pay been granted to those post office clerks who are of the same educational qualifications and do more responsible work than the above-mentioned telegraph clerks?

(*e*) Will the Government be pleased to say what attendance is required from postal clerks? Is it confined to 8 hours daily as in the case of telegraph clerks? If the attendance is more than 8 hours, is any allowance paid for extra work? If not, do Government propose to take immediate action to regulate attendance hours of the postal clerks?

(*f*) Do Government propose to introduce a scheme to amalgamate or equalise the two cadres?

(*g*) Is it a fact that the Audit Branch of the Postal Department and those who were deputed to field service have been given increase of pay, while the Audit Department have had a considerable increase of staff also?

(*h*) Is it feasible to empower the new commission sanctioned to inquire into the grievances of the Telegraph Department to inquire also into the disabilities under which the Postal clerks are suffering?

(*i*) If not, will a new commission be appointed for the purpose?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Yes.

(*b*) Yes. A general revision of the pay of the subordinate Postal staff up to the grade of Rs. 100 at a cost of about 18 lakhs a year has just been sanctioned by the Secretary of State, while the pay of the Railway Mail Service staff was revised, with effect from 1st March, 1919, at a cost of about Rs. 3,25,000 a year. The question of the introduction of a general time-scale of pay for all Post Office and Railway Mail Service subordinates is engaging the attention of the Director-General of Posts and Telegraphs.

(*c*) It is very difficult to compare the duties of postal clerks engaged in signalling work in combined post and telegraph offices with the duties of telegraphists. It is a fact that selected postal signallers work sometimes on main wires, but, as a rule, they are not capable of dealing with very fast traffic. When postal signallers show a capacity for fast telegraph work they are given the opportunity of transferring to the local scale of telegraphists.

(*d*) No. The time-scale of pay sanctioned for clerks, class II, working in departmental telegraph offices is Rs. 30 rising to Rs. 130 by increments of Rs. 5, whereas the scale adopted for local scale telegraphists is Rs. 50 rising to Rs. 130.

No time-scale has yet been granted to post office clerks, but the Director-General of Posts and Telegraphs has under consideration a scheme for a time-scale for all Post Office clerks.

(*e*) The attendance of Post Office clerks is fixed at 8 hours a day as in the case of telegraph clerks. The staff necessary for a post office is calculated on this basis and is revised periodically as work increases or decreases. No allowance is paid to a Post Office clerk for extra work unless it is outside the course of his routine duties.

(*f*) No. The cadres are quite different. The duties are only similar in certain respects.

(*g*) The pay of the Postal Accounts Establishment has been increased and the establishment itself has been, though not considerably, strengthened.

No increased rates of permanent pay have been granted to men deputed to field service.

(*h*) and (*i*) No."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar asked:—

Steps taken by Government to better the pay of Post Office officials at Delhi.

3. "(*a*) What steps have been taken by Government to better the pay of the Post Office officials at Delhi owing to increased expenses on account of house rents, etc.?

(*b*) Will Government lay on the table a comparative statement of articles dealt with by the Lahore and Delhi Post Offices, respectively, during the year 1919, and also give the numbers of the clerical staff sanctioned for each office?"

The Hon'ble Sir George Barnes replied:—

"(*a*) A general revision of the pay of post office clerks up to the grade of Rs. 100 has just been sanctioned and the special conditions of Delhi have been taken into account in fixing the cadre of the postal officials of the Delhi head office. The question of revising the pay of postal clerks on Rs. 100 and above and of the postmen and menials is engaging the attention of the Director-General. It is intended to introduce a time-scale for all classes of the staff.

(*b*) A comparative* statement showing the various classes of articles posted and also the number of unregistered articles received for delivery at Delhi and Lahore during the calendar year 1919 is laid on the table. It has not been possible within the time allowed to collect statistics relating to money orders, value-payable articles, registered and insured letters and parcels received for delivery during the period in question, nor of unregistered letters posted for delivery. The clerical staff of the Delhi office consists of 59 men and that of the Lahore office of 94."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Control of rice.

4. "What are Government's present intentions in regard to controlling inter-provincial movements and export of rice, and what arrangements do they propose to make in this behalf in the different provinces, and when?"

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* Not included in these Proceedings.

The Hon'ble Sir Claude Hill replied:—

"As regards export I would refer the Hon'ble Maharaja to the reply that I made to a question on the same subject asked by the Hon'ble Sir G. Chitnavis on the 18th February. The question of inter-provincial control is under discussion with the Committee of this Council on High Prices."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Requirements in food grains of the people of the different provinces.

5. "(*a*) With reference to the reply to my question given on the 15th September, 1919, in this Council, admitting the unreliable character of statistical information at the disposal of Government, will Government indicate the methods generally followed by them in computing the normal requirements in food grains of the people of the different provinces, or of India as a whole, or their exportable surplus at any given time?

(*b*) What precautions do Government propose to take for preventing serious inaccuracies in these matters in future?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) Government obtain through Directors of Civil Supplies, who take special steps to keep in touch with the position, estimates of the requirements of the Provinces or of the surplus-available for export therefrom, in regard to those articles of food which are still subject to control. No attempt is made to frame a quantitative estimate of the normal food requirements of the people of the different Provinces or of India as a whole.

(*b*) Directors of Civil Supplies have during the past year gained considerable experience in the framing of these estimates, and the Government of India believe that their estimates are sufficiently accurate for practical purposes so far as the present control is concerned. The accepted policy of Government is to remove internal control, as soon as possible, and the need for any such precautions as are suggested by the Hon'ble Maharaja will then, it is hoped, disappear."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Food situation in the different provinces.

6. "Are Government in a position to make a detailed statement showing the present food situation in the different provinces, with special reference to the sufficiency or otherwise of the present stocks of food grains for purposes of domestic consumption in the respective provinces, and the course of average prices during each of the last three months as compared with the figures for the corresponding periods in each province, together with the reasons for any increase in the same that may be disclosed thereby?"

The Hon'ble Sir Claude Hill replied:—

"Government will lay all the information in their possession before the Committee on High Prices appointed by this Council, and I shall also be happy to furnish the Hon'ble Maharaja with any information that he requires, if he will let me know precisely what details he wants."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Speculation in food grains.

7. "(*a*) Are Government considering the desirability of making a declaration of future policy in dealing with abnormal conditions brought about by speculators in the food situation?

(*b*) Have Government any legislative measure under consideration for dealing with speculation and profiteering in food grains and keeping down prices?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The question whether any special steps can be taken to prevent speculation in food grains is being considered by the Committee of the Council on High Prices. So far as speculation exists with a view to export Government have already declared their policy of restricting exports of foodstuffs in the press communiqués which were laid on the table on the 18th February, in answer to a question by the Hon'ble Sir Gangadhar Chitnavis.

(*b*) The reply is in the negative."

The Hon'ble Mr. G. S. Khaparde asked :—

Prohibition against certain Urdu papers of Delhi entering the Punjab.

8. "(*a*) Did the Government of the Punjab prohibit the transmission of copies of the 'Congress' and 'Watanpurast,' two Urdu papers of Delhi, into the Punjab by orders dated 20th October, 1919 and 25th November, 1919, respectively, and are the said orders still in force?

(*b*) If the reply to (*a*) be in the affirmative, will Government be pleased to state the circumstances under which the said orders were passed? Is it a fact that, though the paper 'Congress' has been in existence for one year, it was never so much as warned, much less held to blame for violent or inflammatory writing, and that the paper 'Watanpurast' had not, at the date of the said order, reached the stage of public circulation?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The answer is in the affirmative. The order against the *Congress* has been withdrawn on the re-appearance of the paper with a new Editor. The *Watanpurast* never reached the stage of publication.

(*b*) The *Congress* was excluded from the Punjab on account of its virulent attacks on His Excellency the Viceroy and Government generally; and as the intention of its promoters in publishing the *Watanpurast* was to substitute it for the *Congress*, and so evade the order of exclusion issued against the *Congress* a similar order was passed against it. The *Congress* started publication on 1st February, 1919. It was not, therefore, in existence one year before the order of exclusion was passed. During that period no warning was conveyed to the Editor, but as the tone of the articles was objectionable, the Chief Commissioner, Delhi, subjected it to precensorship and the Punjab Government followed suit. As stated above the *Watanpurast* never appeared."

The Hon'ble Mr. W. E. Crum asked :—

Railway Bridge over the River Hooghly.

9. "Will Government be pleased to state what action they are taking, or intend to take, with regard to the proposed railway bridge over the river Hooghly in the neighbourhood of Cossipore?"

The Hon'ble Sir Arthur Anderson replied :—

"The part of the river in which the bridge is likely to be located has been surveyed by the Commissioners for the Port of Calcutta, and their report and recommendations are now under review by the Government of Bengal. Essential preliminary borings at the proposed crossing are also being carried out by the Eastern Bengal Railway, and the results are awaited."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Working expenses o railways.

10. "(*a*) Is it a fact that the percentage of working expenses has increased to an abnormal extent on some of the railways, a return upon the capital of which is guaranteed either by the Secretary of State or by the District Boards? If so, to what is this high percentage due?

(*b*) Do Government propose to direct that the periodical Director's Report shall contain a full explanation regarding any rise in working expenses and any fall in the revenue of the railways subsidised either by the State or District Boards?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) Having regard to the circumstances of the times Government are not aware of any increases which could be called abnormal in the working expenses of lines such as those referred to.

(*b*) The programme of revenue expenditure on such lines is scrutinised by Government before being sanctioned, and any marked discrepancy would require explanation. Government do not propose to issue directions such as those suggested by the Hon'ble Member, but the point raised by him will be brought to the notice of Boards of Directors."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Revocation of orders against proprietors of printing presses.

11. "Do Government propose to consider the advisability of revoking or securing the revocation of orders issued against proprietors of printing presses and editors and publishers of newspapers requiring them to furnish securities in provinces where it has not been already done?"

The Hon'ble Sir William Vincent replied :—

"The matter is one in which it is for Local Governments to exercise their discretion, and the Government of India do not propose to interfere with that discretion."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Annual increase in the expenditure under salaries and pensions in certain services.

12. "What is the annual increase in the expenditure under (*a*) salaries, and (*b*) pensions in the several services, Imperial and Provincial, in respect of which orders have been passed by the Secretary of State?".

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) The approximate cost per annum of the increases of pay sanctioned by the Secretary of State for the several Imperial and Provincial Services is as follows :—

I will give the details in lakhs.

(*i*) Indian Civil Service	36,00,000
(*ii*) Provincial Civil Service	25,00,000
(*iii*) Indian Police Service	13,00,000
(*iv*) Provincial Police Service	1,00,000
(*v*) Indian Medical Service	25,00,000
(*vi*) Indian Forest Service	4,50,000
(*vii*) Indian Educational Service	10,00,000
(*viii*) Provincial Educational Service	6,00,000
(*ix*) P. W. D. Imperial and Provincial Services	25,00,000
(*x*) Railway Department, Imperial Engineers	1,00,000
(*xi*) Geological Survey of India Department	1,00,000
(*xii*) Indian Mines Department	15,000
(*xiii*) Northern India Salt Revenue Department	50,000
(*xiv*) Bengal Pilot Service	20,000

The estimates given above of the cost of the revision of the pay of the Provincial Civil Service and the Provincial Educational Service are no more than very rough approximations, as Local Governments have still to work out their detailed schemes within the maximum limits approved by the Secretary of State.

(*b*) The increase under pensions is estimated roughly at Rs. 3,00,000 per annum."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Publication of the Medical Services re-organization Committee's report.

13. "Do Government propose to publish the report of the Committee appointed to consider the question of the re-organization of the Indian Medical Services and give this Council an opportunity of discussing the same before final orders are passed thereon?"

His Excellency the Commander-in-Chief replied:—

"The Secretary of State has approved the publication of the Report; this will be done as soon as the recommendations of the Army in India Committee on the subject dealt with have been received by the Secretary of State. It is not possible to say at present whether an opportunity can be afforded for discussion in Council of the Report."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Appointment of conciliation boards or boards of arbitration.

14. "What steps do Government propose to take or to suggest to the Local Governments to take with a view to appoint conciliation boards or boards of arbitration to prevent and settle disputes between labour and capital? Do Government propose to undertake the necessary legislation on the subject?"

The Hon'ble Sir Thomas Holland replied:—

"The Government of India have gathered as much information as possible regarding experience obtained in other countries, and this is now under consideration with a view of consulting Local Governments as to the practicability of devising means in India to prevent and to settle labour disputes. It is not possible, therefore, at present to say whether legislation will be necessary."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Opening of the port of Karachi for the P. & O. Mail Steamers.

15. "Do Government contemplate the possibility of opening the port of Karachi for the P. and O. Mail steamers in the near future?"

The Hon'ble Sir George Barnes replied:—

"There is no intention at present of making Karachi a port of arrival and departure for the P. and O. mail steamers."

The Hon'ble Mr. N. F. Paton asked:—

Premium Bonds.

16. "(*a*) Is it a fact that Parliament recently decided against Premium Bonds being issued in England, for the reason that they might *inter alia* primarily result merely in the transference of large investments in Government securities, etc., already made?

(*b*) Was it represented (1) that there are now about 20,000,000 individual holders of British Government securities, as against 343,000 before the war; (2) that £200,000,000 have been invested in War Savings Certificates; and (3) that the deposits in Post Office and Trustee Savings Banks have increased from under £300,000,000 in 1914 to nearly £1,800,000,000 at the end of 1919?

(*c*) Have Government considered to what extent, if any, the arguments, which are preventing Premium Bonds in England, have application to India?

(*d*) Will Government be pleased to say—

- (*i*) How many individual holders there are in India of Indian Government securities;
- (*ii*) How many of these are holders of Post Office War Certificates;
- (*iii*) What is the total sum now invested in Post Office War Certificates; and,
- (*iv*) What is the total sum now deposited in Government Savings Banks?

(*e*) Having regard to the acting Finance Member's reply in Council to my question on 23rd September last, to the effect that it was probably a fact that very large quantities of silver rupees are being hoarded throughout India, have Government determined on the adoption of any measures calculated to bring into circulation this dormant wealth?

(*f*) Are Government now prepared to consider issues of Premium Bonds with the view that our hoards of idle money may be drawn into circulation and that an opportunity for the investment of savings may be given to persons of small means to whom the existing opportunities afford no attraction?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) The reason mentioned by the Hon'ble Member was certainly put forward by opponents of the motion in the House of Commons on December the 1st last, but a perusal of the report of the debate does not warrant the impression that it was the principal ground on which the House acted in negativing the motion.

(*b*) The figures quoted by the Hon'ble Member do not appear to have been put forward in the debate and Government are unaware whether any such figures were placed before the Select Committee in 1918; but figures somewhat similar to these were quoted in the press at the time.

(*c*) Government have not specifically considered the application to India of the arguments adduced by opponents to the introduction of premium bonds in the United Kingdom.

(*d*) The information desired by the Hon'ble Member in respect of points (*i*) and (*ii*) is not available. As regards (*iii*) the balance invested in Post Office Cash Certificates on the 31st January last was 614 lakhs, and as regards (*iv*) the balance in the Government of India Post Office Savings Bank on the same date was 20 crores and 53 lakhs.

(*e*) The Hon'ble Member is no doubt aware of the steps taken by Government to popularize its loans and thereby encourage the investing habit.

(*f*) The Government of India are at present considering the advisability of allowing an experiment to be made in the issue of premium bonds by local bodies and considering the terms on which such issue can be allowed."

The Hon'ble Rai Sahib Seth Nathmal asked:—

New Arms Act rules.

17. "(*a*) Do the new Arms Act Rules take away from provincial gazetted officers and honorary magistrates the privilege of exemption which they have enjoyed uninterruptedly from the very inception of the Indian Arms Act?

(*b*) Is Government aware that this has caused dissatisfaction among such officers and magistrates?

(*c*) Do Government propose to consider the question of amending the rules further with a view to continue the exemption to these persons?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Yes.

(*b*) Government believe that some dissatisfaction exists, but it has not been brought directly to their notice.

(*c*) The attention of the Hon'ble Member is invited to the Government of India (Home Department) Resolution No. 2125-C, dated the 21st March 1919, in which the new policy in administering the Indian Arms Act is stated. One of the essential features of that policy, which was deliberately adopted after consideration of the opinions of Local Governments and the recommendations of a committee of official and non-official Members of this Council, is the rigid restriction of the number of exempted persons. Provincial gazetted officers and Honorary Magistrates are only two among many classes from which the privilege of exemption has been withdrawn by the application of the new Rules, and Government see no reason for making an exception in their favour."

The Hon'ble Mr. V. J. Patel asked :—

Development in Indian conditions.

18. "Do Government propose to co-operate with the people of India and help them in securing development in Indian conditions as early as possible, and if so, how ?"

The Hon'ble Sir William Marris replied :—

"Government will always be ready to play their part in promoting the political development of India, but they draw the Honourable Member's attention to the expression of Parliament's opinion in the preamble of the Act to the effect that progress in such matters must depend on the co-operation received from those on whom new opportunities of service will be conferred, and the extent to which it is found that confidence can be reposed in their sense of responsibility."

The Hon'ble Mr. V. J. Patel asked :—

Transferred Subjects.

19. "Will Government be pleased to state whether they propose for the information and guidance of the new Legislative Councils and public generally to lay down, in the rules to be made under the new Act, definite principles governing the revision of the list of the Transferred Subjects from time to time within ten years ?"

The Hon'ble Sir William Marris replied :—

"The Hon'ble Member has apparently overlooked the preamble to the Government of India Act of 1919, in which the principles he desiderates are set out in the clearest possible manner. In this preamble Parliament has indicated that progress will depend upon the operation of factors at present unknown Consequently, the Government of India do not propose to attempt to formulate the rate or conditions of the further transfer of subjects in the rules to be made under the Act."

The Hon'ble Mr. V. J. Patel asked :—

Action taken by the Government of Bombay on the Government of India Resolution on Local Self-Government.

20. "(*a*) Is it a fact that the Government of Bombay have not yet given full effect to the local self-government Resolution of the Government of India, in so far as such effect could be given by executive orders, particularly in matters relating to the increase in the number of elected members, election of Presidents and lowering of qualification for votes ?

(*b*) Is it true that as things stand at present, the lists of voters for the elections of the new Legislative Council will be based on qualifications lower than those for the Municipal and Local Board elections ?"

The Hon'ble Sir William Marris replied :—

"(*a*) The question is one which might suitably be asked in the local Legislative Council. The Hon'ble Member is referred to the speech made by His Excellency the President of the Legislative Council of the Governor of Bombay on the 10th December 1919, to paragraph 22 of Resolution No. 8969, dated the 27th October 1919, of the Government of Bombay, and to paragraph 31 of Resolution No. 9449, dated the 11th November, 1919, of the same Government.

(*b*) The qualifications proposed in the case of the Bombay Legislative Council,for classes other than the wage-earners in the city of Bombay, are shown in the Appendices to the Report of the Franchise Committee. Those for rural areas are much lower than the qualifications now in force for elections to Local and District Boards. Those for urban areas also appear to be lower than the qualifications in force for elections to the Presidency Corporation and to the District Municipalities, but as the basis adopted is not identical in the two cases, the Government of India are unable to say what the precise difference is, and would suggest that the Hon'be Member should ask the Bombay Government for this information. As regards wage-earners in the city of Bombay the Hon'ble Member is referred to the answer given to his question on the 20th February."

The Hon'ble Mr. V. J. Patel asked :—

Issue of Press Communique in connection with the Royal Proclamation.

21. "Do Government propose to consider the desirability of issuing a Press Communiqué, for the information and guidance of their officers, that in the new era they will follow strictly the letter and the spirit of the Royal Proclamation in dealing with the people of India ?"

The Hon'ble Sir William Vincent replied :—

"The Government have no reason to apprehend that any of their officers will fail to follow the letter and the spirit of the Royal Proclamation in dealing with the people of India. Such a proclamation has an inherent authority and influence which no Government orders can supplement."

The Hon'ble Mr. V. J. Patel :—"I beg to put a supplementary question, my Lord. Does the Government consider the action of Mr. Hamilton, the District Magistrate of Jullundur, in refusing to renew licences under the Arms Act, on the ground that the applicants attended the Indian National Congress, consistent with the letter and spirit of the Royal Proclamation?"

The Hon'ble Sir William Vincent :—"The Government of India have no official information on the point raised by the Hon'ble Member, and it is a matter for interrogation in the local Legislative Council"

FINANCIAL STATEMENT FOR 1920-21.

11-14 A.M. **The Hon'ble Mr. W. M. Hailey** :—"In your speech delivered on the opening day of this session, your Lordship referred to the great services which Lord Meston had rendered in the cause of Indian Reforms; I may be permitted here to-day to add an expression of regret that his guiding mind is no longer at the disposal of India at a time when her finances present so many complicated problems; that this Council will no longer have the benefit of that happy gift of lucid exposition, which could render interesting the most complicated questions of finance and seemed able to endow with a spirit of life the dry bones of our statistical tables. That happy gift I cannot pretend to emulate; but I will venture to pay my distinguished predecessor the compliment of attempting to imitate the method adopted by him last year in introducing the Financial Statement. I will not read out to Council the necessarily lengthy Statement which I shall shortly place on the table, but will give as briefly and as clearly as possible the salient features of interest in it.

"I shall deal first with the facts and figures of the financial year now drawing to a close. While for our partner nations in the great War it has been a year of demobilisation, a year in which they have been able to devote their efforts to making a beginning in the reorganisation of their social and industrial forces, we have had troubles of our own which, if small in comparison with what Europe has endured during the last four years, have nevertheless had a dominant influence on our finances. But for the Afghan war and Waziristan campaign, there was nothing in the history of the year which would have been likely to disturb our budget anticipations. Scarcity conditions, resulting from the monsoon failure of 1918, persisted through the earlier months of 1919, and before June famine had been formally declared in twelve British districts and certain Native States. But though the area affected by the scarcity was unusually wide, the maximum number of persons on famine relief was less than one-tenth of the number on relief in 1900. All apprehension of really severe famine conditions was relieved on the arrival of the monsoon. Somewhat late in coming and at first ill-distributed, it declared itself in strength towards the end of July and finally gave a rainfall such as India had not seen for many years past. It is true that, though the monsoon relieved the immediate actual scarcity, it did little to reduce the prevailing and widespread stringency due to high prices, which has caused and is still causing great distress to all classes on fixed wages and fixed incomes. We have witnessed the inevitable reaction in strikes and threatened strikes throughout the country; the temporary provision made in the shape of allowances to lower paid Government servants has already added seriously to our expenditure, and both the Imperial and Provincial Governments have had to include in the figures for the coming year large provision for the revision of their subordinate establishments. But if many of the poorer classes were suffering from the stress of prices, the general economic conditions were undoubtedly favourable to trade. With the gradual improvement in freightage and traffic facilities both imports and exports have increased There has been a marked improvement in the balance of trade in favour of India. That balance in the first nine months of the year amounted to 64 crores as against 35 in the previous year, and an adverse balance of 5 crores in 1917. A further proof of the growing prosperity, and a clear evidence of the extent to which India has accumulated capital during the war, was afforded by the remarkable growth of company flotations during the year. We may take somewhat divergent views of some aspects of this extensive flotation of capital issues; for the present I only adduce it as encouraging evidence of India's increased interest in the economic use of money and her obvious ability to finance an era of industrial expansion.

"Up to this point, with the exception of the strain caused by the Afghan war and the internal pressure of high prices, the financial history of the year has presented no unusual features. There is, however, another side to the narrative of more peculiar interest to-day, and one with which I know the Council will wish that I should deal in some detail: I mean the history of currency and exchange during the year. We fortunately had no such violent currency crisis as that which Lord Meston described so graphically last year. Though we have used up the great bulk of the bullion secured to us by the Pittman Act, and which saved us from inconvertibility last year, we have now a reasonably strong holding of silver coin. In October it stood at 35 crores, the highest since 1915; it stands to-day at over 28 crores. Strong as our holdings are, we shall not be in calm water till we can be assured of laying our hands on fresh supplies to replenish the gradual process of absorption now taking place—a difficult matter in the present state of the world's markets. We have, therefore, reluctantly been obliged to retain the restrictions on the free encashment of notes at our district treasuries; and to maintain the check on the movement of silver by train. But if the silver position has not caused us any great anxiety, the movement of exchange has been of engrossing interest during the year. Lord Meston explained last year how the rise in exchange followed the breaking away of silver from its pre-war level That process has continued, and the further changes which have been made in the rates for Council drafts have as before been dictated by the threat of a heavy loss on coinage and the danger to our silver currency caused by the premium on the export of rupees.

"The closing fortnight of the last financial year introduced a new factor into the problem, which has rapidly grown to dominate every other feature. In March last official support of the American exchange with England was withdrawn: the dollar exchange, weighted down by the indebtedness of Europe and the balance of trade against her, commenced to fall; and the American price of silver ceased to be the one dominating factor in determining the rupee sterling exchange. The rate at which India could acquire silver for coinage no longer depended solely on the price of silver in dollars, but was adversely affected by the smaller number of dollars that could be obtained for the pound sterling. Moreover, the rising price of silver itself received a new impetus early in the current year, through the removal in May of control in America. The lower exchange value in America of the pound sterling, and the rapid rise in the price of silver in American currency, necessarily entailed the raising of the exchange value of the rupee, if we were not to see our silver coins smuggled out of the country and our currency notes made inconvertible. In May the rate for Council drafts, which had remained stationary at 1*s*. 6*d*, for over a year, advanced to 1*s.* 8*d.* and this was followed by further rises till in December the rate stood at 2*s.* 4*d.*

"To counteract as far as possible inconvenience to trade from the instability of exchange, Council and sterling drafts have been offered for sale as freely as our resources in India or at home, as the case may be, have permitted. During the first nine months of the year the demand for Councils persisted with varying degrees of urgency, until January when a complete reversal of the position occurred. The Currency Committee had just completed their sittings and their conclusions were awaited. The export trade at the time was not urgently calling for finance, and the uncertainty as to the future led a number of remitters to take advantage of the 2*s.* 4*d.* rate then prevailing. A demand for sterling drafts arose and during January Reverse Councils to the extent of 5⅛ million were sold. This recital of the changes which the year 1919 has witnessed in the exchange value of the rupee brings me to a consideration of the new orientation which has recently been given to our policy, with the acceptance by the Secretary of State of the recommendations of the Indian Currency Committee. We have accepted without qualification the Committee's conclusions, which are substantially on the lines which we ourselves recommended in October last. It is possible that the Secretary of State's decisions on certain of the Committee's recommendations may be the subject of discussion or legislation in this Council. For the present, I will merely indicate the two outstanding features of the Committee's recommendations; these are, firstly, the linking of the rupee to gold, and secondly, the adoption of a ratio therefor equivalent to one-tenth of the gold contents of the sovereign.

"On the first point, I think it may fairly be said that there is a strong body of opinion that the Committee's conclusion was inevitable Linked to sterling, the rupee would share with the latter all its fluctuations of fortune. Every rise of prices in sterling-using countries would inevitably, by the mechanical linking of the rupee to the pound, communicate to this country the same shrinkage in the purchasing power of money, and until sterling regained its parity with gold, India would be saddled with an unstable and fluctuating standard of value. We should continue to share with the United Kingdom all the evils of inflated prices. It would be impossible to give any definite gold value to the rupee, or to say what amount of silver a rupee could purchase in America; while restrictions on the movements of the precious metals would have to be continued indefinitely.

"As regards the second point, the actual rate to be adopted for the ratio between the rupee and gold, the matter is more controversial; and fears have been expressed in some quarters that the rate of R10 to the gold content of the sovereign is too high, and may inflict injury upon our export trade. I will only emphasise two considerations, bearing on the choice between a high and a low rate, which seem to me to outweigh all others. The first is that, if the high prices now prevailing in most foreign countries are to be brought into relation with Indian prices on an exchange basis for the rupee at anything approaching the old level of 1*s.* 4*d.*, then the consequences to the people of this country would be little short of disastrous; the present level of internal prices would be stereotyped, or, as is more probable, would advance to heights even now unthought of. The interests of the many millions of consumers in India, whose margin of subsistence is at the best none too large, must come before those of any other class. Secondly, a return to a low exchange would very seriously imperil all chance of maintaining the convertibility of the note issue. If the rupee were linked on to gold at a rate of 15 rupees to the gold content of a sovereign, it would be impossible to maintain our silver currency unless the price of silver in America remained below 92 cents. At 10 rupees to the sovereign we can purchase silver and coin rupees therefrom up to an American price of 138 cents, which is well above the melting point of the currency of almost every other country.

"Unfortunately (and I come now to the fact which will be most prominent in the minds of Council and the public to-day in this connection because the result of the working of these theories is, perhaps, of more interest than the actual theories themselves), at about the time that the Report was published the dollar-sterling exchange, which had already fallen heavily, took a further downward plunge. In these circumstances, the linking of the rupee to gold necessarily caused its exchange value as expressed in sterling to rise by several pence. The demand for reverse Councils became unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of reverse Councils which we sold during February. This fact resulted in a considerable divergence between the gold rate at which, following the Currency Committee's policy, we have been selling reverse Councils and the actual market rate. Speculators and profiteers have not been slow to take advantage of the situation. The effect of the heavy remittances made, accompanied by a sudden attempt to realise assets, was sensibly to tighten money. The present situation is one that requires caution in handling, and we have been in continuous communication with the Secretary of State in the matter. The general lines of the legislative measures which with the sanction of the Council we propose to take, have been explained in a public announcement made on February the 23rd. The object of these measures is to provide for the continued sale of reverse Councils with the minimum embarrassment to the market through the withdrawal of funds, and I do not think I need say any more on the subject on the present occasion. But I must add a warning that a prolonged continuance of the present conditions would inevitably react upon our whole ways and means programme for next year, which is now, by reason of its very magnitude, far more dependent than formerly upon Indian money conditions.

"This account of the course of exchange, and of the measures which have now been taken to adjust our policy to the changed conditions of the time, brings me to a matter which is of considerable importance in dealing with our revised estimates and our budget anticipations, and to which I must devote some explanation. Our accounts have throughout the year continued to be kept on a 1*s.* 4*d.* basis and the Secretary of State has decided that, for the purpose of this Financial Statement, the conversion of rupees into sterling and *vice versâ* should be effected at the old level. This results in a number of complications, particularly as regards our capital and remittance transactions, to which I shall refer in due course. In order that the Council may judge of the aspect of our budget on the 2*s.* basis, which the Secretary of State has decided to adopt for all our accounts and statistics with effect from the 1st April next, I have had a separate statement prepared showing the budget estimates of revenue and expenditure for the next year as recast on the new basis. The matter with which I am more immediately concerned is the method by which we propose in the revised and budget estimates to treat our gain by exchange. We estimate that during the current year the net gain, that is, the gain after deducting the loss on rupee coinage and on gold purchases, acquisitions and sales, will amount to R11¾ crores.

"Now it will be at once obvious to Hon'ble Members that in this "gain" there is a great element of artificiality, and that it would not be correct to assume that whenever our accounts show a gain on exchange, this represents a real accretion to our resources, for the so-called gain we obtain every time we transfer a million pounds to the Home Treasury is liable to be turned into a loss if the amount has to be retransferred to India. There are, however, certain of our operations, the exchange gain in respect of which we are entitled to regard as real and permanent. Most of our capital outlay on railways consists of the purchase of machinery and stores in Europe or America. We have decided therefore, in view of the large sums involved, that our capital accounts should properly get the benefit of the higher rate of exchange prevailing. Accordingly, out of our total gains by exchange of R11¾ crores in the current year, R7¼ crores will be credited to the railway, irrigation and Delhi capital accounts.

"There remains, then, R4½ crores to be dealt with, and when considering how this should be treated we are met by another fact of capital importance. The definite abandonment for accounts purposes of the 1*s.* 4*d.*

rate, and the adoption therefor of a rate of 2s. to the rupee, will result in our accounts showing, what after all is merely an accomplished fact, a serious capital loss on our sterling holdings, more particularly on those which form the sterling portion of the Paper Currency Reserve. Without entering here into the details on which the calculation is based, I may say that the deficiency in our Paper Currency Reserve, assuming a revaluation on a 2s. basis, may ultimately amount to nearly R40 crores.

"I wish to emphasize very strongly that the making up of this deficiency is not a matter which can be postponed indefinitely, or can be regarded as of theoretical rather than of practical importance. Quite apart from any question as to our legal responsibilities under the Paper Currency Act, the circulation of our currency notes rests ultimately upon public confidence, and we cannot contemplate with equanimity a position in which the amount of the securities held in the Reserve is patently insufficient to cover the circulation. The importance of adopting speedy measures to supply this deficiency is obvious ; it is equally obvious that this object should have the first call upon the gain by exchange, seeing that they are both due to one and the same cause. After consultation with the Secretary of State, we have decided to earmark the residue of the current year's exchange gain, amounting to R4½ crores, for meeting this deficiency.

"I have now finished with the greater part of the technical matter and I can come to an account of our actual incomings and outgoings.

"I will first deal with the ordinary heads of revenue and expenditure. In framing his estimate of revenue for the current year, Lord Meston was faced with a very obscure situation ; but he took an optimistic view; and events have justified his optimism. Both Railways and Customs show a response to the improved economic conditions of the year; and income-tax has also exceeded our budget expectations. The net result will be that our Imperial revenue will be R1,35½ crores against an estimated total of 1,29½ crores. Our ordinary heads of expenditure (excluding for the moment the Military Services) will show a nearly corresponding excess. Taking the whole ordinary expenditure (excluding Military) the total will amount to R69 crores against an anticipated total of R64 crores: and the position as between revenue and expenditure is a great tribute to the accuracy of the estimates prepared last year by Lord Meston and Mr. Howard. It is when we come to take count of the figures of Military expenditure that the result assumes an aspect entirely contrary to their anticipations. They expected a surplus of £600,000; I have to announce a deficit of £14⅓ million. The Budget provided for a total Military expenditure of £41¼ million, which included £8¾ million representing the current year's instalment of the additional war contribution. In respect of this last item we will actually pay only £1½ million; on the other hand, the Afghan war and the Frontier operations are estimated to have cost us £14¾ million, while the ordinary military expenditure shows an excess of £8¼ million, the net result being an excess of no less than £15¾ million. That is a result for which, I know, the Council will to some extent be prepared, but which nevertheless requires some justification.

"In presenting the Military estimates for the current year, it was assumed that the year 1919-20 would be one of demobilisation. Unfortunately, as the Council are well aware, this anticipation has not been realised. We were compelled not only to postpone the disbandment of considerable bodies of additional troops which were raised in India in 1918, but also to adopt every expedient which economises human life at the expense of mechanical contrivances and which makes life more comfortable on field service. High prices ruled everywhere and these affected not only the cost of material but the cost of our Indian recruits, including followers. But the expenditure was unavoidable; when it is a question of war, purely financial considerations must necessarily give way. So much for our direct expenditure on the Frontier operations; but apart from this the general military expenditure in the current year is as I have said estimated to exceed the specific provision in the budget by £8¼ million. The occurrence of this excess expenditure, in addition to the direct liabilities of the Frontier operations, has engaged our anxious attention for some time past, and in November last, a Sub-Committee of the Executive Council was appointed to investigate the causes contributing to the excess demand. In the result, while steps were taken to enforce every practicable economy, extra expenditure to the amount now stated has been found to be inevitable The detailed figures will be found in the Financial Statement; the excess is explained partly by the cost of the war gratuities and by the increase in the pay of personnel; partly the execution of items, ahead of programme, which, though adjustable for accounting reasons against the ordinary estimates, are more or less directly attributable to the Afghan war. In short, regrettable as the excess of ordinary military expenditure may have been, it was obligatory, and much of it is of a kind which will be of permanent value.

"So much for the details of revenue and expenditure, leading up to our deficit of £14⅓ million. But the financial history of the current year is not yet quite complete, for I must refer briefly to the manner in which we have financed ourselves during the year, a question dealt with in that portion of our budget known as the Ways and Means section. I do not think I need enter into great detail here. One fact I may state by way of preface. We now no longer suffer from the difficulties which caused so much embarrassment to Sir William Meyer and Lord Meston, by the fact that so much of our cash balances were locked up in London. It has now become possible for the Secretary of State to retransfer his surplus balances to us by means of remittances of gold; and the difficulties of the future are likely to arise not from the *locale* of our resources but from their amount. Neglecting for the present the Secretary of State's transactions, we have had to provide finance in India for 130 crores. Allowing for receipts of gold and from reverse Council Bills, amounting together to 80 crores, we have had to find 50 crores by other means. It is the method by which this sum has been provided which will interest the Council. Our rupee loan realised 21¼ crores. We made no attempt on this occasion to repeat the special propaganda associated with the two war loans; we had in 1917 and 1918 dipped heavily into the pockets of the investing public; and in the present year we had, competing with us, a very large number of new Company issues. The result of our loan therefore is, as I think the Council will agree, of hopeful augury for the future.

"Leaving on one side, as of minor account, the figures of cash certificates and savings bank deposits, I come to a source of finance which has become of increasing importance—if occasionally also of some anxiety to us—our Treasury Bills. Lord Meston entertained the hope of being able, during the course of 1919-20, to reduce our treasury bill outstandings by about R22 crores. These hopes were defeated by the large outgoings due to the Afghan war and the frontier operations, which had to be financed mainly by fresh sales of bills; the extent to which this was necessary will be gathered from the fact that at one period in October our outstandings had grown from 49¼ crores on April 1st to no less than 68 crores. In September our treasury position was one of particular difficulty and, I know, was viewed with anxiety by Mr. Howard. There were heavy maturities of bills to meet, and very high military issues, while the Secretary of State was drawing on us for Councils at the rate of about a crore a week. The proceeds of the loan were speedily exhausted, and our balances remained so low that all possible sources of assistance had to be exploited. In the first place, as in the preceding year, the Presidency Banks were able to come to our help, and, all told, their advances to us amounted to 18½ crores. Secondly, we were obliged to obtain from the Council legal authority to increase our fiduciary issue of notes by 20 crores.

"In December (a month in which little revenue is collected and when our treasury balances are at the best of times always low) we had no less than 26½ crores of treasury bill maturities to meet. During December it seemed from day to day that we should have to fall back on our increased powers of note issue, but events happily took a more favourable turn; we were not driven to that final extremity, and we managed to turn the corner till, at the beginning of January, our revenue began to come in. Since then our position has been one of comparative ease; and we anticipate that we shall be able to reduce our treasury bill outstandings by the end of the year to the figure at which they stood at the beginning of April last, while the whole of the ways and means advances will have been repaid to the Presidency Banks.

"But we have been sailing very near the wind, and the moral is obvious. Anything approaching 50 crores of treasury bill outstandings, to say nothing of the 68 crores reached in October last, is a dangerous amount of floating debt for India to carry. We must do all in our power to reduce our floating debt to more manageable proportions. In so far as this is not effected by funding in our long term loans, we must aim at utilising any surplus, arising from our ordinary revenues, to strengthen our ways and means position and to make us less dependent on the particular form of finance with which I have been dealing.

"So much for the history of the year that is ending; I now turn to the budget for the coming year. I do not propose to trouble the Council with many details of our anticipations under the various heads of revenue and expenditure. Broadly speaking, these are based upon the belief that there will be no set-back in general prosperity and that our revenues will continue to show that same expansion which has been exhibited in the current year.

"As regard Customs we are budgeting for R25½ crores, representing an increase of over R3 crores on the expected revenue of the current year. Under Railways we have taken an increase of R4 crores over the R80 crores budgeted for the current year. As regards the gains from exchange, I will confess at once that it is difficult to frame a reliable estimate of what this figure is likely to be next year; on the best estimate we are able to frame, our total gain during the year will amount to about R30¾ crores. Of this amount R12¾ crores will be credited to our capital accounts; we propose to earmark R12 crores towards meeting the deficiency in the Paper Currency Reserve, leaving R6 crores to be credited to our revenue account.

"If these anticipations be realised, our total Imperial revenue will be £92½ million (R1,38¾ crores). The estimate assumes the discontinuance of the Excess Profits Duty which was imposed as a temporary measure in March last.

"On the expenditure side, there is little to bring to the notice of Council. Altogether our expenditure under the ordinary heads is expected in the aggregate to exceed that of the current year by £3 millions. The most important item, however, if of course our military expenditure. We are entering a total figure of £40 million, as against £41¼ million in the current year's budget and the £57 million which we are expecting will actually be incurred; but I would ask the Council to bear in mind that whereas out of our figure of £41¼ million last year only £32½ million was meant to be available for the effective service of the army, our figure for next year gives £38½ million as so available. The question of military expenditure for the coming year has caused us no less anxious consideration than that of the excess expenditure during the year drawing to a close. The matter is being specially examined by the Sub-Committee of His Excellency the Viceroy's Council, to which reference has already been made, and the problem with which they have to deal is one of unusual difficulty. But I may say at once that, if India is to maintain in an efficient state an army of the strength required for the adequate defence of her frontiers, the cost of the military services will in future be much in excess of the sum which we have been accustomed to allot in our budget for this purpose. We obviously cannot revert to the pre-war standard of equipment, since it would be neither right nor humane to deny to our soldiers the advantage which an improved equipment ensures, and the new equipment is extremely expensive both in initial cost and cost of maintenance. I can give the Council a guarantee that the very full data collected by the Army authorities have been exhaustively scrutinised; every feasible economy has been effected, and the provision of £40 million is the least which can safely be inserted in the Budget.

"I have given the major details both of revenue and expenditure; and I now come to the net result; and it is the net result which will after all have most interest for the Council this morning. The net result is that we anticipate a total expenditure of £90½ million resulting in a surplus of £2 million. This is somewhat higher than that for which we usually budget, but if I have carried the Council with me in the remarks I made just now regarding the grave necessity for keeping down our floating debt, it will appreciate our reason for going somewhat beyond the usual figure. But what the Council will also desire to know most, is whether we hope to attain this surplus without increased taxation; and I will not keep them in suspense on the subject.

"In only one direction do we propose to modify our present scale of taxes. The present super-tax on the undivided profits of companies and firms has been the subject of considerable criticism in the past. In the speech which he made last year on the Excess Profits Duty Bill Lord Meston gave on behalf of Government an undertaking that the question of so readjusting our taxation on incomes as to meet these objections would be considered as soon as the excess profits duty ceased to be levied. That time has now arrived. On the best estimate we have been able to frame we conclude that, if we relieve the undivided profits of companies and firms of the super-tax at present imposed, which runs up to 3 annas in the rupee, we shall lose about R1,76 lakhs. We therefore propose to replace this by a new form of super-tax, which will be assessed at the flat rate of 1 anna in the rupee upon the total income of each company in excess of R50,000. The new super-tax on companies is estimated to bring us in about R44 lakhs more than we lose. We should have been glad of course to have utilised this surplus in regrading the lower stages of the ordinary income-tax in order to relieve the poorer taxpayer and to make the stages more symmetrical. But we have felt it unsafe to do so at present in view of the necessity, to which I have already referred, of making provision for meeting our temporary debt and short term liabilities.

"I have one more explanation to give in connection with the estimates of revenue and expenditure, and it is an important one. Both in our revised estimates and our budget for the coming year provision has been made for the payment of certain portions of India's further contribution towards the cost of the war offered to His Majesty's Government in pursuance of the Resolution passed in this Council in September 1918. These entries have been made only provisionally, since the Resolution contained a reservation that the offer of this further contribution should be subject to the conditions and safeguards indicated in Sir William Meyer's speech. Those conditions were that the payment would be reconsidered in the event of two contingencies occurring,—firstly, our having to fight on our own frontiers and to incur large expenditure in that connection, and secondly, our being faced with serious financial burdens in other respects such as a famine or great currency crisis. The Council will probably agree with me that the second contingency has not arisen. But the expenditure of about £15 million involved by the Afghan war and frontier operations of 1919 clearly makes the first condition operative. Whether we should stand on that condition, or should agree to waive it, wholly or in part, is a matter which must be left to the verdict of the non-official Members of the Council. There are considerations of weight on both sides. I will not attempt to balance these here, but in order to provide Honourable Members with the material necessary for forming an opinion on the merits of the case, I have appended to the Financial Statement a special note on the subject, in which I have endeavoured to state impartially the financial aspects of the case.

"I will now deal with the demands which we anticipate will fall on our cash resources during the coming year. The most important item is our capital outlay on railways, irrigation and Delhi. We hope to continue the progressive railway policy initiated last year and are budgeting for a railway capital expenditure of £18 million in England and 4½ crores in India as compared with the £18 million in England and *nil* in India budgeted for the current year. For irrigation we are budgeting for £580,000, which is all that the Public Works Department can spend until some of the large new projects now begun or under contemplation reach a more developed stage. For Delhi we are entering £800,000, which is however, reduced to £736,000, by a credit for gain on exchange. Another very important item is the entry of £13 million for discharge of debt. From 1920 onwards our various series of War Bonds, issued in 1917 and 1918, will mature, and for some years their repayment will make a severe call on our resources; on August 15th next we have to find over 19 crores for this purpose.

"Next, we hope to apply 9 crores in making up the deficiency in the Paper Currency Reserve; and finally, we have to meet heavy drawings by the provinces on their balances amounting to over 5½ crores, largely required to finance increases in the pay of subordinate establishments. Altogether, then, we have to meet liabilities amounting to £38½ million. This is a heavy liability, and our power to incur the capital outlay proposed will depend to a large extent on the measure to which we can count on obtaining money through our rupee loan. We assume, for the present, that the Indian public will be prepared to take up our loan with something of the freedom shown in the current year and have felt justified in taking a figure of 15 crores. Should we be disappointed in this, we shall be obliged, however reluctantly, to curtail our capital programme. With the remainder of the details making up the total of £38½ millions I need not now trouble Council.

"I have now summarised the revenue and expenditure and the ways and means forecasts for the coming year; and I can conclude a narrative which I am afraid must have already proved too long for the patience of many here. But before I do so, I must allude to one financial consideration of engrossing interest to most members of this Council. I promised a week ago a statement regarding the extent of the finances which will be at the disposal of the reformed governments under the new classification of accounts. The Joint Report of 1918 anticipated an Imperial deficit of 13½ crores, that deficit being made up by contributions from the provinces. This would have left the provinces in the aggregate with a net surplus of about 2 crores. After considering the effect of the present budget as arranged on a 2 shilling basis, we now feel justified in assuming for the present a reduction of the Imperial deficit to 6 crores, and we have provisionally indicated this figure to Lord Meston's Committee on Financial Relations as the basis of their inquiry into the apportionment of contributions We have further indicated that we propose to assume the liability for extinguishing these contributions within a measurable time. The result will be that, adopting the figures of the provincial budgets for next year, as at present known to us, the Local Governments will be 11 crores a year better off than under the present division of revenues between the Government of India and themselves.

"Let me now add a few words as to our general position, in the present and immediate future. It would indeed have been a grateful task had I been able, in presenting to the Council the revised estimates of the present year, to exhibit a result more in keeping with the anticipations expressed by Lord Meston on the 1st March last year. But if the Afghan war has involved us in a heavy deficit, the picture is not entirely devoid of brighter features. Our revenue has more than fulfilled the expectations formed last March; our silver reserves stand reasonably high; and we have managed to finance ourselves up to the present without utilising the power taken last September to increase the fiduciary note issue. For the coming year we take, and experience shows that we are justified in taking, an optimistic view of the growth of our major revenue heads. Our estimate of expenditure is of course dominated by the high figure which we have been obliged to insert on the Military account, but we hope to finance the increased demands on our resources, both civil and military, without any additional burden to the country other than that involved in the rearrangement of the super-tax to which I have already alluded. On the capital side we contemplate a liberal railway programme; and we look forward to meeting the repayment of the 19 crores of War Bonds which fall due in August next. Let me again emphasise the fact that this programme can only be realised if India gives a liberal response to our rupee loan in the coming year.

"As for the future, the revenues of India are steadily and surely expanding; and their expansion affords a guarantee, in my opinion, of their adequacy to meet such problems of development as immediately confront the administration of the country. Our pre-occupations lie rather in the provision of ways and means to meet our capital liabilities. Our outstanding liabilities are not light; we are still carrying nearly 50 crores of Treasury Bills; and between 1921 and 1928 we have to meet 72 crores of short term securities. Meanwhile, our railways will not cease to demand fresh provision of capital money and we have heavy irrigation projects in view. The solution of the problems of the future depends therefore on the growing accumulation of capital wealth in India, and the interest which the Indian money market evinces in our loan issues. We had evidence during the war of what India could invest under the inspiration of patriotic motives; the response to our last year's issue afforded a proof that business India accepted our loan as a sound and profitable security. With such proofs before us, and in the belief that the social and material development of the country will carry with it an increased sense of responsibility for the economic use of its expanding resources, we need not hesitate to look on the future with a full measure of confidence and trust."

Narrative of the Finance Member

INTRODUCING THE

FINANCIAL STATEMENT FOR 1920-21.

Introductory.

"The procedure for dealing in Council with the Financial Statement will be the same as in the past two years. A general debate upon it will take place on the 8th instant; the detailed discussion will follow, ending on the 13th and I hope that the Budget will be presented in its final form on the 22nd. In this narrative describing the financial events of the current year, and our proposals for the next year, I cannot do better than follow the general sequence and arrangement adopted by my distinguished predecessor. A full explanation of the details of revenue and expenditure under the various heads will be found in the Secretary's Memorandum which will as usual be laid before Hon'ble Members.

SECTION I.—THE YEAR 1919-20.

A.—General characteristics.

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"2. In dealing with the financial year 1918-19 Lord Meston pointed out that the year fell into two sharply divided periods, and described the change which came over business and financial conditions generally on the sudden collapse of the German resistance in November 1918. The financial year with which we have now to deal has witnessed the conclusion of the major peace negotiations, the ratification of the peace treaties with Germany and Austria, and the inauguration of that great conception, the League of Nations, on the success or failure of which so much of the future of civilisation depends. But, while the other partner nations of our Empire have been able to demobilise their armies, and to make some beginning on the uphill task of repairing the industrial and economic havoc caused by four years of war, here in India, though happily spared from many of the consequences which the war has brought to the nations of Europe, we have nevertheless had to face troubles peculiarly our own. The peace, which for a generation has existed on our borders, has been broken; and the armies of India returned home from France, Mesopotamia and Palestine only to find laid upon them the further task of defending the soil of India from a threatened invasion from Afghanistan. That peril averted, they have had to face a prolonged campaign, and in the most arduous conditions, in reducing the Mahsud and Wazir tribes. Nor need I add that the effect of these operations is written large over the financial history of the year, and has roughly disturbed the anticipations which Lord Meston felt justified in making.

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"3. But for this, my task to-day would have been limited to recording the history of a year, not indeed uneventful, but of fair harvests, of growing revenues, and, save for the continuance of high prices, of general prosperity. It fell to Lord Meston to record the failure of the 1918 monsoon, with the resulting scarcity which, although happily less intense than had been known on many previous occasions of drought, nevertheless affected an unusually wide area. This year we are fortunately able to look back on a monsoon such as India has not enjoyed for many years past. It was, it is true, late in declaring itself. The Arabian Sea current appeared in the Peninsula at about the normal date, while the Bay current arrived in Northern India about a week before the usual time. But up to the middle of July, both currents were fitful and were deflected to an unusual extent to the Central Provinces and the adjoining districts to the east; north-western India accordingly suffered, and in that part of the country, as those who followed the movements of our troops on the frontier know only too well, intense hot weather conditions prevailed. By the end of the second week in July, however, the monsoon began to penetrate into Northern India and before the end of the month had spread over practically the whole area. Throughout August, it was well above its average strength, and although it weakened considerably in September, it returned at the end of the month with a force which caused great destruction of life and property in Eastern Bengal. It was somewhat fitful in October, but gave good rain in November and December. Altogether the total monsoon rainfall of the year was 9 per cent. in excess of the normal.

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"4. The failure of the 1918 monsoon, and the widespread epidemic of the autumn, had their effect on the spring harvest of 1919, and scarcity conditions continued till late in the summer. In 1918 famine had been recognized as prevailing in certain parts of the country; the early months of 1919 saw famine declared in four districts in the Bombay Presidency, three districts in Bihar and Orissa, three districts in the Central Provinces, one district in each of the Bengal and Madras Presidencies, three districts in Hyderabad, and in certain parts of Central India and Rajputana. The number of persons on relief of all kinds rose to a maximum in June of 589,535. This figure is less than one-tenth of the maximum number on relief in 1900, although the failure of the monsoon of 1918 was certainly no less widespread than that of 1899. Scarcity of fodder continued during the greater part of the year in the United Provinces, the Punjab, Bombay, Rajputana and Bengal, and the special concession rates for its carriage by rail remained in force in the affected tracts during this period. Apart from large grants for distribution in affected areas in the shape of agricultural loans and advances, a sum of R1,00,000 was given to the Punjab Branch of the Imperial Indian Relief Fund to assist the opening of cheap grain shops in that Province, and grants in relief of local distress aggregating R7,30,500 were made to various provinces by the Indian People's Famine Trust. As the monsoon declared itself conditions improved rapidly towards the end of the year, and at its conclusion all relief operations had practically ceased. Fortunately, the gradual cessation of famine conditions was not accompanied by any general recrudescence of the epidemic of influenza which ravaged India in the autumn of 1918. In certain cities sporadic outbreaks occurred, but they were confined to specific localities, and the epidemic had none of that devastating effect on the rural economy of the country which marked its course in 1918.

h prices.

"5. I wish it were possible for me to record that the monsoon of 1919 had resulted in a marked reduction in the high prices which have brought so much distress upon the labouring classes and those with fixed incomes. The autumn harvest was good, yet the price of millets, which form the staple food of the people in many parts of India, remained abnormally high; while in spite of the prospect of a good wheat crop, and of the fact that exports are rigorously restricted, the price of wheat is still in the neighbourhood of 6 seers to the rupee. The Council is already aware of the remedial measures which we have taken in this respect, and which from time to time have been described by my Hon'ble Colleagues in the Revenue and Commerce Departments. I will only offer three brief reflections upon this subject, at once the most difficult and the most anxious of the problems which we have now to face. The first consideration is an obvious one—the effect upon the public expenditure. The burden of high prices has been felt in a special degree by the large number of low-paid Government servants, and both the Central and Provincial Governments, in common with other employers of labour, have been obliged to give large increases of pay, either in the form of allowances or of a general revision of emoluments. The process of revising the pay of our establishments still continues and will be responsible for a heavy increase of expenditure in the coming year. Secondly, it must be remembered, as was pointed out by the Hon'ble Mr. Mant in the interesting debate on prices which we had at the September session, that after a serious failure of the monsoon it generally takes several years of good harvests before prices approach their former level. Thirdly, and most important of all, there are factors in existence, external to this country, which have operated and are still operating to keep prices high, and it is questionable whether, even if there had been no failure of the monsoon in 1918, the prices of many commodities would not have risen almost to their present height. I refer to the enormous increase in world prices, which is the most striking economic effect of the great war, and has been caused, partly by the inflation of credit and consequent depreciation of money in the belligerent countries, and partly by the decrease in productive output resulting from the war. I need not weary the Council with what, after all, are only economic truisms. It is sufficient to say that, unless India were shut off from all commercial intercourse with foreign countries, prices here must have been affected by the enormous enhancement experienced in the rest of the world. Sooner or later, it was inevitable that the general decrease in the purchasing power of money elsewhere should react upon the purchasing power of the rupee. I shall return to this subject later when discussing the recently published recommendations of the Indian Exchange and Currency Committee, whose report bears witness to the high importance which they attached to the necessity for mitigating for the people of India the economic evils which have fallen upon most of the nations of Europe.

Trade and Commerce.

"6. General trade conditions have been somewhat unsettled. The upward tendency of exchange during the whole of the year induced caution among merchants engaged in foreign trade, while the shortage of tonnage during the first half was, generally speaking, adverse to business. The net result, however, has been a well-marked increase in the value of imports and exports of private merchandise, although it is of course necessary to remember that a steady rise in prices of commodities imported and exported frequently obscures an actual falling off in the volume of trade. The total value of imports during the first nine months of the year showed an increase of over R16 crores, or 13 per cent., as compared with the corresponding period of 1918, and the total exports, including re-exports, increased by R53 crores, or 28 per cent. The balance of trade, so far as is shown by the statistics of merchandise, treasure, Council Bills and similar remittances was R64,20 lakhs in favour of India as against R35,03 lakhs in 1918, while in the same period of 1917, the balance was against India to the extent of R5,00 lakhs. In imports, the principal increases in the first nine months of the financial year were in sugar, iron and steel, mineral oils, machinery and millworks, railway plant and rolling stock, all of which show a rise of over R2 crores in value. A heavy decrease occurred in the import from April to December of cotton manufactures, amounting to nearly R11 crores. This may be partly explained by difficulties in the export of goods from Lancashire and partly by reduction in demand arising from the height of prices. Conditions have however altered in the last few months, which have witnessed a very marked revival. In the export trade, there has been an increase in the shipment of all staple articles, with the exception of rice and wheat which have been rigidly controlled in view of the shortage of foodstuffs in India. The increase of exports has been particularly marked in the case of raw and manufactured cotton, hides and skins, both raw and tanned, raw jute, oilseeds and tea. The tonnage available for India's trade increased gradually throughout the year. The first indication that the available tonnage was sufficient to cope with the cargoes that offered occurred about October last. During the nine months April to December 1919, the net tonnage of vessels entering ports in British India with cargoes from foreign countries and British possessions amounted to 3,632,440 tons, as against 2,730,937 tons during the corresponding period in 1918, and the tonnage cleared during the same period amounted to 4,373,975 tons, as against 3,734,651. Freight rates, which had dropped as a result of the Armistice, steadied at the opening of the year and rose gradually until December, since when they have been somewhat easier.

Restriction trade.

"7. During the year it has been found possible to free trade of a number of the restrictions imposed during the war; and in July and August last all special restrictions on trade with ex-enemy countries were removed. All restrictions on the export of hides and skins, raw jute, oils and oilseeds and a number of other articles have also been removed. On the other hand, it has been found necessary, owing to the general shortage of foodstuffs, to prohibit the export of a number of food-grains from India.

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"8. An outstanding feature of the year has been the continuance and expansion of company-promotions. During the eight months April to November 1919, 535 new companies, with an aggregate authorised capital of nearly R166½ crores, were registered in British India and Mysore. The number of companies floated during the corresponding period of the previous year amounted only to 158, with an authorised capital of about R6¾ crores. Widely different views have been expressed regarding this remarkable increase in company flotations. Many people regard it as evidence of our financial strength and of hopeful augury for a great industrial expansion. Others of more cautious temperament are inclined to shake their heads at what they would describe as the prevalent investment mania and predict a severe reaction, accompanied by financial crises, crashes in the share markets and widespread loss. There is, I think, room for both optimism and caution. The war has indicated numerous directions in which India can profitably extend her industrial activity. Our industries generally have made large profits during the last four years and so long as war conditions continued, there was little outlet for their investment; while the difficulty of obtaining new machinery or expert labour made it practically impossible either to start new or to extend enterprises. It is only natural therefore that the conclusion of the war should have been followed by an extension of capital issues, and most people will agree that the readiness with which these have been subscribed affords encouraging evidence of India's ability to finance an era of industrial expansion. There is of course another side to the picture, although I would deprecate this side being given undue prominence. As in the case of all such booms, there is always the danger that, along with a large number of thoroughly sound and well managed concerns, others are brought into existence which are of doubtful soundness. That is inevitable; and sooner or later there will no doubt be what Americans call a "shake-out"; it would require a greater power of prophecy than I can pretend to command to estimate its direction or extent; but there is at present no evidence to show that it is likely to be such as to embarrass the banks or to shake credit generally. Another disturbing sign is the tendency to inflate the shares of perfectly sound and well managed companies to an extent which is not justified by their dividend-earning capacity. In part of course, this is justifiable by the increase in the actual capital value of the plant, which could not now be replaced at pre-war prices; for the rest, it is a speculative movement the adjustment of which need not necessarily involve any widespread crisis. It is not a sound or productive process; but its net result is a transfer of money rather than a destruction of capital.

B.—Currency and Exchange.

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"9. I now turn to those particular problems with which it is my special function to deal. We fortunately have not to record a currency crisis such as that graphically described by Lord Meston last year. In 1918-19 the total absorption of silver coin by the public amounted to no less than R45 crores; in the current year the absorption up to the middle of February has been about R22 crores. September last was the first month for two years during which, taking the whole of India together, there was not an actual outgoing of rupees. The Madras and Rangoon currency circles alone have shown an aggregate net return up to date, but there has been a marked curtailment in the absorption in the Lahore and Bombay circles. I hesitate to draw the conclusion that this result indicates an approach to saturation, though we may regard with satisfaction this substantial slackening in India's demand for silver, coupled as it has been with a very decided diminution in the discount at which currency notes have circulated in the districts. As a result of the lower absorption, our stocks of rupees steadily increased, until at the end of October they reached their maximum of R35½ crores, the highest since 1915. Here, again, it would be premature to argue that this decreased absorption indicates that we have turned the corner and that our currency troubles are over. The increase in our stocks of rupees has been due to the fact that the output of the mints was at last able to overtake the issues. This has been effected, however, at the expense of using up a great deal of our stock of bullion. As the Council knows, in 1918 we were only saved from inconvertibility by the passing of the Pittman Act, which enabled us to procure 200 million ounces of silver from the United States. The last consignment of that silver arrived in India last summer, and until we can see before us the prospect of a regular replenishment of our stocks of silver, whenever necessary, the position will not be safe. It is out of the question therefore to contemplate at present any return to the free and unrestricted issue of rupees at district treasuries throughout the country. That is a conclusion which no one will regret more than Government. Sir William Meyer had done much to extend the facilities for the encashment of our notes; the maintenance and increase of those facilities is a cardinal principle of our currency policy: and nothing but the practical impossibility of obtaining ready supplies of silver in the present condition of the world's markets would justify our maintaining the existing restrictions.

Rise in exchang during 1919.

"10. While, however, there has been nothing sensational to record regarding the currency events of the year, exchange presents a different story. The history of Indian exchange and the establishment of the gold exchange standard, subsequent to the closing of the mints, has always had a fascination for economic writers and students. It seems likely that, when future text-books are written or present ones are brought up to date, the year 1919 will, like 1893, stand out as marking the close of one well-defined period and the commencement of another. At this time last year the rate for Council drafts stood at 1*s.* 6*d.* per rupee for immediate telegraphic transfers. The era of a stable exchange had, temporarily at least, passed away, but the rise of exchange in its earlier stages gave little indication of the rapidity with which exchange was to soar away from its old standards during the year. Lord Meston explained last year how the rise in exchange followed the breaking away of silver from its pre-war level. That process has continued, and the further changes which have been made in the rates for Council drafts have as before been dictated by the threat of a heavy loss on coinage and the danger to our silver currency caused by the premium on the export of rupees.

Depreciation of sterling.

"11. The closing fortnight of the last financial year introduced a new factor into the problem, which few people, and certainly not we in India, had had reason to foresee, and which has rapidly grown to dominate every other feature. On March the 21st, 1919, official support of the American exchange with England, originally introduced as a war measure, was withdrawn, and the dollar exchange, weighted down by the indebtedness of Europe and the balance of trade against her, commenced to fall. England had ceased to be a free gold market and the pound sterling no longer fetched in exchange the 4 dollars and 86 cents which represent the equivalent of the gold sovereign. From 486 the dollar sterling exchange dropped to a level of about 450 at the end of June, and then steadily declined in succeeding months until now it stands in the neighbourhood of 340. The American price of silver ceased therefore to be the one dominating factor in determining the rupee sterling exchange. The rate at which India could acquire silver for coinage no longer depended solely on the price of silver in dollars, but was adversely affected by the smaller number of dollars that could be obtained for the pound sterling. Moreover, the rising price of silver itself received a new impetus early in the current year, through the removal in May of control in America. The price of silver, which then stood in the neighbourhood of 101 cents per fine ounce, at once rose by some 10 cents and, stimulated by the firm and long drawn demand of China, continued to rise until it passed the melting point of the dollar and stands now at about 130. The lower exchange value in America of the pound sterling, and the rapid rise in the price of silver in American currency, necessarily entailed the raising of the exchange value of the rupee, if we were not to see our silver coins smuggled out of the country and our currency notes made inconvertible. In May the rate for Council drafts, which had remained stationary at 1*s.* 6*d.* for over a year, advanced to 1*s.* 8*d.* and this was followed by further rises of 2*d.* each in August, September, November and December till the rate stood at 2*s.* 4*d.*

Rise in price of silver.

Effect on Exch markets.

"12. These briefly are the causes leading to the changes made in the rates for Council drafts up to the time of the issue of the Currency Committee's report. I will turn for a moment to the effects these changes have had upon trade. The rate for Council drafts necessarily has a considerable determining influence on the rates at which export and import transactions are financed. The purchase of Councils enable the Exchange Banks to transfer back to India the funds which otherwise would accumulate in England owing to the heavy excess in normal years of exports over imports. An alternative method of so transferring funds is afforded by the import of gold and silver. During the greater part of the current year the embargo on the import of silver has remained in force. The import of gold has, however, been permitted, subject to acquisition by Government at rates notified from time to time, which were ultimately based on the rates adopted for Council drafts; and since June last, when the embargo on the export of gold from America was removed, the banks have to some extent availed themselves of this method of putting themselves in funds in India. But, whether funds are transferred by the purchase of Council drafts or by the import of gold, the rate at which money can be laid down in India, and consequently the rate at which export bills can be bought and outward remittances sold, has been largely governed by the rate for Council drafts. The variations in these rates, and speculation as to further probable variations, have accordingly introduced an element of instability into exchange which has at times hampered the freedom of business operations. Banks were naturally shy both of remitting to London, by the purchase of export bills in excess of their sales of sterling, funds which they might have to re-transfer to India at a higher rate of exchange, and also, on the other hand, of drawing on their balances in London, by their sales of sterling in excess of their purchases, to an extent which might necessitate their remitting funds home at a loss, should exchange fall. Throughout the year therefore their policy has been largely that of the "even keel"; when indications seemed to point to a rise in the Council rate, they were bad buyers of export bills, and when the opposite condition held, bad sellers of sterling.

"13. To counteract as far as possible inconvenience to trade on this account, Council and sterling drafts have been offered for sale as freely as our resources in India or at home, as the case may be, have permitted. In April last the sale of Council drafts, which had for some months been suspended, was re-introduced to meet the demand arising from the fact that the export bills calling for finance were more than could be covered by the demand for outward remittance. During the first nine months of the year the demand for Councils persisted with varying degrees of urgency. In general, throughout the year a rise in exchange tempted out remittances and checked bills, thus reducing the demand for Councils, until the gradual decline of the dollar sterling exchange and the rise in the price of silver (suggesting that a further raising of the rate for Councils was due) had the reverse effect, and made the demand for Councils more insistent. This see-saw motion continued until January when a complete reversal of the position occurred. The Currency Committee had just completed their sittings and their conclusions were awaited. The export trade at the time was not urgently calling for finance, and the uncertainty as to the future led a number of remitters to take advantage of the 2*s.* 4*d.* rate then prevailing. A demand for sterling drafts arose and during January Reverse Councils to the extent of £5·4 million were sold.

Currency Com-
ee's Report.

"14. The above recital of the great changes which the year 1919 has witnessed in the exchange value of the rupee brings me to a consideration of the new orientation which has recently been given to our policy, with the acceptance by the Secretary of State of the recommendations of the Indian Currency Committee. The Committee's report, and the announcement of policy made by the Secretary of State thereon, have been in the hands of the public for the past month. I shall not attempt here any repetition or paraphrase of that portion of the Report which describes with admirable lucidity the issues involved in the problem before the Committee or the considerations which led them to formulate their recommendations. The Government of India have accepted without qualification the Committee's conclusions, which are substantially on the lines which we ourselves recommended in October last, after considering the events of the preceding few months. It is possible that the Secretary of State's decisions on certain of the Committee's recommendations may be the subject of discussion or legislation in this Council. For the present, I will merely indicate the two outstanding features of the Committee's recommendations and suggest to the Council a few brief reflections thereon. These are, firstly, the linking of the rupee to gold, and, secondly, the adoption of a ratio therefor equivalent to one-tenth of the gold contents of the sovereign.

tion of rupee
elation to gold.

"15. On the first point, I think it may fairly be said that there is a strong body of opinion that the Committee's conclusion was inevitable. The Indian currency system has hitherto been based on the axiom that the unit of British currency, namely, the pound sterling, could at all times purchase the amount of gold contained in the sovereign. But the unfortunate divergence between the pound sterling and the amount of gold contained in the sovereign, which became so marked during last summer and has subsequently still further increased, gave rise to a set of conditions which, in the opinion of most people, has rendered it imperative to give to the rupee some foundation less shifting than the sterling to which it had hitherto been linked. Otherwise, by inexorable natural laws, results of serious consequence to this country might ensue. Linked to sterling, the rupee would share with the latter all its fluctuations of fortune. Every rise of prices in sterling-using countries would inevitably, by the mechanical linking of the rupee to the pound, communicate to this country the same shrinkage in the purchasing power of money, and until sterling regained its parity with gold, India would be saddled with an unstable and fluctuating standard of value. We should continue to share with the United Kingdom all the evils of inflated prices. It would be impossible to give any definite gold value to the rupee, or to say what amount of silver a rupee could purchase in America; while restrictions on the movements of the precious metals would have to be continued indefinitely. There is no policy that is without its disadvantages, and it must of course be admitted that the result of linking the rupee to gold is that the rupee-sterling exchange must fluctuate in the same manner as does the dollar-sterling exchange; it cannot be denied that this introduces an uncertain element into that large portion of the trade of India which is with sterling-using countries. Nevertheless, we have to look to the interests of the country as a whole rather than to those of the smaller, though highly important, section which is engaged in foreign trade; and we think that there can be no doubt that the economic interests of India's huge population will be better served by giving the rupee an absolute stability in gold—the ultimate standard of value—than by assigning to it a stability relative to a standard which is itself markedly unstable.

Rate adopted.

"16. As regards the actual rate to be adopted for the ratio between the rupee and gold, fears have been expressed in some quarters that the rate of R10 to the gold content of the sovereign is too high, and may inflict injury upon our export trade. I will not repeat here the reasons, given in the Committee's Report, which decided them not to yield to the influence of such fears. I will only emphasise two considerations, bearing on the choice between a high and a low rate, which seem to me to outweigh all others. The first is that, if the high prices now prevailing in most foreign countries are to be brought into relation with Indian prices on an exchange basis for the rupee at anything approaching the old level of 1*s*. 4*d*. then the consequences to the people of this country would be little short of disastrous; the present level of internal prices would be stereotyped, or, as is more probable, would advance to heights even now unthought of. The interests of the many millions of consumers in India, whose margin of subsistence is at the best none too large, must come before those of any other class. Secondly, a return to a low exchange would very seriously imperil all chance of maintaining the convertibility of the note issue. If the rupee were linked on to gold at a rate of 15 rupees to the gold content of a sovereign, it would be impossible to maintain our silver currency unless the price of silver in America remained below 92 cents; if the rate were 12 rupees to the sovereign, the corresponding silver parity would be 115 cents. At 10 rupees to the sovereign we can purchase silver and coin rupees therefrom up to an American price of 138 cents, which is well above the melting point of the currency of almost every other country. I need not point the obvious moral of this important fact. Only one alternative has been suggested for staving off inconvertibility—the debasement of the rupee or the issue of a debased two rupee piece. In all the press comments on the Committee's report I have seen nowhere any support of a proposition fraught with such obvious political and economic dangers.

Further depreciation of sterling and rush for remittance to London.

"17. Unfortunately, at about the time that the Currency Committee's Report was published and the announcement made of the Secretary of State's acceptance of the main principles underlying the Committee's recommendations, the dollar-sterling exchange, which had already fallen heavily, took a further downward plunge. In these circumstances, the linking of the rupee to gold necessarily caused its exchange value as expressed in sterling to rise by several pence. The much greater amount of sterling that could be purchased by a given number of rupees naturally provided a great incentive to people, with accumulated funds in India, to remit these to England. The demand for reverse Councils became unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of reverse

Councils which we sold during February. This fact resulted in a considerable divergence between the gold rate at which, following the Currency Committee's policy, we have been selling reverse Councils and the actual market rate. Speculators and profiteers have not been slow to take advantage of the situation. The effect of the heavy remittances made, accompanied by a sudden attempt to realise assets, was sensibly to tighten money. I ought to point out to the Council that such monetary stringency as has existed has not been due to any withdrawal by Government of funds from the market, since the proceeds of our sales of reverse Councils have up to date remained in the balances of the Presidency Banks. At the same time a word of caution is called for. The extent to which the Secretary of State's ordinary cash balances can be drawn on to meet reverse Council payments necessarily has a limit, and for the time being that limit has been reached. Further sales will be effected through the medium of the Paper Currency Reserve, but this process would, in the absence of special measures, ordinarily involve some locking up of funds withdrawn from the market. Inflation of currency and credit, as most belligerent countries are now finding to their cost, brings serious consequences in its train, but the evils of an unduly rapid deflation may quite easily be no less serious. The present situation is one that requires caution in handling, and we have been in continuous communication with the Secretary of State in the matter. The general lines of the legislative measures which with the sanction of this Council we propose to take, have been explained in a public announcement made on February the 23rd. The object of these measures is to provide for the continued sale of reverse Councils with the mininum embarrassment to the market through the withdrawal of funds, and I do not think I need say any more on the subject on the present occasion, except to give a warning that a prolonged continuance of the present conditions would inevitably react upon our whole ways and means programme for next year, which, as the Council will gather when I come to speak of our financial operations in the current year, is now, by reason of its very magnitude, far more dependent than formerly upon Indian money conditions.

C.—Gain by Exchange.

Retention of accounts on 1*s.* 4*d.* basis.

"18. The foregoing account of the course of exchange, and of the measures which have now been taken to adjust our policy to the changed conditions of the time, brings me to a matter which is of considerable importance in dealing with our revised estimates and our budget anticipations, and to which I must devote some explanation, if my subsequent remarks regarding the estimates are to be intelligible. Lord Meston mentioned last year the large credit from gain by exchange which arose from the fact that our accounts were still prepared on the basis of 1*s.* 4*d.* to the rupee. That was at a time when the actual exchange rate was no more than 1*s.* 6*d.* Our accounts have throughout the year continued to be kept on a 1*s.* 4*d.* basis and the Secretary of State has decided that, for the purpose of this Financial Statement, the conversion of rupees into sterling and *vice versâ* should be effected at the old level. This results in a number of complications, particularly as regards our capital and remittance transactions, to which I shall refer in due course. There is, however, this advantage in still retaining the 1*s.* 4*d.* basis for the purpose of our revised estimates, namely, that it is possible to compare the actual results with the anticipations made last year. In order that the Council may judge of the aspect of our budget on the 2*s.* basis, which the Secretary of State has decided to adopt for all our accounts and statistics with effect from the 1st April next, I have had a separate statement prepared (Appendix I) showing the budget estimates of revenue and expenditure for the next year as recast on the new basis.

Treatment of gains exchange.

"19. The matter with which I am more immediately concerned is the method by which we propose in the revised and budget estimates to treat our gain by exchange. We estimate that during the current year the gross gain, without taking account of certain deductions which I will explain presently, will amount to no less than R22½ crores, as compared with R13½ crores realised in 1918-19. Two months ago indeed it looked as if the figure would be very much higher, but the large sales of reverse Councils which have been and are being made have considerably reduced the total anticipated for the year.

"From the gross gain of R22½ crores have to be deducted certain losses which arise from the same causes that have contributed to the higher exchange value of the rupee, *viz.*, a loss of 4½ crores on rupee coinage and another of 6¼ crores on gold purchases, acquisition and sales, the latter arising from the premium over sterling parity at which the Secretary of State's purchases of gold have been made. After making these deductions, the exchange gain in the current year will stand at 11¾ crores.

"20. The first question that arises about these gains is how they actually accrue, what they actually consist of, and how far they represent a real windfall which we can devote to such objects as we think desirable. Putting the matter very broadly, the gain arises over our remittance transactions, and its unprecedented amount at the present time is due to the fact that we are still keeping our accounts on a basis which is now out of accordance with actual facts. This will be clear from a simple example. Every time that the Secretary of State draws on us, through his sales of Council Bills, to the extent of a million pounds, our accounts shew that we have paid out in India R150 lakhs, although, in point of fact, with the rupee-sterling exchange at, say, 2*s.* 8*d.*, we have actually paid out only R75 lakhs; the remaining R75 lakhs accordingly appears in our accounts as gain by exchange. *Per contra*, when we are selling reverse Councils, our accounts will show a credit of R150 lakhs for every million sterling we have sold, whereas the actual payments made to us by the purchasers of the reverse drafts only amount to R75 lakhs, the difference being debited as loss on exchange. In a similar way a gain or loss, as the case may be, accrues on every other transaction which effects a transfer of funds from or to India, such as the expenditure which we incur in India on behalf of His Majesty's Government and is repaid to us in London, on which there is a gain, or the issue of sterling money orders on London, on which our accounts will show a loss.

Gains from exchange on capital outlay.

"21. It will be obvious therefore to Hon'ble Members that in these "gains" there is a great element of artificiality, and that it would not be correct to assume that whenever our accounts show a gain on exchange, this represents a real accretion to our resources, for the so-called gain we obtain every time we transfer a million pounds to the Home Treasury is liable to be turned into a loss if the amount has to be retransferred to India. In illustration of this statement, I need only point to our experience in the last two months. Up to the end of December, the Secretary of State sold £29 million of Council Bills on India, on which we realised a gain of 11½ crores; during January and February, we expect to have sold £16½ million of reverse Councils on which we will incur a loss of 12 crores. There are, however, certain of our operations, the exchange gain in respect of which we are entitled to regard as real and permanent. Most of our capital outlay on railways consists of the purchase of machinery and stores in Europe or America. For every million pounds expended on such purchases the actual cost to the Indian taxpayer is now very considerably less than previously, and it would clearly not be right to charge the capital accounts of our railways with amounts which are fictitiously inflated, and have not actually been spent thereon. We have decided therefore, in view of the large sums involved, that our capital accounts should properly get the benefit of the higher rate of exchange, prevailing. Accordingly, out of our total gains by exchange of R11¾ crores, in the current year R7¼ crores will be credited to the railway, irrigation and Delhi capital accounts.

Deficiency in Pap Currency Reserve.

"22. There remains, then, R4½ crores to be dealt with, and when considering how this should be treated we are met by another fact of capital importance. The definite abandonment for accounts purposes of the 1*s.* 4*d.* rate, and the adoption therefor of a rate of 2*s.* to the rupee, will result in our accounts showing, what after all is merely an accomplished fact, a serious capital loss on our sterling holdings, more particularly on those which form the sterling portion of the Paper Currency Reserve. We hold in our Paper Currency Reserve British securities, mostly consisting of British Treasury Bills, to the value of about £55 million. Up to the present, in the shifting exchange conditions and general uncertainty of the past year, and pending the completion of the Currency Committee's enquiry, our paper currency accounts have remained on a 1*s.* 4*d.* basis and have continued to show these sterling securities as representing 82½ crores of rupees, whereas, when valued on a 2*s.* basis, they are only worth R55 crores and the loss thereon will therefore be 27½ crores. We expect however that if the demand for reverse Councils continues, £13 million of securities will have been withdrawn by the Secretary of State before the close of this year for meeting reverse drafts, leaving still a holding of £42 million of sterling securities in the Reserve, the loss on revaluation of which will amount to 21 crores. There will also be in due course a substantial loss in respect of the gold held in the Reserve, seeing that this is at present held at the rate of R15 to the sovereign and will in future be held at the rate of R10. Altogether, the deficiency in our Paper Currency Reserve, assuming a revaluation on a 2*s.* basis, may ultimately amount to nearly R40 crores.

Importance of making up this deficiency.

"23. I wish to emphasize very strongly that the making up of this deficiency is not a matter which can be postponed indefinitely, or can be regarded as of theoretical rather than of practical importance. Quite apart from any question as to our legal responsibilities under the Paper Currency Act, the circulation of our currency notes rests ultimately upon public confidence, and we cannot contemplate with equanimity a position in which the amount of the securities held in the Reserve is patently insufficient to cover the circulation. Nor is this by any means entirely a matter of sentiment. These sterling securities consist, as I have said, mainly of British Treasury Bills, which are continually maturing and being renewed. It is on these that the Secretary of State, when he is once more able to resume purchases of silver, or has to meet from the Currency Reserve his purchases of gold or his payments of reverse Councils, will have to depend, and it is clear therefore that any serious deficiency in the amount of securities forming part of the Currency Reserve must be a matter of great concern when looked at from the point of view of the available backing to our currency notes. Ultimately the home portion of our Paper Currency Reserve must be brought back to India in the form of gold or silver, or utilised, through the medium of reverse Councils, to retire notes in India. Whenever that is done, the capital loss at once becomes apparent, since the sterling part of the Reserve turns into fewer rupees than the amount at which it is held in the accounts.

"24. The importance of adopting speedy measures to supply this deficiency is obvious; it is equally obvious that this object should have the first call upon the gain by exchange, seeing that they are both due to one and the same cause. After consultation with the Secretary of State, we have decided to appropriate the residue of the current year's exchange gain, amounting to R4½ crores, for meeting this deficiency, and we are accordingly opening a suspense head in our accounts to which this amount will be credited. For next year, as I shall mention later, we may reasonably expect a higher exchange gain seeing that the rupee sterling exchange will probably stand at a much higher average than in the current year; we estimate the residue of the gain, after credit to the capital account, at 18 crores, of which we allocate 6 crores to revenue and 12 crores to suspense for application in due course to meeting the deficiency referred to above. I need not remind the Council that as soon as this deficiency in our Currency Reserve has been made up, our revenues will obtain the full benefit of the very substantial savings in our annual home charges resulting from the higher level of exchange. Such savings may not improbably amount to R11 or 12 crores a year, and it is solely because of this prospective accrual to our revenues that, as I shall mention later, we have felt justified, not only in making a very large reduction in the amount of the contribution to be taken from the provinces under the Reforms Scheme, but in contemplating its entire extinction within a measurable time.

D.—Revised Estimates of Revenue and Expenditure, 1919-20.

"25. I have now cleared the way for the consideration of our actual incomings and outgoings. The Council will realise of course, from what I have said, that when I speak of a revenue or expenditure of so many millions, rupees have been converted into sterling at the old ratio of R15=£1, though whenever I can do so without inaccuracy, that is, whenever the figures relate to revenue or expenditure raised or incurred wholly in India, I shall speak only of rupees. I might further explain that I do not propose to discuss the details of the revenue and expenditure of the provinces which, as Lord Meston pointed out, are now-a-days more properly the subject of discussion and criticism in the provincial

Councils, and I shall accordingly confine my remarks to the revenue and expenditure of the Central Government.

"26. I will first deal with the ordinary heads of revenue and expenditure. In framing his estimate of revenue for the current year Lord Meston was faced with a very obscure situation, since it was impossible to forecast the rate at which our main heads of revenue would recover from the traffic and other restrictions consequent on the war. He took, however, an optimistic view. Many must have felt that he had been somewhat sanguine in anticipating a Customs revenue of R20 crores in 1919-20 against a revised estimate of R18½ crores in 1918-19, and a gross traffic receipt from Railways of R80 crores, which was no less than R3½ crores in excess of that anticipated in the revised estimates for the previous year. But events have justified his optimism. At one time it looked as though the revenue from both Customs and Railways would fall materially short of anticipations; railway receipts in particular showed a distinct set-back, mainly on the North-Western Railway as a result of the Punjab disturbances. During the last few months, however, there has been a remarkable recovery, so much so that we now expect that the gross traffic receipts will fall short of the estimate of R80 crores by only R75 lakhs; and this small decrease in estimated receipts is more than counterbalanced by a reduction in working expenses, due to the fact that the home stores issued for expenditure on revenue account have been less than anticipated owing to slow arrivals and have also cost less in consequence of the rise in exchange. The result on the balance is that the net railway receipts will be about R45 lakhs over the estimate. We expect a much larger increase under Customs; the estimate of R20 crores will be actually exceeded by R2⅓ crores. There is likely to be an increase in respect of all the more important tariff heads, particularly the import duties on piece-goods and petroleum, and the export duty on jute, the only head which shows any material falling off from the figure taken in the Budget being sugar. The new export duty on hides is anticipated to bring in just under R1 crore.

Railways

Customs.

"In regard to direct taxation, we now expect that the ordinary income-tax will bring us in R1,59 lakhs more than the budget figure, and the Excess Profits Duty just over the budget estimate of R9 crores, of which however R62 lakhs will actually be collected in 1920-21.

Income Tax.

"The heads which at present we share with the provinces show smaller variation; we estimate that Stamps will bring Imperial revenues R85 lakhs and Excise about R42 lakhs more than we expected.

Stamps and E

"The budget estimate anticipated a receipt of R1½ crores under exchange, but as I have already stated, it is now proposed to credit under a suspense head the net gain in the current year estimated at R4½ crores.

Exchange.

"27. The net result will be that our Imperial revenue will be R1,35½ crores against an estimated total of R1,29½ crores. Our ordinary heads of expenditure (excluding for the moment the Military Services) will show a nearly corresponding excess, the largest increases occurring under interest charges on debt and refunds and drawbacks. On the other hand, Famine Relief, for which a provision of R1,62 lakhs was made, has fortunately cost us 64 lakhs less. Taking the whole ordinary expenditure (excluding Military) the total will amount to R69 crores against an anticipated total of R64⅓ crores: and the position as between revenue and expenditure is a great tribute to the accuracy of the estimates prepared last year by Lord Meston and Mr. Howard. It is when we come to take count of the figures of Military expenditure that the result assumes an aspect entirely contrary to their anticipations. They expected a surplus of about £600,000; I have to announce a deficit of £14⅓ million. I shall subsequently devote a special section of this narrative to the revised and budget estimates for Military expenditure, and I need only mention here the broad results as regards the current year. The budget provided for a total expenditure of £41¼ million, made up of £32½ million for ordinary expenditure and £8¾ million representing the current year's instalment of the additional war contribution. In respect of this last item we will actually pay only £1½ million, so that there is a saving on this account of £7¼ million. On the other hand, the Afghan war and the frontier operations are estimated to have cost us £14¾ million, while the ordinary military expenditure shows an excess of £8¼ million, the net result being an excess of no less than £15·8 million.

Military expenditure.

vincial
enues.

"28. All that I need say as regards the provincial estimates is that the provinces, taking them all together, had budgeted for a deficit of nearly R3 crores. In the result, the total provincial revenues are likely to coincide almost exactly with the provincial expenditure. The provinces have had to incur very large additional charges in the shape of allowances or increases of pay to their establishments to meet the present high scale of prices, but this has been more than counterbalanced by the continued growth in their revenues.

E.—Ways and Means, 1919-20.

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culty due to
le of resources.

"29. The Financial Statements of the last few years brought out clearly the problems which we had then to face in order to find money for our disbursements in India, and both Sir William Meyer and Lord Meston explained the great difficulties caused, not so much by the shortness of our total cash resources, as by the fact that much of these were locked up in London. We had accordingly the result that, although at certain times the Secretary of State held very high resources at home, we in India were hard put to it to find the funds necessary to meet not only our own outgoings and the Secretary of State's Council drawings, but also the very heavy disbursements which we had to make during the war on behalf of His Majesty's Government, and for which we received payment in London. As Hon'ble Members know, we were forced, in order to keep our Indian treasuries in funds, to make successive increases in the fiduciary portion of the Currency Reserve and from time to time to finance ourselves by taking large advances from the Presidency Banks and by raising large sums by the issue of Indian treasury bills. With the cessation of military operations in Europe and the gradual removal of war restrictions, it has now become possible for the Secretary of State to re-transfer his surplus balances to us by means of remittances of gold, and that particular aspect of our difficulties which arose from the lock up of our resources in England is I think now at an end. The difficulties of the future are likely to arise, as I shall show when dealing with our ways and means outlook for next year, not from the *locale* of our balances, but from their total amount.

bilities and
ets in England
India combined.

"30. I will first explain briefly the liabilities we have had to meet and the resources from which we have met them, taking our sterling and rupee resources combined; and for this purpose of course our various remittance transactions, which represent a transference of our cash balances from India to England or from England to India (such as Councils and reverse Councils) will cancel each other. The following statement shows our liabilities and assets in a condensed form :—

Liabilities.		(£ million.)
Capital outlay—		
Railways	10·2	
Irrigation	·3	
Delhi	·3	
		10·8
Discharge of debt (including Railway debentures)		2·0
Imperial and Provincial loans		·9
Payment of balance of war loan proceeds to Home Government in reduction of £100 million contribution		8·8
Imperial deficit		14·4
Refund to War Office of amount recovered in excess in previous year		3·0
		39·9

Assets.	(£ million.)
Reduction of cash balances	4·6
Rupee loan	14·2
Net receipts from Treasury Bills	·2
Withdrawal from Special Reserve	6·9
Silver paid for in last year brought to account in current year	11·2
Net gain on exchange and gold operations held in suspense for meeting deficiency in Paper Currency Reserve	3·0
Miscellaneous items	—·2
	39·9

I will discuss the more important of the above items very shortly when I come to speak of our financial operations in India; I need here, in connection with our combined position, only point out that our total cash balances, in India and

England together, were £26 million at the beginning of the year, and we expect to close the year with balances of £21½ million. The Council will observe that the special reserve of £20 million, which we had built up during the war when our balances were locked up in London, is expected by the end of this year to have been completely used up, £7 million having been used in the current year and £13 million in 1918-19.

"31. As regards the operations at the home treasury in London, it is sufficient for me to say that, excluding the Gold Standard Reserve, the Secretary of State started the year with an ordinary cash balance of £8·7 million, together with £6·9 million in the special reserve. We expect that at the end of the year his ordinary balance will have been reduced to £7½ million and that the special reserve will, as I have said, have been entirely used up. The outgoings which he has had to meet have amounted to about £113½ million, inclusive of £32 million paid for gold purchased for shipment to India and £24¾ million for payment of reverse Councils sold in India. These he has met by drawing Councils to the extent of £31¼ million, by his large recoveries from the War Office of £61 million in respect of payments made by us in rupees on their behalf, by using £8 million from his cash balances and the special reserve, and by disposing of investments in British Treasury Bills made on behalf of the Paper Currency Reserve during the war period to the extent of £13 million. His operations are shown very briefly as follows :—

(In millions of £.)

Liabilities.		*Assets.*	
Net expenditure chargeable to revenue	23·3	Reduction of cash balances	1·2
Capital outlay	12·9	Withdrawal from special reserve	6·9
Payments for silver	6·9	Transfer to Home treasury from investments on behalf of Paper Currency Reserve	13·1
" gold	32·1	Recoveries from War Office	61·0
Payment of war loan proceeds to Home Government	8 8	Council Bills	31·2
Sterling transfers on London	24·7		
Miscellaneous items	4·7		
	113·4		113·4

"32. For ourselves the main interest naturally lies in the position in India, *i.e.* the various calls on our rupee resources and the various financial operations in which we have been engaged in order to keep ourselves in funds. The nature of these transactions will be apparent from the following summary which shows the actual rupee transactions in India after eliminating adjustments for exchange as far as possible :—

(In crores of rupees.)

Liabilities.		*Assets.*	
Recoverable war expenditure	67·3	Reduction of cash balances	5·0
Council Bills	34·5	Credits from silver purchased by the Secretary of State	22·7
Transfers to Currency against withdrawals by the Secretary of State of British Treasury bills held in Reserve	19·7	Credits from gold purchased by the Secretary of State	38·8
Net discharge of Cash Certificates	2·3	Sterling drafts on London	18·4
Capital outlay	3·1	Excess of revenue over expenditure	13·6
Discharge of debt	2·2	Proceeds of rupee loan	21·3
Imperial and Provincial loans	1·3	Net receipts from treasury bills	·3
		Savings Bank, etc, deposits	3·6
		Miscellaneous deposit and remittance transactions	6·7
	130·4		130·4

It will be seen that the amount of funds which we have had to find during the year has been R130 crores, of which 67 crores represent expenditure on behalf of the Home Government incurred in India and repaid at home, 34½ crores were for payment of the Secretary of State's Council drawings and 19¾ crores for transfers to the Currency Reserve in India against withdrawals of British treasury bills from the Reserve by the Secretary of State in order to enable him to meet our sales of reverse Councils. One way in which these liabilities have been financed has been by remittances of gold and silver, amounting to 61½ crores, which the Secretary of State has sent to India, while R18½ crores will have been received by us in payment for reverse Councils. To the extent of 80 crores, therefore, our needs in India have been met by drawings against our home balances. I now turn to the means adopted to provide the further 50 crores required.

F.—Government's Financial Operations.

loan.

"33. The financial operations undertaken by us in India illustrate at once the strength which the Indian money markets have attained, and the difficulty of the problems which we have had, and shall have, to face. Foremost among these operations was the rupee loan. In our estimates framed last year, we provided for the raising of a loan in India of R15 crores. During July and August we opened for subscription a 5 per cent. income-tax free loan, without limit of amount and repayable in 1945-55. The receipts amounted to R21¼ crores, of which R61½ lakhs were received through the Post Office, while over R2 crores of the total amount was tendered in the form of War Bonds which we had agreed to accept in payment for the loan. We made no attempt on this occasion to repeat the special propaganda associated with the two war loans; we had in 1917 and 1918 dipped heavily into the pockets of the investing public; and in the present year we had, competing with us, a very large number of new Company issues. The result of our loan therefore, exceeding as it did the forecast which Lord Meston felt justified in framing this time last year, is of hopeful augury for the future.

ertificates.

"34. These figures do not include Cash Certificates. In the absence of any special loan propaganda this form of investment has not received a stimulus similar to that administered in 1918-19 by the Second Indian War Loan. Against the net payment of R69 lakhs last year, we estimate a net payment of about R225 lakhs in the current year. The monthly figure for new investments, which during the earlier months of the year stood at from 8 to 9 lakhs, may now be taken at about 6 lakhs, but that for withdrawals has shown a progressive fall during the year and we may now hope to count on these being on a smaller scale. The number of weak holders has been reduced, and investors have a greater inducement to hold their certificates, in order to reap the benefit of the gradually improving interest earned as a certificate approaches maturity.

gs Banks
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"In the last three months of the previous financial year there had been a very marked increase in the net deposits in the Post Office savings banks. This improvement continued until the end of November last, since when there has been some excess of withdrawals over deposits, possibly due to European depositors taking advantage of the high rate of exchange to remit their deposits home. We anticipate that on the balance the net deposits during the year will amount to R1,70 lakhs, the same as last year, against the R2½ crore budget estimate for this year.

ury Bills.

"35. Lord Meston entertained the hope of being able, during the course of 1919-20, to reduce our treasury bill outstandings by about R22 crores. These hopes were defeated by the large outgoings due to the Afghan war and the frontier operations, which had to be financed mainly by fresh sales of bills; the extent to which this was necessary will be gathered from the fact that at one period in October our outstandings had grown from 49¼ crores on April 1st to no less than 68 crores. During April, May and June our sales had been slightly in excess of the discharges, and during July and August, while the 5 per cent. loan was open to subscription, they were of course discontinued, so that by the end of August our outstandings had been reduced to about 44 crores. In September, however, our treasury position was one of very considerable difficulty. There were heavy maturities of bills to meet, and very high military issues, while the Secretary of State was drawing on us for Councils at the rate of about a crore a week. In consequence, the receipts from the loan were used up soon after it had closed, and at the beginning of September we were obliged to re-introduce the sale of treasury bills and to give what, considering the time of the year, were very tempting rates. Even so, our balances remained so low that all possible sources of assistance had to be exploited. In the first place, as in the preceding year, the Presidency Banks were able to come to our help, and, all told, their advances amounted to 18½ crores. Secondly, we were obliged to obtain from the Council legal authority to increase our fiduciary issue of notes by 20 crores. This method of keeping ourselves in funds was admittedly undesirable, but there seemed every likelihood that we should have to resort to it.

Difficulty of keeping Treasuries in funds.

"36. Altogether, throughout the first nine months of the year, the treasury position was a difficult one, and from August onwards of continual anxiety. Our payments of Council Bills during those nine months amounted to 30 crores, and the net military expenditure to over 96 crores. The treasury bills sold in excess of those discharged came to about 5 crores only, and the result of our being forced to issue 3 months' Bills in September at favourable rates was that in December (a month in which little revenue is collected and when our treasury balances are at the best of times always low) we had no less than 26½ crores of treasury bill maturities to meet. During December it seemed from day to day that we should have to fall back on our increased powers of note issue, but events happily took a more favourable turn, and with the help of large shipments of gold made to us by the Secretary of State, we managed to turn the corner till, at the beginning of January, our revenue began to come in. Since then our position has been one of comparative ease; and we anticipate that we shall be able to reduce our treasury bill outstandings by the end of the year to the figure at which they stood at the beginning of April last, while the whole of the ways and means advances will have been repaid to the Presidency Banks.

Necessity for reducing floating debt.

"37. But we have been sailing very near the wind, and the moral is obvious. Anything approaching 50 crores of treasury bill outstandings, to say nothing of the 68 crores reached in October last, is a dangerous amount of floating debt for India to carry. We have learnt much during the war; in particular we have learnt to finance ourselves in ways that previously would have been thought impossible. But the experience of the last two years has taught us that we must not count on being able throughout the year to keep "floating" an amount of treasury bills so large as has been outstanding during the current year. The slightest tightness in the money markets results in our maturities running off without being replaced by fresh sales, and we have lived continually under the apprehension that we may at any time have to inflate the currency by increasing the fiduciary issue of notes in order to repay our treasury bill maturities. It is imperative, therefore, that we should now do all in our power to reduce our floating debt to more manageable proportions. In so far as this is not effected by funding in our long term loans, we must aim at utilising any surplus, arising from our ordinary revenues, to strengthen our ways and means position and to make us less dependent on the particular form of finance with which I have been dealing. I desire to apply the same remarks to the large ways and means advances which we have from time to time been obliged to take from the Presidency Banks. The financing of public expenditure by means of bank advances is, when made use of to any large extent, no less to be deprecated than a large amount of floating debt, seeing that it is represented merely by an entry in the Banks' books and is therefore in effect a direct inflation of credit. And we have a particular responsibility as regards these ways and means advances, since, unless promptly repaid, they handicap the Presidency Banks' ability to meet demands for money from the business public at a time of busy trade; we have in consequence to be prepared to repay these rapidly whenever a strong demand for money arises, as has been the case during the last few weeks. Lord Meston on March 1st last warned Council of the necessity for regularising our position in respect of our floating debt and temporary advances; the events of the year have justified that warning; and if we are to be in a position to finance the more rapid development of the country, both moral and material, and to meet the many calls on our resources to which the quickening pulse of the nation will give rise, we must endeavour to safeguard ourselves against a recurrence of the embarrassments which I have described.

SECTION II.—THE YEAR 1920-21.

A.—Budget Estimates of Revenue and Expenditure.

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ticipations.

"38. This is the last occasion on which the budget will be framed on the existing division of revenue and expenditure between the Central and the Provincial Governments. The inauguration of the Reforms Scheme involves the abolition of the present divided heads of revenue and expenditure; and under the new financial arrangements the revenue and expenditure pertaining to each particular subject of administration will follow the administrative division. I shall deal subsequently with the broad effect which the new arrangements will have on the respective resources of the Government of India and the provinces. Meanwhile, our budget anticipations are of some importance as affording the latest available information on the manner in which the new arrrangements will affect the finances of the Central and Provincial Governments. I do not propose to trouble the Council with many details of our anticipations under the various heads of revenue and expenditure. Broadly speaking, these are based upon the belief that there will be no set back in general prosperity and that our revenues will continue to show that same expansion which has been exhibited in the current year.

stoms.

"39. *Customs.*—I have already mentioned that during the current year we expect to realise a total Customs revenue of about R22⅓ crores. We may reasonably expect that next year freight difficulties will have largely disappeared; on the other hand, we cannot expect that the producing power of European countries will reach anything like the pre-war level, and we can hardly count on that heavy inrush of commodities which might otherwise be expected with the full return of peace conditions. Nevertheless, there seems no reason to anticipate that the steady growth shown in our Customs returns of the current year will not continue, and we are consequently budgeting for R25½ crores, representing an increase of over R3 crores on the expected revenue of the current year. This figure assumes no change in our Customs tariff other than the recently announced abolition of the import duty on silver.

ailways.

"*Railways.*—Under Railways we are budgeting for a continuance of that steady growth in traffic receipts which has been so marked for some years, and we have taken an increase of R4 crores over the R80 crores budgeted for the current year. On the other hand, we anticipate a considerable rise in working expenses in order to continue the renewals and replacements necessitated by the forced neglect during the war, and altogether we expect that the net receipts will be R34 crores or the same as in the current year.

xchange.

"*Exchange.*—I have already explained the complications arising from the large credit which we get in our accounts from gains by exchange. I will confess at once that it is difficult to frame a reliable estimate of what this figure is likely to be next year. No one can predict the extent to which the pound sterling may depreciate or appreciate during the next twelve months, and it is impossible to say what variations may take place in the rupee sterling exchange which, under the policy recently inaugurated, must rise or fall according as the pound sterling falls or recovers in terms of gold. And apart from the question of the actual rate, it is equally impossible to forecast the actual volume of our remittance transactions in either direction. From the remarks I have already made on this matter earlier in this narrative, it will be clear that a few millions more or less of Councils or reverse Councils will make a very large difference in the total of the so-called gain. We have assumed that the average rate for the rupee sterling exchange will not be below 2*s.* 6*d.*; on the best estimate we are able to frame, our total gain during the year will amount to about R30¾ crores. Of this amount R12¾ crores will, for the reason which I have already given, be credited to our Railway, Irrigation and Delhi capital accounts. We propose to earmark R12 crores (as against R4½ crores in the current year) towards meeting the deficiency in the Paper Currency Reserve, leaving R6 crores to be credited to our revenue account.

"If these anticipations be realised, our total Imperial revenue will be £92½ million (R1,38¾ crores). The estimate assumes the discontinuance of the Excess Profits Duty which was imposed as a temporary measure in March last.

Expenditure.

"40. On the expenditure side, the only marked variations which we anticipate under the ordinary heads are—(1) An increase of over £1⅓ million over the current year's expenditure on *Posts and Telegraphs*, due to the inclusion of large provisions for increases of pay to subordinates and for outlay on stores. (2) Payments of *civil furlough* and *superannuation* allowances are expected to rise by £¾ million. (3) Under the '*Miscellaneous*' head there is an increase of about £¼ million representing the provision which we have entered for expenditure in connection with the visit of His Royal Highness the Prince of Wales; and (4) Under *Public Works* there is an increase of £318,000 due to the necessity for a somewhat heavier programme of works as the result of enforced economy during the war period. Set off against these are savings of—(1) £263,000 which we anticipate under *Interest* due to a reduction in our liability to the Home Government in respect of the £100 million contribution, and (2) of £275,000 under *Political* mainly in respect of special political expenditure incurred in Persia. Altogether, our expenditure under the ordinary heads is expected in the aggregate to exceed that of the current year by £3 million. The most important item, however, is of course our military expenditure. This I am dealing with separately, and merely mention here that we are entering a total figure of £40 million, as against £41¼ million in the current year's budget and the £57 million which we are expecting will actually be incurred. The net result is that we anticipate a total expenditure of £90½ million (R1,35¾ crores), resulting in a surplus of £2 million. This is somewhat higher than that for which we usually budget, but if I have carried the Council with me in the remarks I made just now regarding the grave necessity for keeping down our floating debt, it will appreciate our reason for going somewhat beyond the usual figure. And I hope that I shall make this still further apparent when I come to deal with the heavy ways and means liabilities which lie before us.

Provincial Budget

"41. During the war we were obliged to ask the provinces not to draw on their balances and to keep their expenditure strictly within the income of the year. This restriction was relaxed for the current year, and the provinces were allowed to budget for deficits aggregating nearly R3 crores, although as I have already mentioned, their revenues have on the whole actually been equal to their expenditure. For next year, although budgeting for revenues materially larger than those of the present year, they anticipate drawing on their balances to the extent of no less than R5¾ crores. A great part of these deficits is accounted for by large schemes of non-recurring expenditure which were necessarily held up during the war, but there is also a striking increase in the budgeted recurring expenditure, due to the very large revisions of the pay of subordinate establishments necessitated by the present scale of prices.

Alterations in super-tax.

"42. We hope to attain the results outlined in the preceding forecast without any substantial addition to our Imperial taxation. In only one direction do we propose to modify our present scale of taxes. The present super-tax on the undivided profits of companies and firms has been the subject of considerable criticism on grounds of principle. It is urged that the tax is an incentive to companies to distribute more in dividends than is justified by their real financial position, and penalises those concerns which desire to strengthen their reserves. We have been told that Government would have done better to have levied a tax at a moderate rate on the whole income of companies, instead of applying the ordinary super-tax to companies' undivided profits. In the speech which he made last year on the Excess Profits Duty Bill Lord Meston gave on behalf of Government an undertaking that the question of so readjusting our taxation on incomes as to meet these objections would be considered as soon as the excess profits duty ceased to be levied. That time has now arrived. On the best estimate we have been able to frame we conclude that, if we relieve the undivided profits of companies and firms of the super-tax at present imposed, which runs up to 3 annas in the rupee, we shall lose about R1,76 lakhs. We propose to replace this by a new form of super-tax, similar to the "corporation" or "companies" tax levied in certain other countries, which will be assessed at the flat rate of 1 anna in the rupee upon the total income of each company in excess of R50,000. This will, of course, like the present super-tax, be in addition to the ordinary income-tax, and there will be no refunds. The present super-tax on individuals will remain as at present. The new super-tax on companies is estimated to bring us in about R2,20 lakhs a year, *i.e.*, R44 lakhs more than we lose. We should have been glad to have utilised this surplus in regrading the lower stages of the ordinary income-tax in order to relieve the poorer taxpayer and to make the stages more symmetrical. But we have felt it unsafe to do so at present in view of the necessity, to which I have referred, of making provision for meeting our temporary debt and short term liabilities. We shall in any case have relieved industry of the present burden of the Excess Profits duty, and this is as far as we are justified in going at present.

dia's further ntribution to the

"43. I have one more explanation to give in connection with the estimates of revenue and expenditure, and it is an important one. The Council will notice, from the detailed information given in a later section that, in both our revised and budget estimates of military expenditure, provision has been made for the payment of certain portions of India's further contribution towards the cost of the war offered to His Majesty's Government in pursuance of the Resolution passed in this Council in September 1918. I would explain that these entries have been made provisionally; their retention will depend on the view which the Council takes as to India's liability in this matter. The Resolution contained a reservation that the offer of this further contribution should be subject to the conditions and safeguards indicated in Sir William Meyer's speech. Those conditions were that the payment would be reconsidered in the event of two contingencies occurring,—firstly, our having to fight on our own frontiers and to incur large expenditure in that connection, and secondly, our being faced with serious financial burdens in other respects, such as a famine or a great currency crisis. The Council will probably agree with me that the second contingency has not arisen. It cannot be said that there has been a grave currency crisis since the Resolution was passed. It is true that there was a serious failure of the monsoon in 1918, but the account which I have given of our revenue and expenditure during the current year will have shown that any loss which we have sustained on this account has been counterbalanced by our prosperity in other directions. But the expenditure of about £15 million involved by the Afghan war and frontier operations of 1919 clearly makes the first condition operative. Whether we should stand on that condition, or should agree to waive it, wholly or in part, is a matter which must be left to the verdict of the non-official Members of the Council. There are considerations of weight on both sides. I will not attempt to balance these here, but in order to provide Hon'ble Members with the facts regarding the amount of the additional contribution and with other material necessary for forming an opinion on the merits of the case, I have appended to this Financial Statement a note on the subject (Appendix II); in that note I have not attempted to draw any conclusions, but have merely endeavoured to set forth what appear to me to be the financial issues involved. Should the Council decide to withdraw, either wholly or partially, from the offer made to His Majesty's Government in September 1918, the necessary corrections will be made in the estimates before the Budget is finally presented.

B.—Ways and Means, 1920-21.

pital outlay.

"44. I will now deal with the demands which we anticipate will fall on our cash resources during the coming year. The most important item is our capital outlay on railways, irrigation and Delhi. We hope to continue the progressive policy initiated last year in the matter of developing our great and profitable railway estate, and are budgeting for a railway capital expenditure of £18 million in England and 4½ crores in India as compared with the £18 million in England and *nil* in India budgeted for the current year. For irrigation we are budgeting for £580,000, which is all that the Public Works Department can spend until some of the large new projects now begun or under contemplation reach a more developed stage. For Delhi we are entering £800,000, which is however reduced to £736,000 by a credit for gain by exchange. I shall give a further explanation shortly of our capital programme under these three heads. Meanwhile, I must draw attention to the fact that we have here one of those awkward complications which arise from the conversion of rupees into sterling at 1*s*. 4*d*. In the statutory statements appended hereto the figure for railways totals £14·6 million only, in spite of the fact that we anticipate an outlay in England alone of nearly £18 million. This is one of those anomalies which are inevitable with the figures prepared on a basis which is now obsolete, the reason being, as I have already explained when dealing with the treatment of the gain by exchange, that the capital account has to receive a credit which in the case of Railways amounts to nearly 10 crores. When the rupee and sterling figures are then combined upon a 1*s.* 4*d.* basis, the result is £14·6 million. The best way of comparing the railway capital budgets for the current and next years is to say that, while the former was calculated to cost the Indian tax payer 24 crores, the latter will cost him about 19 crores at the rate of exchange of 2*s.* 6*d.* the rupee.

Repayment of War Bonds.

"45. Another very important item is the entry of £12·9 million for discharge of debt. From 1920 onwards our various series of War Bonds, issued in 1917 and 1918, will mature, and for some years their repayment will make a severe call on our resources; on August 15th next we have to find over 19 crores for this purpose. I may mention that we are doing what we can to work out such administrative measures as will enable the holders of these War Bonds, many of whom are quite small people living in remote towns and villages, to get repayment with the minimum of formality and inconvenience to themselves, and for this purpose the Securities Bill now before the Council will, when passed into law, be of great assistance in enabling us to waive many of the formalities necessitated under the existing law.

Making up of ciency in Pa Currency Reserv

"46. I have already mentioned that in the current and next year we are placing in suspense 4½ and 12 crores, respectively, towards meeting the deficiency in the Paper Currency Reserve. These amounts are, of course, for the time being held in our general balances, but we hope during the course of next year actually to apply 9 crores or £6 million in making up that deficiency.

"Finally, we have to meet heavy drawings by the provinces on their balances amounting to over 5½ crores. Altogether, then, we have to meet liabilities amounting to £38·6 million.

Assets

"47. These are heavy liabilities, and our ability to incur the capital outlay proposed will depend to a large extent on the measure to which we can count on obtaining money through our rupee loan. We assume, however, that the Indian money market and the investing public generally will be prepared to take up our loan with something of the freedom shown in the current year. Should this not prove to be the case, we shall be obliged, however reluctantly, to curtail our capital programme. I now turn to the steps by which we propose to meet the liability of £38·6 million. We have, to start with, an anticipated Imperial surplus of £2 million, while we propose to reduce our cash balances during the course of the year by £3·2 million. Next, we assume a loan of 15 crores or £10 million. We hope to receive credits, in respect of stores charged to the War Stores Suspense account, to the extent of £7 million, and to recover £2·7 million from the War Office in respect of cash balances in Mesopotamia which will be transferred to the new administration of that country. As already stated, we hope to obtain a credit of £8 million from exchange gain, and the balance of our requirements will be found from Savings Bank deposits and other miscellaneous transactions. These transactions are summarised in the statement below:—

Liabilities.

	(In millions of £)	
Provincial deficit		3·8
Capital outlay:—		
Railways	14 6*	
Irrigation	0 6	
Delhi	0 7	
		15·9
Discharge of debt		12 9
Appropriation for deficiency in Paper Currency Reserve		6 0
		38 6

Assets.

	(In millions of £)
Reduction of cash balances	3 2
Imperial surplus	2·0
Rupee loan	10·0
Savings Bank, etc., deposits and cash certificates	2 1
Net gain on exchange and gold operations held in suspense for meeting deficiency in Paper Currency Reserve	8·0
Credits for issues of Stores charged to Suspense Account	7·0
Recovery from War Office in respect of cash balances in Mesopotamia to be transferred to new Administration	2·7
Miscellaneous items, (appropriation from Famine Insurance grant for reduction of debt, deposits, etc.)	3·6
	38 6

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*Made up of:

Indian outlay	4,51 lakhs.
Adjustment for exchange	—9,74 ,,
Home outlay	£18,138,000

"48. I have already tried to explain the difficulty of making a reliable estimate of our probable remittance transactions between England and India during the coming year, and I do not think, therefore, that it will serve any useful purpose for me to go into any details here as to the probable ways and means positions in England and India separately. All I will mention is that we expect that the Secretary of State's disbursements will amount to about £46 million, and that he will be able to meet these from the recoveries which he will make from the War Office in respect of payments made by us in India on their behalf and by selling Council Bills for £8⅓ million.

SECTION III.—NOTES ON CERTAIN SPECIAL HEADS.

A.—Military Services.

ancial results
he year.

"49. The net military expenditure (*i.e.*, deducting receipts) was £44½ million in 1918-19. The budget estimate for 1919-20 was £41,195,000. This figure included a provision for the payment to His Majesty's Government of an additional war contribution of £8,695,000. In the Revised estimate a sum of £1,541,700 has been included provisionally on account of this additional war contribution, the amount being made up as follows :—£246,700 for the effective charges of the additional body of Indian troops, being the equivalent at £1=R15 of an instalment of £500,000 of the special contribution ; £995,000 for war pensionary charges of Indian troops and their British officers; £300,000 for war pensionary charges of British troops. The grounds for the reduction of the contribution for effective charges to a payment on account of £500,000 are explained in paragraph 6 of the Appendix dealing with this special contribution. Omitting these special payments, the net expenditure in 1919-20 is now expected to amount to £55,475,000 against a Budget estimate of £32,500,000. The increase over the Budget estimate thus amounts to £22,975,000. The Budget, however, also included a reserve of £871,000 under the Army head to meet unforeseen expenditure. The excess over the specific provision is therefore £23,846,000. Of this, £14,736,000 represents the cost of the operations against Afghanistan and the tribes on the North-West Frontier.

ure of the war
nditure in the

"50. In presenting the military estimates for the current year, it was assumed that the year 1919-20 would be one of demobilisation. Unfortunately, as the Council are well aware, this anticipation has not been realised. The details of the campaigns on our frontier are known to the Council and I need not dilate on them, other than to emphasise the fact that the crisis arose at a time when the resources of India, both in men and material, had been sorely taxed by the Great War. Owing partly to deficiencies due to this cause and partly to the insistence, by present day public opinion, on a higher standard of efficiency in the military organisation, and of comfort for the fighting personnel, expenditure on a scale hitherto unprecedented in India had to be undertaken immediately. We were compelled not only to postpone the disbandment of considerable bodies of additional troops which were raised in India in 1918, but also to adopt every expedient which economises human life at the expense of mechanical contrivances and which makes life more comfortable on field service. Our total bill of £14¾ million includes special rations and special clothing for the effective personnel of the army; special hospital equipment and diet; the provision of ice plants, electric fans and lights, mobile water filtration plants, and pure water-supply; the provision of huts for troops where in previous campaigns tents sufficed; the provision of mechanical transport and their workshops, motor ambulance convoys, additional animal transport required to carry the special war material entailed by modern requirements; the construction of roads, in localities where construction is specially expensive; the provision of ambulance trains and special rolling stock for troop movements; the survey and construction of special railways; the installation of ropeways; the provision of lethal munitions of modern character, heavy guns, machine guns approximating to the scale adopted in the Western theatres of war, armoured motor batteries, aeroplanes and their fighting equipment; improved equipment for defences involving heavy expenditure on barbed wire and defensive posts. The cost of all this has been higher than it might otherwise have been. We were at the end of 5 years of war; high prices ruled everywhere and these affected not only the cost of material but the cost of our Indian recruits, including followers. But the expenditure was unavoidable; when it is a question of war, purely financial considerations must necessarily give way.

Excess of ordin military expenditure.

War gratuity.

Increases of pa

Rewards.

Improvement equipment.

"51. Apart from special war contributions and the cost of the operations on the Frontier, the expenditure in the current year is estimated to exceed the specific provision in the budget by £9,110,000. The occurrence of this excess expenditure, in addition to the direct liabilities of the Frontier operations, has engaged our anxious attention for some time past, and in November last a Sub-Committee of the Executive Council was appointed to investigate the causes contributing to the excess demand. In the result, while steps were taken to enforce every practicable economy, extra expenditure to the amount now stated has been found to be inevitable. It is due in the main to two well-defined causes. Firstly, a very large proportion, amounting to over 7 crores of rupees, consists of items which can best be described as residuary obligations arising out of the great war. Secondly, the operations on the North-West Frontier reacted directly or indirectly on the ordinary heads of expenditure. The clearest example of the former category is an item of £2,800,000, which is required to pay the war gratuity admissible under the Royal Warrant to our permanent complement of regular British officers and soldiers for service in India during the period of the war. This represents an element in the contribution which we make to His Majesty's Government under the arrangement whereby we undertook to bear the cost of the normal garrison in India. It is a non-recurring charge, the liability for which was not known at the time of the preparation of the budget for 1919-20. The gratuity payable to our Indian soldiers for their service overseas in the great war has been provided for, but it does not appear in the present account, since the cost is chargeable to His Majesty's Government. Then, again, we had to face an all round increase in the pay of the personnel of the army. The process was initiated by His Majesty's Government at home with effect from 1st July 1919, and we, as a necessary consequence, have conceded a similar increase in the pay and furlough pay of British officers and soldiers serving in India. The cost of this will amount to about £2 million inclusive of medical services and miscellaneous British personnel. As a corollary to this, we have found it necessary to continue the grant to Indian troops of the increase of pay represented by the six-monthly bonus sanctioned in 1918. For the present, the increase is a temporary measure, which will require to be reconsidered in the light of the proposals which may be put forward by the Army in India Committee for the future organisation of our Indian Army. So long as the six-monthly bonus was paid for the specific purpose for which it was first granted, namely, the stimulation of recruitment for overseas forces, its cost was chargeable to His Majesty's Government, but its continuance in the circumstances which I have stated will now involve an expenditure of £270,000 from Indian revenues. We have also granted rewards consisting of cash grants and grants of land to Indian officers and men who have rendered distinguished service during the war, and have sanctioned increases of pay to various Indian establishments including followers. The cost of these measures will amount to £130,000. We have also had to meet obligations entailed by the higher standard of military equipment necessitated by the experience gained during the great war. We have added permanently to our establishment 6 Ford Van companies, together with workshops for repairing motor vehicles. It has been necessary to provide more animal transport units, and to make certain additions to the cadre of the Supply and Transport Corps, consequential on the grant of free rations to Indian troops and the development of transport services, and in the Army Veterinary Services and other administrative establishments. These various undertakings are estimated to cost about £460,000. Food charges account for an increase of £550,000 owing to continued high prices; the cost of the Aden Operations will exceed the budget estimates by £110,000; the expenditure on certain services, *e.g.*, Port defences, Coastal patrol service, etc, by £150,000; the railway charges for military traffic and the hire of bullock transport by £280,000; and the expenditure on the purchase of stores in India for the Royal Air Force and for mechanical transport by £70,000. An additional sum of £600,000 will also have to be paid to the War Office in respect of the non-effective charges of British troops serving in India, partly owing to a rise in the rates of pensions and partly in connection with the settlement of certain claims which the War Office has against us on account of the ordinary charges of British troops with previous Indian service whose ordinary pensions did not mature owing to death or disability in the Great War.

"52. The expenditure on Military Works will exceed the budget estimates by £1,315,300. The excess consists very largely of items which, though adjustable for accounting reasons against the ordinary estimates, are more or less directly attributable to the Afghan war. Thus, the increase of Air Force establishment involved the provision of buildings for the accommodation of the extra personnel and for housing the valuable equipment which an Air Force requires. The works will, however, be of permanent utility and accordingly it would not be correct to charge their cost to the operations. The same is the case with the expenditure on Frontier roads (£180,000) and mechanical transport workshops (£133,000). Apart from this quasi-war expenditure, we have been compelled to provide accommodation on an enhanced scale for families of British units arriving from England at a cost of £140,000. This measure has been taken under the direct advice of His Majesty's Government. At the same time considerable expenditure has been incurred on reconstructing and improving the lines of Indian troops and on providing the buildings necessitated by the provision by Government of free rations for Indian troops.

get, 1920-21. "53. The budget provision for next year has been taken at £40 million. Out of this sum £1·45 million has been provisionally earmarked for payment of instalments of the additional contribution to His Majesty's Government, namely, £·25 million being the equivalent at R15=£1 of a second instalment of £·5 million for effective charges and £1·2 million for non-effective charges and the balance of £38·55 million will be available for the services of the army. The detailed grants working up to this figure have not yet been definitely settled, the reason for this being that the disturbed conditions which still prevail in India and the Middle East have rendered it equally impossible to obtain any clear assessment of our normal military liabilities in the future or to guarantee immediate reduction to any peace standard it may be decided to adopt. This matter also is being specially examined by the Sub-Committee of His Excellency the Viceroy's Council, to which reference has previously been made, and the problem with which they have to deal is one of unusual difficulty. But I may say at once that, if India is to maintain in an efficient state an army of the strength required for the adequate defence of her frontiers, the cost of the military services will in future be much in excess of the sum which we have been accustomed to allot in our budget for this purpose. In dealing with the revised estimates I have mentioned a number of the new permanent liabilities which have been brought upon us by the European war and the only point which I desire once more to emphasise is that we obviously cannot revert to the pre-war standard of equipment, since it would be neither right nor humane to deny to our soldiers the advantage which an improved equipment ensures: and the new equipment of which aeroplanes, improved artillery and mechanical transport may be taken as the most conspicuous examples, is extremely expensive both in initial cost and cost of maintenance. It is recognised, on the other hand, that the extended employment of up-to-date weapons and war material generally should render feasible certain reductions of personnel and every possible economy of this kind is being carefully studied. The object in view will be the possession of an army of the minimum strength compatible with safety, but fully mobile and equipped with all the requisites of war, well paid, well housed, and well clothed. But much still remains to be done to establish our army on this basis and in the ensuing year our expenditure will be specially high owing to the fact that we must incur a certain amount of initial outlay on the purchase of new equipment of various kinds, on the construction of hospitals and barracks and other important military requirements. Initial outlay of this character will so far as possible be spread over more than one year, but the extent of this process is limited by certain vital considerations, and it will be clear that until we can feel greater confidence in regard to possible dangers threatening us from the Middle East, our military expenditure will necessarily represent more than the cost of the army we hope to maintain in settled peace conditions. The very full data collected by the Army authorities have been exhaustively scrutinised; every feasible economy has been effected, and the provision of £40 million is the least which can safely be inserted in the budget. And I must warn the Council that if the operations on the frontier should continue into the ensuing year, even the provision now proposed will not suffice.

B.—Railways (Capital Outlay).

"54. The Railway Capital expenditure on State-owned lines included within the Railway Programme, including both open lines and lines under construction, amounted to £1,978,700 in 1916-17, £2,529,300 in 1917-18 and £4,154,500 in 1918-19. In the Budget for the current year provision was made for £17·7 millions which, owing to failure of English supplies, it has not been possible to utilise fully. The latest estimate of expenditure is placed at £14·5 millions, which will be reduced to £10,211,000 by gains on exchange.

"55 I have already mentioned that next year it is proposed to raise the provision to £18 millions for home and 4½ crores for Indian expenditure. The major portion of this sum will be devoted to works of improvement on existing lines and especially to provision of traffic facilities to enable railways to meet the increased demand on their resources which has followed the revival of trade. It is also hoped to make a beginning in replacement of the lines which it was necessary to dismantle during the war, and a sum of £212,000 has been allotted for this purpose. Progress in this respect is, however, directly dependent on the supply of materials, unfortunately still limited. In view of the pressing necessities of open lines it is not possible to provide at present for any considerable amount of new construction, but a sum of £630,000 has been allotted to enable a start to be made on some of the more urgent projects held in abeyance during the war.

"56. Detailed figures showing the Capital outlay on all State lines up to the end of each year from 1916-17, and the net return obtained after deducting working expenses and interest charges will be found in the Secretary's memorandum. The return on railway capital (excluding interest charges), was estimated in the current year's Budget at 5·51 per cent. We now estimate it at 5 68 per cent. in consequence of the small increase in net railway earnings resulting from the gain by exchange creditable to the railway revenue account. For next year we put it at 5·51 per cent. The charges for interest in the current and ensuing years work out to 3·82 and 3·85 per cent. respectively on the capital outlay, so that the final net profit on railways is 1·86 and 1·66 per cent. respectively. These interest charges include certain annuity and sinking fund payments which really go towards the discharge of debt.

C.—Irrigation (Capital Outlay).

"57. Details regarding the financial position of our great irrigation undertakings will be given in the Secretary's memorandum, which will bring up to date the information given in connection with previous Financial Statements. The percentage of net profit on productive works was 6·08 in 1918-19, and is calculated at 7 in 1919-20. In the coming year we calculate it as 7·17.

"58. The total length of main and branch canals and distributaries of State irrigation works of all classes in operation during the year 1918-19 was 66,120 miles which was 644 miles greater than the mileage in operation in 1917-18. It is expected that an additional length of 425 miles will have come into operation before the close of the year 1919-20. The total culturable area, commanded by these canals amounted to nearly 52 million acres of which nearly 25 million acres were irrigated in 1918-19, and it is anticipated that during the current year the canal irrigated area will aggregate 26¼ million acres. During 1918-19 no new works of any importance were opened for irrigation. Irrigation on the Punjab triple canal system, *i.e.*, the Upper Jhelum, Upper Chenab and Lower Bari Doab canals has developed satisfactorily. The area irrigated during the current year is estimated at 1·7 million acres which is 363,000 acres in excess of that irrigated in 1918-19. The total irrigable area contemplated in the project estimate is 1¾ million acres, and it will thus be seen that this acreage has practically been attained. Besides the canals actually in operation, there are 35 schemes which are either under construction, awaiting sanction or being examined by the technical experts. It is estimated that if all schemes under consideration or projected are eventually carried out, they will extend the benefits of canal irrigation to an additional area of about 10 million acres; their estimated cost amounts approximately to £40 millions sterling, from which a return of about 7 per cent. is anticipated.

"59. Progress of work on canals under construction has been maintained satisfactorily, though it has been limited by shortage of officers, large numbers of whom were absent on military duty and have only recently returned. It is anticipated that the new permanent headworks of the Ganges Canal will be completed during the ensuing year. Of the more important schemes, that for the Sarda Kichha Feeder has received the sanction of the Secretary of State, and the local Government is now making arrangements for the execution of the work. A modified project for the Sarda canal for Oudh, of which the Sarda Kichha Feeder forms a part, is under preparation by the local Government. The Grand Trunk canal project in Bengal which is designed to connect Calcutta with Eastern Bengal and Assam has recently been submitted to the Secretary of State for sanction. It is proposed to finance this work, which is estimated to cost R3,09 lakhs, from capital funds. A detailed project for the irrigation of the Sind Sagar Doab is now under consideration; as now designed, the scheme will provide for an annual irrigation of about 2 million acres; the total cost of the project is estimated at 9,28 lakhs and the net revenue, after deducting working expenses, is estimated at R91½ lakhs a year. This scheme, if carried out, will bring prosperity to a desert tract with a very low rainfall, and it is believed that it will at the same time bring in a return of nearly 10 per cent. to the State. Of the other large schemes described last year as under investigation, those for the Sukkur barrage and the Bhakra dam are still under investigation and projects are being framed by the Governments of Bombay and the Punjab. The Sutlej Valley project referred to last year has moved a stage forward; the scheme was discussed by representatives of all parties concerned in December last, and a detailed project is now being prepared.

D.—New Delhi.

"60. The outlay for the year 1919-20 under this head, after allowing for a credit of R1 lakh for gain by exchange, is expected to amount to R50 lakhs as compared with a budget grant of R45 lakhs, an additional sum of 6 lakhs having been allotted in order to push on with the preparation for next year's work. It was pointed out last year that the recurring expenses of the present make-shifts were adding appreciably to the cost of the New Capital of India. Fortunately it is now possible to contemplate a programme which will enable the main buildings in the New City to be completed by the end of 1924, and in pursuance of this programme the grant for 1920-21 has been fixed at R1,10 lakhs, after allowing for a credit of R10 lakhs for gain by exchange. Sir E. Lutyens and Mr. H. Baker came out from England towards the end of 1919 and have been busy in connection with the scheme. Among the more prominent projects on which they have been employed are the chambers for the new Legislative Councils, the Medical Research Institute, the War Museum and the proposed memorial arch to the soldiers of the Indian Army who fell in the Great War.

Conclusion.

eform finance; he Imperial deficit.

"61. As I have said before, this is the last occasion on which we shall present a budget based on the combined accounts of the Provincial and Central Governments; and next year will see the introduction to the new Legislative Assembly of a purely Imperial budget. We are now engaged in working out the many changes in rule which will be required in order to give the provinces the financial independence which the new order of things demands. If the supervision of finance and the control of expenditure by the Central Government have seemed at times to have been unduly rigid, too careful of the established rule and canon, I would ask our critics to cast their memory back to the days, not so long past, when our resources were inelastic, when a single season's scarcity could produce a financial crisis, when Indian capital came forth with reluctance to support our loans. We have succeeded to days of gradually swelling revenues, of somewhat easier ways and means; but I think that the Standing Committees of the new Councils and their new Finance Members will do well if they exercise their powers with something of the caution which has marked our expenditure control of the past. There is no truer canon of finance than the old axiom, sanctified by the experience of ages, *magnum vectigal est parsimonia.* The extent of the finances which will be at the disposal of the reformed governments is, I know, a subject of live interest to this Council. The Joint Report of 1918 anticipated an Imperial deficit of 13½ crores, that deficit being made up by contributions from the provinces. This would have left the provinces in the aggregate with a net surplus of about 2 crores. We have reconsidered the position in the light of the probable gains from exchange, and have done so in only one spirit, the genuine desire to reduce the contributions to the lowest possible figure consistent with safeguarding the requirements of the country as a whole. There is no question of Government of India finance against provincial finance; the provinces are no less interested than is the Central Government in the maintenance of our great Imperial services; the Central Government is equally concerned that provincial reform and provincial development should not be strangled by inadequate finance. After considering the effect of the present budget as arranged on a 2 shilling basis, we think that we are justified in assuming for the present a reduction of the Imperial deficit to 6 crores, and we have provisionally indicated this figure to Lord Meston's Committee on Financial Relations as the basis of their inquiry into the apportionment of contributions. We have further indicated that we propose to assume the liability for extinguishing these contributions within a measurable time. The result will be that, adopting the figures of the provincial budgets for next year, as at present known to us, the Local Governments will be 11 crores a year better off than under the present division of revenues between the Government of India and themselves.

Summary;
The current yea

"62. It would indeed have been a grateful task had I been able, in presenting to the Council the revised estimates of the present year, to exhibit a result more in keeping with the anticipations expressed by Lord Meston on the 1st March last year. He looked forward to a moderate surplus, and to the extinction of some 22 crores of temporary debt. The Afghan war has involved us in a heavy deficit, and our Treasury Bill liability shows no reduction on the figure outstanding at the beginning of the year. But the picture is not entirely devoid of brighter features. Our revenue has more than fulfilled the expectations formed last March; our silver reserves stand reasonably high; and we have managed to finance ourselves up to the present without utilising the power taken last September to increase the fiduciary note issue. For the coming year we take, and experience shows that we are justified in taking, an optimistic view of the growth of our major revenue heads. Our expenditure will be swollen by the provision which we have had to make for the revision of establishments due to the continued prevalence of high prices; but the dominant feature on the expenditure side of our budget is the high figure which we have been obliged to insert on the Military account. I have already explained at length the circumstances under which we have made this provision. I do not desire to base it on any defined threat or menace from the Middle East; but no one cognisant of the facts can be free from apprehension of the consequences which may ensue to the peace of India from the sinister movements now on foot in that quarter; and it would be little short of criminal if, in the circumstances, we failed to provide during the coming year the finance essential to keep our Army up to the necessary standard of efficiency. The sum we have provided is, I am persuaded, the bare minimum required. But apart from the special requirements of the coming year, I would again remind the Council that modern armies, with their demands for latter day equipment, for mechanical contrivances and technical establishments, are bound to be more expensive than the armies of the pre-war era. It is unnecessary to quote European analogies; but the Council will be interested to know that Japan has made a provision for its military expenditure in 1920 which is more than three times that of 1918. We hope, however, to finance these increased demands on our resources, both civil and military, without any additional burden to the country other than that involved in the rearrangement of the super-tax to which I have already alluded. On the capital side we contemplate a railway programme which will, we hope, satisfy those who are interested in the development of this great asset that we are not failing in our duty to repair the deficiencies of the years of war; and we look forward to meeting the first of the heavy liabilities involved by our short-term loans, namely, the repayment of the 19 crores of War Bonds which fall due in August next. As I have already reminded the Council this programme can only be realised if India gives a liberal response to our rupee loan in the coming year.

The year 1920-2

uture liabilities. "63. As for the future, the revenues of India are steadily and surely expanding; and their expansion affords a guarantee of their adequacy to meet such problems of development as immediately confront the administration of the country. Our pre-occupations lie rather in the provision of ways and means to meet our capital liabilities. The provinces will be drawing on their accumulated balances; and they will before long be asking for a share in the Imperial loans, or raising loans themselves Our outstanding liabilities are not light. We have to meet twenty-five crores of war bonds in 1921, eleven crores in 1922, over two in 1923, and our terminable loan of five crores also falls due in that year. We have a breathing space in 1924; but in 1925 we have further payments to make of four crores and in 1928 we have to face a heavy maturity of twenty-five crores. Meanwhile, our railways will not cease to demand fresh provision of capital money, and we have heavy irrigation projects in view. The solution of the problems of the future depends therefore on the growing accumulation of capital wealth in India, and the interest which the Indian money market evinces in our loan issues. We had evidence during the war of what India could invest under the inspiration of patriotic motives; the response to our last year's issue afforded a proof that business India accepted our loan as a sound and profitable security. With such proofs before us, and in the belief that the social and material development of the country will carry with it an increased sense of responsibility for the economic use of its expanding resources, we need not hesitate to look on the future with a full measure of confidence and trust."

INDIAN INCOME-TAX (AMENDMENT) BILL.

11-50 A.M. **The Hon'ble Mr. W. M. Hailey** :—"I beg, my Lord, for leave to introduce a Bill further to amend the Indian Income-tax Act, 1918.

"It is a matter, I think, on which I need detain the Council for a short time only. The Statement of Objects and Reasons very clearly explains the nature of the Bill; its nature really is that of amending the Act only. Two of the sections refer purely to matters of definition; and one section is a remedying section. It is designed to remedy the anomaly which occurs under the existing Act, when an assessee with an income just in excess of one of the stages in Schedule I and, therefore, liable to pay income-tax at a higher rate than if his income were just below that stage, finds himself, after the payment of the tax, worse off than he would have been had his total income been below that stage. The provision included in this clause is adapted from the English Law.

"We also propose to repeal certain sections; the most important of these is the existing provision to the effect that any salary not exceeding five hundred rupees per mensem received by any member of His Majesty's Forces or of His Majesty's Indian Forces, as the pay of an appointment which is ordinarily reserved exclusively for members of those Forces, should be relieved from taxation. The concession has always appeared anomalous, and now that the rates of pay have been generally enhanced, its retention seems undesirable.

"That, my Lord, is the purport of the Bill, and I seek only at this stage for leave to introduce it. I shall subsequently ask that it may be published and this will give Members of Council a full opportunity for studying it before I bring in a motion that it should be referred to a Select Committee."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"My Lord, I introduce the Bill, and beg for leave to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

SUPER-TAX BILL.

The Hon'ble Mr. W. M. Hailey :—" My Lord, I beg to move for leave to introduce a Bill to amend the law relating to the Super-Tax Act, 1917. I have already in the course of my Financial Statement explained the reasons for the introduction of this Bill. The taxation it seeks to introduce is in the nature of a companies or corporation tax such as is in force in other parts of the world, and its object is to secure the imposition of a flat rate of one anna in the rupee on the income of companies over Rs. 50,000, in place of the existing super-tax on undivided profits. Here again, my Lord, I merely seek for leave to introduce the Bill, and subsequently I shall ask that it shall be published in the Gazette of India. 11-54 A.M.

" I shall not seek at this stage for any further action on the part of the Council, since it is right that it should have full opportunity to study the Bill before I move that it should be brought before a Select Committee."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—" My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

The Hon'ble Sir George Lowndes :—" My Lord, I beg to move for leave to introduce a Bill further to amend the Presidency-towns Insolvency Act, 1909. This Bill is supplementary to the Provincial Insolvency Act, which was passed by the Council the other day. It merely seeks to add to the Presidency-towns Insolvency Act the disqualifying provision which we inserted in the Provincial Insolvency Act by one of the last sections." 11-58 A.M.

The motion was put and agreed to.

The Hon'ble Sir George Lowndes :—" My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

IMPERIAL BANK OF INDIA BILL.

The Hon'ble Mr. W. M. Hailey :—" My Lord, I beg to move for leave to introduce a Bill to constitute an Imperial Bank of India and for other purposes. 12 P.M.

" This Bill provides for the amalgamation of the three Presidency Banks of Bengal, Madras and Bombay under the name of the Imperial Bank of India. On this motion, I do not propose to detain the Council at any length. There will be an opportunity for fuller discussion on the second reading next week, when I shall move that the Bill be referred to a Select Committee, and when I shall explain the details rather more fully. I do not ask that we should to-day proceed to the next stage of the Bill, since Hon'ble Members have so far had no opportunity of studying its provisions. The Council will not, however, I hope, think that this has been due to any wish to push this Bill through with insufficient consideration. The scheme for the amalgamation of the Presidency Banks was mentioned to the Council by Mr. Howard in the interesting debate which we had last September on the question of a State Bank. Subsequently, the actual scheme was embodied in circular letters from the Directors of the three Banks to their shareholders, and was published in all the newspapers. Finally, a lengthy despatch from the Government of India to the Secretary of State, setting forth very fully the main lines of the scheme, and the reasons which led Government to welcome it as promising to be of great importance to the interests of the country, was published in February, and copies were sent to each Hon'ble Member.

"The Bill itself merely gives effect to the scheme as so published. Its drafting, however, has been a somewhat difficult matter, in view of the large number of small, though very technical, details which have had to be provided for, and it has unfortunately not been possible to get the Bill ready for circulation earlier.

"I do not, therefore, ask the Council to-day to commit itself to any unqualified acceptance of the terms of the Bill. When the time comes for me to ask the Council to agree to its reference to a Select Committee, Hon'ble Members will have had time to study its provisions, and to form an opinion as to the way in which the Bill seeks to give effect to the main principles of the scheme already published. We have designedly appended a very full Statement of Objects and Reasons, in order to explain clearly to Hon'ble Members exactly what the Bill seeks to effect. All I will do on the present occasion is to emphasise one or two of the most important features of this scheme.

"The scheme does not merely represent an ordinary banking amalgamation. It has an important aspect in that connection; but if it stopped there, it would be little more than what in England would be called a 'private' Bill. But it seeks to go further. It will increase the resources of the three Banks by handing over the whole of our balances to them; and seeks in return to make use of the amalgamated institution as a means of furthering the banking development of which this country stands so much in need. The Bank will have a definite obligation to open 100 new branches in five years. It is on this account, and not merely because it is a bank amalgamation, that the Bill has aroused considerable public interest, and in some quarters criticism. I am far from regretting that the public has evinced so much interest in the scheme; for I feel strongly that the more this matter in our Bill is ventilated, the more likely is it to meet with the acceptance of all those who are anxious to see a real beginning made to remedy what is admittedly one of the great defects from which India is now suffering. We set forth the position clearly in our Despatch of the 25th June, 1919. In that Despatch the Government of India described the urgent necessity for an increase in banking facilities, if the proper development and progress of this country is to be secured. It stated that, in their opinion, an indispensable preliminary to any widespread growth in banking was the establishment of a strong Central Bank, in intimate relation with Government, and with a large number of branches throughout the country. If the Council will allow me, I will read the following extract from the Government of India's Despatch to the Secretary of State dealing with this matter:—

> 'We doubt if, in the present conditions in which there are three separate Banks working independently, any further substantial increase in the number of branches is to be looked for, owing mainly to considerations of territorial limits and of profit and loss. The Presidency Banks have now undertaken, as part of the present amalgamation scheme, to establish 100 new branches within five years, and we have every reason to hope that the progressive policy thus initiated will be continued, until at least in every district, and eventually at every town of importance, a branch of the Imperial Bank is established. We do not claim that this widespread extension of branches will work a sudden miracle, or will immediately prove itself the long sought talisman to charm the wealth of India from its hoards. We do not look for rapid or dramatic results. But a beginning must be made, and we think that the mere appearance in a district of a bank which conducts Government's Treasury and Public Debt business, as to whose stability there can be no question, and from which local traders and dealers in

produce can obtain advances on reasonable terms, must in due course inevitably have an appreciable effect upon the local mental attitude towards banking in general, and in course of time we shall expect to see the new branches of the Imperial Bank attract a large amount of deposits from the general public in such localities.'

"That is one important aspect of the case, to which I wish to invite the attention of Hon'ble Members; the opportunity for the extension of banking facilities which this amalgamation offers. I have now to turn to another one, which will, I think, be equally in the minds of Hon'ble Members. It need hardly be said that if a Bank of this sort is to be a success, if it is to play its full part in the development of the country, it must have its roots in the soil; an exotic will never bear the fruit which we look for. One of the principal reasons why banking on modern lines has not made greater progress in India is because, with a few notable exceptions, the only trained bankers available have been Europeans. I am glad to say that more recently Indians have been taking to banking in greater numbers, more particularly on the Bombay side. I could name more than one striking example of conspicuous success on that side of India; the name of Mr' Pochkhanawala has already been brought before this Council by Mr. Howard. Nevertheless, progress on the whole has so far been slow, and we ourselves look to the Imperial Bank as likely to stimulate very considerably the training and employment of Indians as bankers. Let me again read an extract from what the Government of India said on this matter in their Despatch to the Secretary of State :—

'For such development, moreover, and equal necessity is a sufficient supply of men trained in modern methods of banking. The mere staffing of a large number of new branches of the amalgamated bank will necessarily involve the training and employment of Indian agency to a very much greater extent than at present, and the demand for and training of such men by the Imperial Bank should have a valuable influence in stimulating their supply for other banking institutions, just as the requirements of our Public Works Department have undoubtedly stimulated the growth of the engineering profession in India.'

"Our hope, therefore, is that the new Bank will grow up to be a really national institution. I feel that I must here repudiate, in the strongest possible terms, suggestions that have been made in some quarters that the object of the scheme is to preserve a European monopoly. (We look to the new Bank to have a wide and beneficent sphere of influence; and any scheme of constitution which gave it a definite racial colour, whether European or Indian, would inevitably doom it to failure.) A purely European concern, however successful its operations might be in the seaports and larger cities, could never be successful in carrying banking facilities over the extended area which we contemplate as the field of operations for the new Bank. On the other hand, an institution under purely Indian management would not, I believe, command for many years to come a sufficient supply of expert banking knowledge to enable it to take that position in the economy of the country which we wish to see the new Bank occupy. This is pre-eminently one of those matters which urgently call for co-operation between Europeans and Indians, and if, as I hope and believe, that co-operation will be forthcoming, the Imperial Bank should prove a most useful factor in promoting the economic interests of the country.

"These remarks bring me to the third point; also a point which has attracted the attention of the public—the question of control. The controlling body of the Bank, that is the Governors, will consist of the presidents, vice-presidents and secretaries of the three Banks, with two managing Governors appointed by the governing body. These are the representatives of the shareholders. In addition, we propose to place on the governing body an official, the Controller of Currency, who will represent primarily Government interests and will have certain well defined powers in this respect. We have been told by certain critics that if the governing body is limited to the constitution I have described, this institution will have what the writers are pleased to call an entirely European character. I must delay the Council while I examine this objection. In one of the constituent Banks—the Bank of Bombay—Indian shareholders are already in a majority, and three out of the six Directors of that Bank are Indians, one of whom, besides being one of the leaders of industry in this country, is a prominent member of this Council. I am again glad to hear that the Bank of Madras has recently invited an Indian gentleman to join its directorate. The Council will, I think, agree that it is not for Government to dictate to the shareholders whom they should or should not elect as directors, and I can see no justification for any attempt to legislate in the direction of compelling the shareholders to exercise their choice in favour of members of one class of the community rather than another. But we desire to see the new Bank start under the most favourable auspices. We desire that there should remain no doubt or suspicion, justifiable or otherwise, that the interests of the general taxpayer, who will contribute a considerable portion of the Bank's resources in the shape of Government balances, are not sufficiently represented. While, therefore, we do not intend any dictation to the shareholders regarding their own representatives on the governing body, we have decided to take power in the Bill for the Governor General in Council to nominate two additional members to the governing body of the Bank. These members will be non-officials; they will be nominated for a year, but can be re-nominated; and the provision will, as I hope the Council will agree, amply meet the desire that the interests of the general taxpayer will be sufficiently represented.

"There remains a final point to bring before the Council. It is again a point in which the proposals have been criticised; and I think it right to bring any point of criticism before Council at the earliest opportunity It has been urged that we should not seek, as we do seek, to exclude the Imperial Bank from taking part in ordinary exchange operations. It is a point of detail rather than principle; but I can dispose of it without delaying the Council. The Banks themselves, who are mainly concerned, have acquiesced in this proposal; they have done so for the reason that they now hold in many cases the balances of the Exchange Banks, and they could not expect those Banks to leave their balances with them if they were rivals in the matter of exchange operations.

"I have now, my Lord, explained the main lines of the Bill; and have, I hope, met in advance some of the criticisms which have been levied at the proposals and which will no doubt be in the minds of many members here to-day. It remains for me now only to put the motion, and I do so believing that the majority of members of this Council will agree that this measure, a long deferred measure, will not only meet a standing want in the country, is not only sound in principle, but is conceived on lines which will prove of real benefit to India."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :—"My Lord, I now beg to introduce the Bill and to move that the Bill, together with the statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

The Council adjourned till Wednesday, the 3rd March, 1920 at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 10th March, 1920.

SGPI, Delhi—367 L. D.—12-3-20—750.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 3rd March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 48 Members, of whom 42 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Rao Bahadur B. N. Sarma asked:— 11-3 A.M.

Raids, etc., in the North-West Frontier Province.

1. "What is the number of raids into the North-West Frontier Province from across the border, the number of thefts, the value of property stolen and the number of men carried off during the last one year? How many of them were Hindus and how many have been ransomed?"

The Hon'ble Mr. H. R. C. Dobbs replied:—

"The total number of raids and offences committed by trans-border offenders in British districts during the year 1919 was about 507. One hundred Hindus and 231 others were kidnapped, and animals valued at about 3 lakhs and other property worth about 3 lakhs were stolen. Of those kidnapped, ten Hindus and ten others were ransomed, and 37 Hindus were released without ransom.

The above figures are approximate. It is probable that many more persons kidnapped have returned to their homes than the number given, as cases of return of kidnapped persons are often not reported by the local officers."

The Hon'ble Rao Bahadur B. N. Sarma asked:—

Priority to be given for the carriage of food-stuffs.

2. "(*a*) Will Government state whether sufficient facilities exist at present for the speedy carriage of food-stuffs by the railway from one locality to another, or whether any inconvenience and delays are experienced owing to

shortage of rolling stock? (*b*) If sufficient facilities do not exist, do Government propose to provide priority for the carriage of food-stuffs until the deficiency is made up?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) Railways, with their depleted resources, are at present being called upon to handle an abnormal traffic, particularly coal, much of which should ordinarily go by sea, and a certain amount of inconvenience and delay to traffic is inevitable, until such time as the shipping position improves, and the new locomotives and rolling stock now on order have been placed in running.

(*b*) Every care is being taken to avoid delay to food-stuffs, and whenever it is found necessary to accelerate transport to any particular locality special arrangements are made for this to be done."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

The Aerial Mail Service, between Karachi and Bombay.

3. "Do Government propose to consider the desirability of retaining the Aerial Mail Service which is now carried on between Bombay and Karachi, as a permanent measure?"

The Hon'ble Sir George Barnes replied:—

"The Aerial Mail Service between Bombay and Karachi was only established as a temporary and experimental measure, with a view to ascertaining among other things the cost of running such a service. The Government of India have already decided that this experimental service should be discontinued in consequence of the small amount of support which the public have given to it."

The Hon'ble Mr. Surendra Nath Banerjea asked:—

Export duty on raw Cotton.

4. "Do Government propose to consider the advisability of levying an export duty on raw cotton as in the case of raw hides and skins as a part of the financial operations of the coming year?"

The Hon'ble Sir George Barnes replied:—

"As the Hon'ble Member will have observed from the speech of my Hon'ble colleague Mr. Hailey introducing the Financial Statement, it is not proposed to levy an export duty on raw cotton."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Decision to treat Bengal as a surplus Province.

5. "(*a*) Has the attention of Government been drawn to starred Question No. XIV asked by the Hon'ble Babu Bhabendra Chandra Roy at a meeting of the Bengal Legislative Council held on the 19th November, 1919, in which reference was made to certain conflicting statements of the Government of India and the Government of Bengal in regard to the decision to treat Bengal as a surplus province in the matter of rice last year?

(*b*) Did the Government of Bengal repudiate the authority of Mr. Beadel to speak on their behalf in giving an estimate of the rice-stocks in Bengal, as indicated in their reply to clauses (*d*) and (*g*) of the question referred to?

(*c*) Will Government make a full statement explaining their point of view in the matter?

(*d*) How far was the estimate given by Mr. Beadel reliable, in view of the statements made by the Government of Bengal in reply to clauses (*h*) and (*i*) of the said question, and what steps were taken to test its accuracy before it was acted upon by the Government of India?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The attention of Government has been drawn to the question referred to.

(*b*) The Government of Bengal stated that Mr. Beadel was not requested or authorised to represent the views of that Government.

(*c*) The Government of India were only concerned to ascertain the amount of rice available for export from Bengal to deficit provinces and they accepted the estimate made by Mr. Beadel in his capacity as Director of Civil Supplies.

(*d*) The estimate was the best that could be obtained at the time from available sources. In the circumstances it was necessary to act promptly in order to relieve the food shortages in other provinces, and there was no time for detailed inquiries which were subsequently instituted into the position of stocks in each province."

The Hon'ble Mr. V. J. Patel asked:—

Residential qualification.

6. "(*a*) Is it proposed to define 'residential qualification' required for candidates and voters in the new constitution in the Bombay Presidency?

(*b*) Under the existing Regulations in Bombay does residential qualification mean merely that a candidate must have a place of residence in his constituency?

(*c*) Do the recommendations of the Franchise Committee accepted by Lord Selborne's Committee on this question empower the Bombay Government or the Government of India to so define 'residential qualification' as to mean that a candidate must be actually residing in his constituency?

(*d*) Did the Bombay Government, in submitting their view to the Franchise Committee on this question, merely recommend that a candidate must have a place of residence in his constituency?

(*e*) Is it a fact that in connection with the preparation of the electoral roll Mr. Seddon, the special officer appointed by the Government of Bombay, has already instructed his subordinates to interpret the words 'has a place of residence' to mean actual residence?"

The Hon'ble Mr. A. P. Muddiman replied:—

"(*a*) The qualifications, including residential qualifications, for candidates and electors will be defined in rules to be made under section 7 of the Government of India Act, 1919; but the Government of India have not yet received the detailed proposals of the Government of Bombay.

(*b*) The rules relating to the election of members of the Bombay Legislative Council by Municipilities and District Boards provide that the candidate must have a place of residence in the group for which he seeks election. Those relating to election by the Muhammadan Community provide that a person can only be nominated as a candidate for the division in which he resides.

(*c*) The Government of India do not regard the recommendation of the Joint Committee as imposing any restriction regarding the definition to be adopted.

(*d*) No. They recommended that a candidate should have had a place of residence in the constituency for 12 months.

(*e*) The Government of India have no information on the subject."

The Hon'ble Mr. V. J. Patel asked :—

Seats on the Legislative Assembly to be allotted to Bengal.

7. "(*a*) Is it proposed to allot to representatives from Bengal the largest number of seats on the Legislative Assembly, as compared with other provinces?

(*b*) If so, will Government state their reasons for such a course?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(*a*) and (*b*) In determining the number of seats to be assigned to each province the Government of India have endeavoured to give due weight to all the relevant factors, including population, political development, and commercial importance. They consider that on this basis Madras, Bombay and the United Provinces should be allotted the same number of seats, and that Bengal is entitled to one seat over and above this number."

The Hon'ble Mr. V. J. Patel asked :—

Elective seats on the Legislative Assembly to be allotted to Delhi.

8. "(*a*) How many elective seats on the Legislative Assembly were recommended for Delhi by the Franchise Committee?

(*b*) Did Lord Selborne's Committee make any change in the proposal?

(*c*) Do Government propose to consider the desirability of allotting at least two elective seats to Delhi on the Legislative Assembly?

(*d*) Do the recent proposals of the Government of India on this question make any provision for the representation of Delhi on the Legislative Assembly? If not, why not?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(*a*) One.

(*b*) As the Hon'ble Member will see from their report on clause 19 of the Bill the Joint Committee did not deal with questions relating to the constituencies for the Legislative Assembly. They confined themselves to recommending that the members of the Assembly should be directly elected, and that the Government of India should be instructed to work out on this basis proposals, which, as embodied in the draft rules, would be subject to examination by the Committee.

(*c*) and (*d*) The Government of India adhere to the view, stated in paragraph 36 of their fifth despatch, that it would be disproportionate to reserve one elected seat for Delhi, the interests of which when necessary, like those of any other minor administrations, could be sufficiently met by nomination."

The Hon'ble Mr. V. J. Patel asked :—

Training of medical students in the vernacular.

9. "What action, if any, has each of the Local Governments and Administrations taken on the Resolution of this Council suggesting the advisability of establishing institutions for the purpose of giving medical students a special course of training in the vernacular so as to qualify them for ordinary medical practice in rural areas?"

The Hon'ble Sir William Vincent replied :—

"The proposal to establish such institutions was abandoned as Local Governments were unanimously opposed to it. Moreover, the Government of India considered that the object aimed at by the Resolution would be more effectively secured by increasing the number of medical schools so as to provide for more students, by raising the pay of sub-assistant surgeons, and by granting scholarships in medical schools. These measures were suggested to Local Governments for adoption."

The Hon'ble Mr. V. J. Patel asked:—

Compulsory education in Indian States, etc.

10. "Which of the Indian States have introduced free and compulsory primary education, and a system of separation of the Judicial from the Executive in their States?"

The Hon'ble Sir J. B. Wood replied:—

"The Government of India understand that free and compulsory education has been introduced in the Baroda and Kolhapur States. A statement* giving the information on this subject available from the Administration Reports of other States is placed on the table. The Government of India are not aware that any Indian States have introduced a system of separation of the judicial from the executive."

The Hon'ble Mr. V. J. Patel:—"May I ask a supplementary question? Is Government aware that Baroda has already introduced the system of separation of the executive from the judicial?"

The Hon'ble Sir J. B. Wood:—"The Government of India have no information to this effect, so far as I am aware. It may be in some of the papers that we have received, but it is not in the Administration Reports which have been examined."

DOURINE (AMENDMENT) BILL.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move that the Bill to amend the Dourine Act, 1910, be taken into consideration. As no criticisms, suggestions or amendments have been received, I do not think it is necessary for me to repeat the observations I made when moving for leave to introduce the Bill. I hope the Council will accept the motion." 11-13 A.M.

The motion was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move that the Bill be passed."

The motion was put and agreed to.

GLANDERS AND FARCY (AMENDMENT) BILL.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move that the Bill further to amend the law relating to Glanders and Farcy be taken into consideration. The same remarks apply to this motion as to the last."

The motion was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move that the Bill be passed."

The motion was put and agreed to.

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

The Hon'ble Sir William Vincent:—"Sir I beg, to move that the Report of the Select Committee on the Bill further to amend the Workman's Breach of Contract Act, 1859, be taken into consideration. I do not 11-14 A.M.

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* *Vide* Appendix.

think I need address the Council on the Bill now, because the only changes of importance which have been made by the Select Committee are the subject of specific amendments."

The motion was put and agreed to.

11-15 A.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, I beg to move as an amendment that to clause 1 the following be added:—

'The Workman's Breach of Contract Act, 1859, as amended by this Act, shall be in force till the 31st March, 1923 . . . .

The Hon'ble Sir William Vincent:—"Sir, I rise to a point of order which really involves a principle of some importance. I submit that this amendment does not arise out of the Bill. We have a Bill here amending a permanent Statute in certain minor particulars. An amendment limiting the duration of the whole Act does not in my judgment arise out of the Bill before the Council."

The Vice-President:—"I must rule that the amendment is out of order, as it does not arise upon the Bill before the Council."

11-16 A.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, I move as an amendment that in clause 3 the words 'get performed' wherever they occur in new section 2(*1*) be omitted.

"If my amendment be carried the operation of this Act will be confined to cases where labourers, artificers or workmen receive advances for the purpose of doing work themselves. Under the law as it stands, or as it is proposed should stand, workmen who contract to procure labour in addition to their own and thereby assist in any trade and receive advances can be proceeded against under this Act. Now, the question is, has the time not yet arrived when we should not, prior to repealing the whole Act, greatly reduce and curtail the operation thereof by confining it for the time being to workmen or artificers who may fraudulently and dishonestly refuse to perform the work they have to do themselves? It is a matter for very great regret, Sir, that on account of opposition from certain quarters and the conservative habits of the people in general, who do not assert their rights, the Government have not seen their way to repeal the whole Act or radically modify it. Without disclosing any secrets of the Select Committee, I think it is my duty to state to the Council that I had no reason to complain of the attitude of the Government or of the Hon'ble the Home Member with regard to the many questions which arose in considering the provisions of this new Bill. The real point is as to whether public opinion in India is sufficiently strong to enable the Government to repeal the Act immediately or at the earliest possible moment, or so amend the Act as to reduce the harmfulness of its operations still further. I do not mean that the Government have arrived at any definite conclusion as to whether this Act should be repealed in the immediate future or not; but I think they cannot be averse to doing so if public opinion is strong, and I have ventured to bring forward this amendment to take the opinion of the Council, if the Government should permit such an attitude being adopted by the members of this Council.

"Sir, in these days, when labour is asserting its own, and legitimately so, and is even being enthroned in high places, it is rather awkard that we in India should still insist upon antediluvian restrictions on freedom of labour which might, perhaps, have been justified in the year 1859 when this Bill was passed into law. The point does pertinently arise as to whether it is necessary, in the interests of society, that the performance of certain kinds of contracts which workmen enter into should be safeguarded by penal provisions. My humble submission is, that the provisions of the Penal Code relating to cheating and fraudulent breaches of contract amply safeguard the interests of the public wherever such interests have to be safeguarded. Sections 490, 491 and

492 of the Penal Code make it criminal to break a contract of service during a voyage or journey, to attend and supply the wants of helpless persons and to serve at distant places to which a servant is conveyed at the master's expense Inasmuch as this clause, as it stands, is defended on the ground that persons may make advances and take people to a distance may be otherwise cheated. I submit the object has been achieved already. I may be permitted to read the scope of section 492, which says:—

'Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not more than three years, at any place to which by virtue of the contract he has been or is to be conveyed at the expenses of such other, voluntarily deserts the service of that other during the continuance of his contract or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding . . . etc.'

and if a person receives money by way of advance promising to perform a contract never intending to do so, he is clearly guilty of cheating and is punishable under section 415. My submission, therefore, is that the Penal Code amply safeguards the interests of the public where such interests have to be safeguarded. Act XIII of 1859 seems to have been primarily introduced into the Imperial Legislative Council at the instance of the Trades Association of Calcutta and to safeguard the interests of the tradesmen in the Presidency-towns. We find that both from the discussion in the Imperial Legislative Council as well as from the preamble to the Act. The wording of the preamble is—

'Whereas much loss and inconvenience are sustained by manufacturers, tradesmen and others in the several Presidency-towns of Calcutta, Madras and Bombay, and in other places, from fraudulent breach of contract on the part of artificers, workmen and labourers who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the Civil Courts for the recovery of damages is wholly insufficient and it is just and proper that persons guilty of fraudulent breach of contract should be subject to punishment . . . '

"It is only the last section of that Act which provides for the extension of the Act to other places.

'This Act may be extended by the Governor General of India in Council, or by the executive Government of any Presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such officer or officers as shall be specially appointed by Government to exercise such powers.'

"Then in the course of the proceedings in the Imperial Legislative Council, we find that the Hon'ble Mr. Currie said:—

'This Bill was introduced at the instance of the Calcutta Trades Association, who had complained of the pecuniary loss to which they were subjected by the fraudulent conduct of their workmen in wilfully failing to perform work for which they had received advances.'

"Mr. Harington said:—

'The amendment proposed by the Hon'ble Member for Bombay, if carried, would greatly change the character of the Bill. If he rightly understood the Bill, the object chiefly aimed at in its introduction was the protection of the tradesmen at the Presidency-towns from pecuniary loss.'

"So I am safe in saying, I think, that the original object of the Bill was to provide for the safety of the tradesmen in the Presidency-towns. I believe, Sir, it might have fulfilled its purpose in the good old days, but I do not think any one from the cities of Calcutta, Madras or Bombay seriously asks for the retention of this clause. It is people elsewhere who, I think, are clamorous about the retention of the provisions of this Act on the Statute-book.

"Then what is it that I ask? I allow that every workman or artificer, who dishonestly refuses to perform the work he has to do himself, may be punished. I am not touching that section, but I am only saying that where a workman receives an advance, hoping or expecting that he will be able to induce his brother-workmen to work along with him and then fails to do so, he should not be penalised or exposed to the penalties of this Bill. There seems to be an impression in certain quarters that sub-contractors and others can be proceeded against. I believe that the rulings of the several High Courts, including that in 41, Madras, distinctly show that sub-contractors who may have entered into contracts will not come within the purview of this Act, unless they are themselves workmen. Therefore, the real question at issue is, I think, whether we should expose a workman who receives an advance thinking that he would be able to induce his brother-workman to work along with him but fails to do so, to the penalties of this clause. My submission is that we should not encourage that system at all. It is absolutely wrong that these imprudent workmen should receive advances and tie themselves down for considerable periods of time. It is economically unsound and it is economically wrong, I think, for the law to encourage such contracts. I submit that we cannot believe in this vicarious form of punishment. The man himself is willing to work. The man himself may say 'Yes, I have given the money to my brother-workman who has promised to work with me, but he fails to keep up his promise and wants to cheat me. I am willing to work'. Still in such cases he is exposed to the risk of being hauled up before a Magistrate and taken to long distances and punished. Of course, the partial answer may be 'Oh, you cannot expect the Magistrate to be so unreasonable as to convict a man if he can show satisfactorily to the Magistrate that his brother-workman refused to work along with him after receiving an advance'. My submission is, Sir, are we to convert the Criminal Court into a Tribunal for the purpose of settling civil disputes? Are we to ask these workmen, artificers or labourers, who are admittedly ignorant men, to undertake the burden of proving affirmatively that they advanced the money to 20 coolies of whom 12 are ready to come and 8 have refused and that therefore he is not able to fulfil the contract? In the first place, it entails enormous expenditure on a workman to prove that, and secondly, I think, we should not encourage the risk of exposing him to the certainty of a conviction because of his general incapacity to defend himself. The result would be that the Magistrate would have no option but to punish, at the instance of the employer, the workman, though it may be that there is a failure owing to the default of others. Then, again, I do not see why you should punish these workmen simply because they happen to belong to the lower classes and are ignorant men, when a sub-contractor, who occupies a higher social status and who is supposed to be intellectually and morally better fitted to keep his word than a workman, is allowed to escape except in so far as the civil law may prove sufficient.

"My submission is, Sir, that if a workman who undertakes to supply labour and to do work is to be punished, then there is no justification in allowing others who break their contracts fraudulently being left unpunished.

"The provisions of the Indian Penal Code extend to all classes alike, and I do not see any basis on which discrimination can be defended.

"My submission is, Sir, that in this advanced age it is impossible to justify distinctions between class and class. Nor do I think that it would serve any useful purpose because we are retaining for the time being the power to proceed against workmen which they have to do and that is sufficient law. If you think the time has not come yet for repealing the whole Act, the law may remain for some time on the Statute-book as modified now. But why extend it to artificers and workmen who are generally unable to prove before a Magistrate that they have really disbursed the advance but failed to perform or complete a contract through no fault of their own?

"I submit, Sir, that I know of several people speaking on behalf of the Public Works Department—I do not propose to make this question a racial one—who feel that this Bill enables the check to the present system to be removed. The time has come for that system to shape itself to more reasonable surroundings, and rather than that a workman should be tied down by this advance being made, it is better, I think, that we should not do so.

"May I submit, Sir, that we are not dealing with the question of planters in the various parts of Assam. They have got Acts of their own bearing on the question of planting, and I submit that these points should be borne in mind when we come to a decision in determining what our attitude ought to be as regards the Workman's Breach of Contract Act.

"I, therefore, hope the Council will agree with me that this part of the clause should be amended in the manner I propose."

The Hon'ble Sir William Vincent:—"Sir, the Government have decided to accord to all officials absolute freedom in the matter of voting and speaking on this amendment. I think I have already made that clear to various members of this Council. I now turn to the merits of the amendment. The Hon'ble Member began his speech by an attack on the whole Act, a very justifiable attack, I dare say, from his point of view, but, as it seemed to me, a little outside the scope of the particular amendment he was introducing. I believe indeed that two-thirds of his speech was directed against the general principle of the Act as a whole, and theoretically I dare say there is much to be said for this view and that the repeal of the Act would be an ideal proposition. I hope the Hon'ble Member will believe that I have a great deal of sympathy with him on this matter. But we must look at the facts from a practical point of view.' 11-34 A.M.

"We are dealing here with very large interests and I feel my responsibility in regard to this Bill to-day to be greater, because two members who could have given us very great assistance from their knowledge and experience of the working of the Act, the Hon'ble Mr. Allen and the Hon'ble Mr. Crum, are unfortunately unable to attend this Council to-day owing to illness. I will, therefore, ask the Council to bear with me if I give some figures which have been supplied to me by Mr. Allen about the tea industry which is so much affected. He has pointed out to me that the population affected is considerably over a million altogether. The number of actual labourers in Assam is 552,000 as opposed to a quarter of a million in all the cotton mills. The area affected is about 406,000 acres.

"I do not know how far this particular amendment which the Hon'ble Member proposes would necessarily affect this industry. The point I want to make to the Council is this, that this amendment, which is of great importance, has never been ventilated or submitted to the public.

"I hope the Hon'ble Member will not think that I am betraying a confidence if I repeat what I said when he proposed the amendment in Select Committee, namely, that if he liked to bring forward a separate Bill on this point he might do so; but that it was unwise to delay the passing of a beneficial measure by introducing at the last moment new matter which would render it necessary for the Government to reconsider its position, in respect of the Bill and might further delay the passing of the Bill which we have before the Council and which, I believe, will be of great benefit to all workmen and labourers concerned. The Hon'ble Member suggested that planters in Assam have a separate Act of their own which protects planters against breach of contract by labourers. So far as I am aware, there is no law on this point in force in Assam, except Act XIII of 1859. I speak subject to correction. The question which the Hon'ble Member has raised, namely, the exemption from the provisions of the Act of all persons who contract to get work performed, is one of great difficulty. When he suggested, however, that what we are doing at present is to penalise civil breaches of contract by such persons, it is my duty again to point out to this Council that this is not so. The only person who is penalised in any way under the Act is the person who breaks a contract fraudulently. Otherwise the person who has taken an advance does not come within the mischief of the Act at all. He cannot be penalized for the default of others, but only if he acts fraudulently himself. It is not, therefore, a question merely of civil disputes as he alleges. He has suggested further that the Government have acted wrongly in not including sub-contractors within the scope of the Act. Now, Sir, the answer is very simple . . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"May I rise to a point of order? I am not complaining; I simply stated facts."

The Hon'ble Sir William Vincent:—"The suggestion was that the Government acted unfairly in including within the scope of the Act, persons who get work done because sub-contractors are not also so included. I believe that he is correct in his interpretation of the law, and that sub-contractors do not come within the mischief of the Act unless they are also labourers or workmen themselves, but the reason for not extending the scope of the law to other sub-contractors is very simple. The Government is anxious in every way not to extend the provision of this Act but to restrict it as far as possible.

"All the Members who sat on the Select Committee will bear me out when I say we have done so. Again I should like to invite the attention of the Hon'ble Member to the different opinions that have been expressed on this particular amendment. Here is one very important opinion from Bombay in which it is said:—

> 'Large advances are given by the contractors for these works to their workmen, and I understand that in many, if not in most, cases Rs. 300 would be much below the advances demanded and granted. Without these advances workmen or groups of workmen (and it may be noted that the Act has been held to apply to contractors to supply the labourers when the contractor is a workman) will not come to the works, while if such are given of an amount exceeding Rs. 300, the remedy provided by the Act is lost.'

"There are some similar observations in the opinions from Madras. Therefore there are certain Local Governments who would have to be consulted on this particular amendment if it was accepted by the Council, before the Bill could be passed, and that would mean delay in the passing of the present Bill. I hope, therefore, that the Council, although I have given freedom to officials to vote as they like, will not delay a beneficial measure in order to introduce a new amendment of this kind. As a mere technical point also, I was a little surprised to find that the Hon'ble Member, who is a lawyer, proposed to omit these words from one section of the Act, but is oblivious of the fact that the same words appear in two other sections. He has studied the previous proceedings with great care, but has apparently omitted to examine the rest of the Act itself; if he had done so, he would have seen that the same words occur in section 1 and section 3. What the exact effect of omitting the words from the one particular section as he has proposed would be I do not know, but I could not accept responsibility for a Bill so drafted. The acceptance of this amendment would mean that I should be unable to proceed further with the Bill, at present, not only for this reason however, but for the more important reason that the amendment which he proposes has never been adequately considered by the very large interests affected."

11-42 A.M. **The Hon'ble Mr. G. F. S. Christie.**—"Sir, it is with great hesitation that I venture to address this Honourable Council. Correspondence shows that each province has its own difficulties in connection with this Bill, and it is with the special object of discussing its bearing on my own particular province that I now venture into this arena. I may add that it has seemed in some quarters that the voice of Burma has recently been hardly sufficiently audible. The great trouble that we feel, and always have felt, in Burma is the want of an adequate supply of labour. Though we have been able to induce people to go over from India for a couple of years or more, and in some cases to settle down with their wives and families in the country, we have never yet been able to secure an adequate amount of labour. The statistics show that the average number of persons who migrate from Calcutta to Rangoon in the year is about half a million, and the Committee which was appointed recently to inquire into the conditions of accommodation provided by the British India Steamship Navigation Company showed the very great hardships that coolies had to endure in their passage. If we could only induce men to settle down in the country in Burma, we could provide that factor which is so vital and necessary to the development of our province, we could abolish all this inconvenience, this hardship, and this expense consequent on the constant journeys backwards and forwards from Calcutta to Rangoon, and we could secure for the province the wages which at present are taken away and distributed elsewhere outside our province. The supply of labour is artificially restricted, labourers are bound down to the soil and to the place in which they were born and if we intend to liberate them from their fetters, we must provide them with adequate means for migration; not a temporary migration where a man can be taken from one province to a distant province under another master, to serve out his term and pay off the advance which he obtains, and then return to his own province, to his old master to continue a further term of servitude, but a permanent migration, a permanent migration, Sir, to a land which, if it does not flow with milk and honey, at all events provides a standard of comfort and an abundance of foodstuffs which are not dreamed of in his philosophy. It is this dependence on the maistries and this system of advances which prevent the free employment of labour and deprive it of its proper remuneration, and, if we could only do away with these, the price of labour would be determined in the ordinary way, as my Hon'ble friend Mr. Sarma said, by the laws of supply and demand, and we should enable men to stay in the place where they are really wanted instead of being taken away to dwell in a place to which custom, aided by legislation, has decreed that they are permanently to return. Certain industries, Sir, are artificially fostered, and we have land very much congested in India, while there are immense areas in Burma which are crying aloud for labour for their development. There are in one district in Bengal, (Dacca), 3,000 square miles with a population of about three million. Mergui District in my division has an area of 10,000 square miles with a population of barely 100,000 people. This Act, Sir, is one which Pericles would have condemned as one of expediency, which is economically unsound and one which fosters the idea that if people can work, there is no necessity for them to save; and we know that the human tendency is that a person when he is in good health imagines that he will be able to work for an indefinite term.

"For these reasons I hope that the Act will be repealed in the not very distant future, but I recognise that this course would be attended at present with the greatest danger and would imperil the economic structure. Labour cannot go forward where it is wanted at present without initial advances, and there are industries, and many of them, which owe their prosperity to an adequacy of labour, and these industries would be crippled and in many cases compelled to close down altogether if this supply was withdrawn. I would, therefore, suggest that we follow the very sage advice which was given by the Hon'ble Home Member the other day in discussing the Hindu Marriage Law, '*festina lente*,' he said. One of the essential products of the Empire during the war and one of the key industries is wolfram, the largest supply of which in the Empire comes from the Tavoy District of the Tenasserim Division. In the year 1916 and part of 1917 we imported over 5,000 Chinese coolies and a large number of men from Hazaribagh and other places in India. In the year 1918, there were upwards of 92 cases under the Workman's Breach of Contract Act, and in the year 1919, there were upwards of, so a telegram which I have just received says, 870 cases, besides those cases which were withdrawn before they came to a Magistrate, and though in only one case out of those 92 was an order passed against the respondent, yet Deputy Commissioners have been unanimous in their opinion that without this Act, the output of wolfram would have been very considerably diminished.

"We regard these words 'get performed' as unnecessary. The conditions under which labour is maintained on the plantations in Madras and other places are set out in the letter received from the Government of Madras, which has been received since the meeting of the Select Committee. With these conditions I have no personal acquaintance, but I would point out that if the words be retained, Burma will continue to suffer for want of labour, and it will be impossible for employers to engage their own servants in the place of contractors. So far as Burma is concerned, we do not need this. But it has been alleged that Burma will suffer very much if this Bill becomes law. The principal firms, who have been consulted, say that they are in the habit of making large advances of upwards of Rs. 2,000 (very much above the limit which was suggested by my Hon'ble friend Mr. Crum in a paper which I have received). Messrs. Mcgregor and Company say that even now the Act is of no use to them and that it needs strengthening and not weakening in the interests of employers. The Bombay-Burma Trading Corporation—these are two of the biggest timber firms in Burma—referred to the Act as one intended to secure them in their dealings with petty contractors, but the Act, as has already been pointed out, refers to artificers, workmen and labourers, and there is no mention of vicarious employment.

"As to the rulings quoted by the Hon'ble Mr. Sarma, I think I have them in my mind. One is the case of Caluram *v.* Chengappa and the other is the case of Devappa Ramappa Naik *v.* King Emperor and in these cases it has been laid down that the Act does not apply in the case of petty contractors unless there is a guarantee to render personal labour. There is no justification, therefore, for supposing that this Act will apply to petty contractors in the same way as to ordinary labourers.

"I, therefore, agree that this Bill proposed by the Hon'ble the Home Member should be passed, and it has my wholehearted support."

11-52 A.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, I understand that the attitude of the Government will be that they are indifferent to the fate of this particular amendment but that they are not in a position to proceed with this Bill finally if the amendment should be carried by the free vote of this Council. . . . .

The Hon'ble Sir William Vincent:—"May I explain, Sir, I should rather put it in this way that I should have to consider my position further in regard to this Bill if the amendment is carried. I may have put it too strongly before."

The Hon'ble Rao Bahadur B. N. Sarma:—"Certainly. Of course the Hon'ble the Home Member must be very cautious in the employment of his language and I can readily appreciate it, but I know where it will lead to, and I do not want that any benefit which workmen may receive under this Act should be indefinitely postponed on account of any particular clause. The Hon'ble Member has promised to favourably consider the introduction of another Bill or rather to facilitate the progress of any Bill that may be introduced for the purpose of modifying or repealing this particular Act, and with that assurance I think we must rest satisfied.

"Sir, may I just point out one or two things before I sit down. The Hon'ble the Home Member referred to Coorg and Madras as places where opinion does not seem to be very favourable to me. Of course, with regard to Coorg, one can readily understand their anxiety to have this labour force even if considerable inconvenience be caused to labour. I do not think the same can be said of Madras. I hold the Madras opinion to be that the Planters' Act is agreed to be repealed in case the Workman's Breach of Contract Act is modified in a way suitable to the wishes of Madras planters. So that has really no bearing now upon the present controversy, and I do not think the view of Madras can be quoted against me at all.

"Then, there is another point. The Hon'ble the Home Member said that I was assuming in a way that if this Bill should include workmen contractors, it should also include others. I never suggested its expansion and I shall fight against it. What I said was that there is no reason by which we can defend its application to one class if we exempt another class. Inasmuch as a large class of sub-contractors who may dishonestly commit a breach of contract are exempted from the operation of this Act, and rightly, too, I hope that the Hon'ble the

Home Member may see his way to bring in another Bill himself to get the whole Act repealed or modified in a substantial manner.

"Sir, I shall not take any risks and I shall not, therefore, press my amendment."

The amendment was, by leave of the Council, withdrawn.

The Vice-President:—"The next amendment in the list, No. 8,* stands in the name of the Hon'ble Mr. Crum. As I am informed that Mr. Crum is absent owing to illness, I propose to adjourn the final discussion of this Bill in order to give him a chance of moving his amendment. He returned from Calcutta for this purpose, and I imagine the Council would like to hear him. I will, therefore, go on with Mr. Sarma's amendment and finish the Bill as far as it is possible, leaving this one amendment over."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, I beg to move that in clause 3 to the proviso to new section 2 (*1*) the following be added at the end :— 11-56 A.M.

> 'Or (*c*) if the artificer, workman or labourer tenders the amount advanced and an additional sum of fifty per cent. of the said amount for payment to the complainant.'

Clause 3 (*2*) would read thus :

The Magistrate may proceed and pass orders under clause 2 (*1*)

'Provided that no such order shall be made—

(*a*) unless the complaint was brought within three months of the neglect or refusal; or

(*b*) if it is proved that the complainant has, on any previous occasion, obtained an order under this sub-section against such artificer, workman or labourer; or

(*c*) if the artificer, workman or labourer tenders the amount advanced and an additional sum of fifty per cent. of the said amount for payment to the complainant.'

"I submit, Sir, that the modification I suggest is an extremely reasonable one and I hope the Hon'ble the Home Member will not be compelled to assume the same attitude towards this amendment as he was on general considerations obliged to assume towards the previous amendment. You accuse a man of taking an advance and not doing the work. You say he has committed fraud in promising to do a certain piece of work and then not doing it. You give the Magistrate the option of directing either the performance of the work or the payment of the money advanced. My position is that you may give him that option, but if the workman or the workman sub-contractor comes forward and says 'Look here, I am not able to do the work; I am willing to repay the advance and I am willing also to pay a penalty in order to escape the rigour of this Act; kindly let me go', you ought to permit him to go without any trial. I would ask what is the peculiar quality of work which a labourer can be compelled to perform against his wishes under this clause 2 (*1*) which the policy of the Act requires that he should be compelled to perform, although he is prepared to return the whole of the advance and also pay a certain amount by way of a penalty. Fraud consists in a man receiving the money and running away without repaying the advance, and, inasmuch as in some cases the men are poor, if you ask that the employer should go to a civil court, he may be without any remedy. I make a provision for that. I say there can be no question of fraud whatsoever if the labourer or sub-contractor himself comes forward and repays the advance with a heavy penalty. All that you can say is that the man is unwilling to work for some reasons which he may not be able satisfactorily to explain to the court. The master may have illtreated him or there may have arisen circumstances which he cannot disclose to the court or which he cannot prove to the court and which might aggravate his offence if he were to suggest them in court. Therefore he says 'I cannot work; let me off,' and what I submit is, why should you give the discretion to the Magistrate in such a case to compel the man to go to work.

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* The Hon'ble Mr. Crum to move as an amendment that in clause 3, proviso (*b*) to new section 2(*1*) be omitted.

"There is no use telling me that a Magistrate would not be so foolish in passing orders when he could understand that the workman is reasonably unwilling to work. As I have suggested, although it may be said to the credit of the magistracy that they are able in a good many cases to hold the scales even between the employers and the labourers, it is not surprising that in some instances, and not in a few, people have no confidence and they think that the employers on account of friendship or other causes will be able to secure their own in some courts. Now, why should you expose the Government and the magistracy to this unnecessary charge when the men themselves are willing to say 'We will repay the amount'? In the case of a workman contractor, who undertakes to bring a large number of coolies, but who is unable to bring in the whole—in 39 Mad. I think he undertook to bring 18 and brought only 8—he may be sent to jail. Well, the man says 'I will pay back the advance'. Why don't you allow him to do so? I know it has been suggested that 50 per cent. would be really no remedy because in some cases these employers will have spent per coolie much larger sums than the 50 per cent. additional may cover. My submission is that we are immediately introducing into the discussion the question of proprietory right for a period in the labourer, that is, that the employer has got a proprietory right to the extent of say Rs. 300 or 200 which he must have incurred by way of general expenses on the labourer, and consequently it should not be 50 per cent. but the amount per head which the employer may be considered to have expended upon the whole labour force as a class. That is one of the grounds that was urged against the acceptance of this amendment. My submission is that there is absolutely no force in that we cannot recognise any proprietary right, full, semi, or partial, or any semblance of a proprietary right in labour. It was suggested that this had nothing to do with labour in Assam. I find, subject to correction, that since 1901 the Act is in force in Assam subject to certain modifications, and the Madras Act I of 1903 is in force, as modified, in Madras. I am not sure whether that is so or not; but, if so, there would be no need for us to consider those questions dealing with this particular amendment; but even assuming for a moment that they have a bearing, remote or present, upon that question, my submission is that the workman should be allowed to go free without being harassed by a trial if he can bring the money into court and tender it before a Magistrate."

12-1 P.M. **The Hon'ble Sir William Vincent:**—"Sir, the Hon'ble Member began by asking me whether I would oppose this amendment on the same general considerations that weighed with me in the case of the previous amendment. I cannot say on this occasion that there are consequential amendments of the same nature as those to which I referred in the last case. Though, if I may be allowed to refer to those for a minute, I cannot remember that in his reply the Hon'ble Member gave us any explanation of his reason for omitting to consider the consequential amendments which I mentioned, but that is, perhaps, scarcely relevant to the present discussion, in which official members will as before speak and vote as they like.

"Turning to the particular point, which was raised by the Hon'ble Member, I must confess that when he proposed this amendment, as he will remember, in Select Committee, I was at first prepared to consider it favourably; and it was only when the real dangers of it were exposed by those unfortunately not present to-day, who have very much more knowledge than I have, at any rate, of the conditions of labour in Assam and of the working of the Act, that I saw where the mischief of the proposal lay; and I think that all Hon'ble Members of the Select Committee, except perhaps Mr. Sarma, whom it is always difficult to convince, were satisfied of the validity of the reasons which led the Government to refuse to accept this amendment. The real point is this, that if you allow the labourer the option of repaying the advance made *plus* 50 per cent., you encourage what is the most dangerous of all practices, this traffic in labour. If there has been one thing, as I understand, more injurious to the tea industry than another, it is this process of enticing labour from one garden to another. What the Hon'ble Member's amendment presupposes is that the amount of money which labour costs to get to a garden is limited to the advance which a labourer receives It is not so at all according to my information. The advance to the labourer, *i.e.*, money that he gets in his pocket may be a very small sum, say Rs. 20 or 30; but to take a labourer to Assam costs his employer something like, I am told, Rs. 140 to Rs. 180; and I want Council to consider what the position of the planter would be, if the amendment was accepted. This is not a question of European or of Indian planters. Indeed Indian planters, I may say, are very much stronger in their opposition to this amendment of the Act than many Europeans. What is the position of the planter? He has imported a man up to Assam to work for a certain period, and the man is perfectly willing to fulfil the contract; the employer has spent Rs. 140 or Rs. 180, of which Rs. 20, or possibly Rs. 30, has been given to the labourer as an advance. The labourer is deliberately enticed away to another garden by a dishonest employer next door, and he can do so if this amendment is passed by paying Rs. 40 *plus* Rs. 50 per cent. or Rs 20, a total of Rs. 60, thus securing for his garden a labourer who has cost the original employer Rs. 140 to Rs. 180. If this amendment is accepted, it would, I should think, involve the money spent in getting up a labourer now given free, being all put down to advance, because the planter will say 'I am not going to give you anything which you will not repay by working for me.' Indeed, it might be that the whole cost of importing a labourer would be treated as an advance. In such circumstances, the amendment would be to the injury of the labourer. It has, therefore, two definite disadvantages. It would definitely encourage enticement of labour from one employer to another, and if there has been one thing that is more fatal to the tea industry than another it is that. In the second place, it would tend to more money being debited against the labourer as an advance than is at present the custom. The Hon'ble Member has put before us a somewhat lurid picture of the way in which the Act is administered. But I am assured by Mr. Allen that in Assam at least the Act is worked very leniently; that nearly all the amendments which we have suggested in our Bill have been anticipated in practice by the magistracy there. The figures which the Hon'ble Mr. Christie produced before the Council now also, I think, support that view A contract can only be enforced under this Act if it is broken fraudulently, or to use the language of the Act, wilfully and without reasonable cause; and I cannot see why a labourer, who has entered into a deliberate contract of that kind and afterwards fraudulently breaks it, should not be made to perform that which he has undertaken to do. The Hon'ble Mr. Sarma suggests that it would be quite sufficient to make him repay merely the advance that he has taken *plus* 50 per cent., *i.e.*, to give him this option for the Magistrate can now order a labourer to repay the advance and escape any penalty under the Act. That is really to deprive the Magistrate of all discretion to make this man perform the solemn contract into which he has entered. For these reasons I hope that the Council will not accept this amendment.

"There is only one point more which I would like to mention, and that is, the Hon'ble Member's reference to the Assam Immigration Act of 1901. That there are certain penal provisions in that Act I am well aware but, to the best of my recollection, the enforcement of those provisions was abrogated in that province many years ago, I believe."

The Hon'ble Rao Bahadur B. N. Sarma.—"Sir, I am sorry 12-12 P.M. the Hon'ble the Home Member has not seen his way to accept this amendment. I am fortified now more than ever that it would be rather difficult for the Government to weigh the advantages of the people as against the advantages of the planters. Let us look at the arguments adduced. The argument is, a man is brought into Assam or into the unhealthy climate of Wynad from a distance on various representations made to him and a sum of about R150 on the average is expended on him. If he is permitted not to do work paying R20 or R30 advance which he may have actually received, there is a danger of freedom of labour movement within Assam and Wynad. The labourers will not be tied down like the Panchamas in Madras to the estates to which they have been wedded. There is a danger of other planters enticing those who have been taken there perhaps on extremely cheap terms. Let us analyse the position further. If the labourer on an estate is paid his rational wages, I mean the wages prevailing in that neighbourhood or which can be paid by the tea planters consistently with enormous profits to their business, how can his brother planters entice away the labourers without suffering loss. It is because this abnormal system of assisting these planters by artificial help is enforced that some planters perhaps are able to make more profits than is legitimately their own, and the labourers will not get their wages to which they are reasonably entitled. How can a brother planter entice this labourer unless the latter is paid more. The labourer will not be a fool to go to a neighbouring estate unless he is given a much larger wage than he was promised in the former case, or unless the treatment in the former case was absolutely unsufferable. Then I submit, Sir, in cases where labourers are ill-treated, there must be some chance of escape for them; and where he can get a larger wage consistently with his returning the advance, he should be permitted to do so, and labour will come in its own in the province of Assam as elsewhere. We are asked as to whether there is not the danger of these Rs. 150 also being tacked on to the advance given to the labourers. We seem to have here the repetition of the Indenture system which the Government of India have tried to abolish in other places enforced here with a vengeance. Cannot the law ensure to the poor labourer that only such advance as he receives yearly would be credited to his account and not the average cost to the planter by reason of disbursing the whole expenditure on his establishment amongst the coolies. I submit, Sir, that is an absolutely meaningless argument. I submit there is no such real danger to the coolie if the law would take care of the coolie. Of course, if the law does not take care of the coolie so long as these Acts are in force, then certainly there may be a danger. But if the law does take care of the coolie so long as this semi-indenture system continues, I submit there is no harm . .

"I am glad to hear that the penal provisions under the Assam Labour Act have been abolished or rather they have been suspended by notification, and I can see, therefore, the anxiety on the part of the planters to tighten up this Act as much as possible. Of course the Government wish to meet them as much as possible. I can quite realise that, and that is a reasonable attitude also. But my submission is, do not make the whole of India suffer by these provisions which cannot be defended either by arguments on principle or by expediency; do not let the whole of India suffer simply because you must have special provisions with regard to some particular tract for some years to come. If you want to have the Workman's Breach of Contract Act applied to particular tracts, like the Nilgiris and Wynad, I have not the slightest objection to those provisions being limited to those particular localities. But I submit, Sir, that on general principles the labourer must be absolutely free to dispose of his labour in any way he chooses at the best possible market-rate and on returning the advance that he takes, and that he should not be tied down by any law to being compelled to serve for a particular period. On the essential question as to what type of labour it is which Government wish to guard and which cannot be procured otherwise than by tendering proper wages, the Hon'ble Member in charge has given no answer. If the labourer can be offered sufficient wages to attract him in the normal course of things, it is well and good, but if it is to be at the expense of sweated labour, I think it is time for the legislature to interfere, and I submit, Sir, the labourers in Assam and Assam must have absolute freedom to leave the estates so long as they do not cheat their masters of the advances which they receive."

The motion was put and negatived.

The Hon'ble Rao Bahadur B. N. Sarma:—"I ask for a division, Sir."

The motion was put and the Council divided as follows:—

Ayes—11.

The Hon'ble Mr. S. Sastri.
,, Mr. R. Ayyangar.
,, Mr. B. N. Sarma.
,, Mir Asad Ali, Khan Bahadur.
,, Mr. V. J Patel.
,, Raja Sir Rampal Singh.
,, Raja of Kanika.
,, Chaudhri Mohamed Ismail Khan.
,, Sir Zulfikar Ali Khan.
,, Mr K. V. Reddi.
,, G. S. Khaparde.

Noes—32.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
,, Sir George Lowndes.
,, Sir George Barnes.
,, Sir William Vincent.
,, Mr. Shafi.
,, Sir Arthur Anderson.
,, Sir Thomas Holland.
,, Sir Gangadhar Chitnavis.
,, C. F. Dela Fosse.
,, Mr. A. H. Ley.
,, Sir William Marris.
,, Major General Sir Alfred Bingley.
,, Mr. E. Burdon.
,, Sir Sydney Crookshank,
,, Sir John Wood.
,, Surgeon General W. R. Edwards.
,, R. B. L. M. Chatterjee.
,, Mr. H. Moncrieff Smith.
,, Mr. A. P. Muddiman.
,, Mr. C. A. Barron.
,, Mr. N. E. Marjoribanks.
,, Sir Dinshaw Wacha.
,, Mr. N. F. Paton.
,, Mr. K. C. De.
,, Mr. L. F. Morshead.
,, Khan Sahib Shah Nawaz, Bhutto.
,, Mr. P. J. G. Pipon.
,, Mr. H. A. Casson.
,, Mr. A. E. Nelson.
,, Mr. G. F. S. Christie.
,, Maung Bah Too.

The amendment was accordingly rejected.

INDIAN RED CROSS SOCIETY BILL.

The Hon'ble Sir Claude Hill:—"Sir I beg to move for leave to introduce a Bill to constitute an Indian Red Cross Society. 12-27 P.M.

"In laying this motion before the Council, I wish very specially to ask for the indulgence of the Council, because I am in a peculiarly unprotected position. Though I am a Member of the Executive Council, this is a private Bill, and I am, therefore, in the same position as any private member of this Council, and it is up to me to justify before the whole Council the merits of the motion which I have to submit.

"The position might perhaps be described as being that of the big boy who is accustomed to discipline others of a lesser size within the sanctum of his studio and who finds himself on the play-ground surrounded by a very large number of smaller boys and entirely at their mercy. I therefore hope to be able to appeal to this Council and to ask that they will support the motion to introduce this Bill entirely on its merits. In view of the novelty of the nature of the proposed legislation, as well as the novelty of the circumstances in which it is introduced, the Statement of Objects and Reasons attached to it has been drawn up at considerable length and much more fully than is usual. At the same time, I am afraid I must supplement what is stated in the Statement of Objects and Reasons by giving to the Council, as briefly as I can, the history of the circumstances that led up to the preparation of this Bill.

"Now in August, 1914, when the great war broke out, India, of all the countries belligerent on that occasion, found herself destitute of any machinery of a humanitarian character with which to supplement the carrying out of measures, ameliorative measures, connected with the sickness and suffering arising out of the war. It was necessary to improvise everything that should be done, and the late Sir Pardey Lukis—and India has never had a better friend—devoted himself to the task of that improvisation. He took the only organisation which existed in India at the time, namely, the St. John's Ambulance Association, and on the model of what was being done in England he grafted upon that an organisation designed to resemble the organisation of the British Red Cross Society, and brought into being a branch of the Joint War Committee in England. With that organisation, which of necessity was largely official in character because, as I say, India had had no machinery before to deal with such a crisis as had then arisen; with that machinery Sir Pardey Lukis managed to organise arrangements by which he was able to discharge, or rather the Joint War Committee in India, was able to discharge, as agents of the English Joint War Committee the task of alleviating sickness and suffering arising out of the war. But, on the financial side, in spite of the generous response from time to time made by individuals in the cause of providing money for the relief of suffering, to a very large extent India had to rely upon the moneys transmitted from the British Joint War Committee, and administer them out here through the agency of the Joint War Committee. It was not till December the 12th, 1917, that India took her proper place in respect of administering this relief. As a result of an appeal made by His Excellency the Viceroy and with the 'Our Day' organisation administered by Mr. Buck, there was an enormous response, a great rally in India to the cause of the relief of sickness and suffering arising out of the war. The provinces co-operated in the most hearty manner and as a result of the appeal initiated by His Excellency a sum of over a crore of rupees was collected to the credit of the Joint War Committee for purposes analogous to those administered by the British Red Cross Society. From the 12th of December 1917, which can be taken as our day of emancipation in India, India was able not only to administer the Red Cross work in her own borders, but to take over the Red Cross Commission in Mesopotamia and to assist Red Cross operations in Egypt, Palestine and elsewhere, wherever Indian troops were employed. Now, one has never had an opportunity before publicly of recording the obligation which, I think, India owes, and which certainly the Government of India feel, to those who had so generously responded to His Excellency the Viceroy's appeal and to those who worked so hard to develop the organisations, Provincial as well as at Headquarters, for the proper administration of the funds so collected, and I am very glad to have this opportunity of expressing the appreciation which the Joint War Committee themselves feel for all that has been done, and the generous response which India made in that matter. It would be inappropriate here to mention the names of the living; they are in fact far too numerous to mention, but I do believe this Council would wish that I should on their account endeavour to place on record the appreciation which we must all feel for the efforts, the self-sacrificing efforts of our late friend Surgeon-General Sir Pardey Lukis, who unquestionably hastened his end by his self-sacrificing labours in the cause of humanitarianism in India.

"Now with an access of funds it became necessary for the Joint War Committee to re-organise itself, if possible, on a more popular basis, and also to visualise the future. This process was undertaken during the year 1918. The constitution of the Joint War Committee itself was liberalised and very largely Indianised, the methods of procedure and work were altered so as to give provinces a greater degree of autonomy, and as far as possible there was no interference with the procedure which provinces chose to adopt in administering the funds which they themselves had collected and which were at their credit; and, with reference to the future, after August the 8th, 1918, when it became apparent that we were going to win the war within a reasonable limit of time, the Joint War Committee began to consider what should be done with such balances of the funds collected on 'Our Day' which might remain to their credit at the cessation of hostilities. In connection with that question it became imperative (because it is to be remembered that we were still, and are still to-day, technically a branch of the English Joint War Committee) to refer the question home to London. In doing this the Joint War Committee suggested to Headquarters in London that the proper course would be to tie up the capital sum which might be at the credit of the Joint War Committee at the end of the war, ensuring that it should only be expended in the ways originally desired by the donors to that fund, namely, for the purpose of relief of sickness and suffering in time of war. But it was also felt that, particularly in order to keep in being the organisations which had been created during the war for the relief of suffering and for helping the humanitarian work generally, in order to keep that organisation in being, it would be well to have a perpetual activity, which should be financed by the interest accruing from the capital sum which might stand to our credit at the close of the war. This suggestion was put to London, and it was very gratifying to find not only that they approved of our suggestion, but that it tallied in all respects precisely with what was happening in England. The Joint War Committee in England simultaneously came to the same conclusion that we had come to, and determined so to re-organise the British Red Cross Society as to enable it, primarily an organisation for war, to undertake philanthropic work during peace times, and to expend upon that civil philanthropic work the moneys which had been collected for the relief of sickness and suffering during the war. With this end in view the British Red Cross Society took steps to have its charter altered and amplified, and I shall have occasion directly to refer to the revised terms of that charter.

"But the outstanding event of the year 1919, so far as my present purpose is concerned, is this that in that year, at the instance of the British Red Cross Society primarily, there was brought into being the International League of Red Cross Societies, which League, immediately on its formation, issued an invitation to India to join as an affiliated member in all respects on a par with, and with the same authority and autonomous independence as, the British Red Cross Society. That invitation was issued at a time when I happened to be in England and the Joint War Committee out here, with His Excellency's approval, telegraphed authorising me on their behalf to accept the invitation on behalf of India. Well, I think, this Council will agree that it was a very satisfactory position, from the point of view of India's pride, in which India found herself. India found herself recognised, in respect of this Red Cross work, as being in all respects on a par with other nations so far as Red Cross work went. But with that sense of pride must necessarily follow a sense of responsibility, and as soon as that invitation had been provisionally accepted at the instance of the Joint Committee out here, it became obvious that we must take steps to create an Indian Red Cross Society which did not till then exist. On the 29th of November last, with this end in view, I issued what I am afraid was a very long letter, with His Excellency the Viceroy's approval, to all provincial centres explaining, much as I have endeavoured to explain to this Council, the steps which had led up to the project for inaugurating a Red Cross Society, and inviting their opinions upon the organisation which was most proper for carrying it effectively into being. The replies received were most encouraging; there was not a dissentient voice from the whole of India or from any provincial branch. All were agreed that legislation was desirable to give effect to the project of linking India up on a level with the other nations in respect of this great work. With my letter of the 19th of November I was able to issue to Local Governments also a letter from Sir Arthur Stanley to County Associations at Home in the course of which he shows what the purposes are which the British Red Cross Society intends to further during peace time in the future, and they include the following:—

> 'The matters which we hope to bring under the immediate attention of he Joint Council are—
>
> (1) the care of the sick and wounded men of His Majesty's Forces whether still on the active list or demobilised;
> (2) such care as may still be necessary for prisoners of war;
> (3) the care of those suffering from tuberculosis, having regard, in the first place, to soldiers and sailors whether they have contracted the disease on active service or not;
> (4) child welfare;
> (5) work parties to provide the necessary garments, etc, for hospitals and health institutions in need of them;' (I wish to lay particular stress on that);
> '(6) assistance required in all branches of nursing, health and welfare work, ancillary to the Ministry of Health;
> (7) Red Cross War and Peace Hospital Library;
> (8) Home Service Ambulance work.'

Simultaneously, also I was able with that letter to circulate an agreement which had been come to in England between the British Red Cross Society and the Order of St. John of Jerusalem by which the Order of St. John of Jerusalem agreed to co-operate with the Red Cross Society in their enlarged sphere of activity. To any one who knows the rivalry which existed at the commencement of the war between those great societies, it is impossible to exaggerate the significance of the agreement arrived at between them, and those who were sufficiently interested to read my letter of November the 29th, which was published in the press, will have seen that the whole of the organisation suggested to provinces is based on the supposition that there will be the same co-operation out here in India between St. John's Ambulance Association and the future provincial branches of the Red Cross Society.

"Now, Sir, I would ask Members of Council to turn for a moment to section 7 of the draft Bill before the Council, which has been so drafted as to endeavour to give effect to the purposes I have described. It says:—

> 'Notwithstanding anything contained in any appeal for subscriptions or gifts, to or for the purposes of the Committee, the Managing Body of the Society may in its discretion apply—
>
> (*a*) either the corpus or the income or any part of such corpus or income of any property vested in it under clause (*b*) of section 6 for the relief of sickness, suffering or distress caused by the operation of war in India or in any other country in which Expeditionary Forces from India may from time to time be employed and for purposes cognate to that object and in maintaining Red Cross Depôts for military purposes;
>
> (*b*) in accordance with the provisions of section 8 the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.'

"If Hon'ble Members will turn to the First Schedule of the Bill they will see that there is a remarkable resemblance between the objects to which the funds of the Society may be applied, as specified there, and those which I have read out from Sir Arthur Stanley's letter to County Committees.

"I now, Sir, turn back for a moment to the title of the Bill which is 'A Bill to constitute an Indian Red Cross Society.' Now, I am aware that it has been suggested, and in some quarters apprehended, that that title possesses a sectarian character and possibly a sectarian significance, and, since that is not the case, I have thought that it would be well to explain precisely what the Red Cross in reference to the Red Cross Society really connotes. I have no doubt that many members of this Council are aware of the circumstances under which, after the Geneva Convention, which followed upon the Battle of Solferino, the Red Cross Societies first came into being, and are familiar with the fact that, in taking the Red Cross as their emblem, they were taking the emblem of the Republic of Switzerland, and that the Red Cross Societies were in fact christened Red-Cross Societies because of the Red Cross which was the Swiss national emblem, and thereby recorded the fact that the convention had been arrived at at Geneva. That was the whole of the significance of the Red Cross title assumed by the Society. But, since that may not be held to be a complete reply to the suggestion, I have been furnished with an extract from the Encyclopædia Britannica, 11th edition, from which I would like to read a short extract :—

> 'From its simplicity of form the cross has been used both as a religious symbol and as an ornament, from the dawn of man's civilisation. Various objects, dating from periods long anterior to the Christian era, have been found, marked with crosses of different designs, in almost every part of the old world. India, Syria, Persia and Egypt have all yielded numberless examples, while numerous instances, dating from the later Stone Age to Christian times, have been found in nearly every part of Europe. The use of the cross as a religious symbol in pre-Christian times, and among non-Christian peoples, may probably be regarded as almost universal, and in very many cases it was connected with some form of nature worship.'

"But, after all, I prefer to rely upon the *facts* connected with the Red Cross Societies, as at present universally in being, rather than upon any encyclopædic description. And what are the facts? Every civilised country in the world has a branch, in nearly all cases utilising the name of Red Cross Society, and every civilised country has as members of that Red Cross Society, or whatever it is called, countless numbers of members of all races, creeds and religions throughout the world. There is nothing to cavil at either in regard to the title or to the operations of the Red Cross Society. And I would remind Council of what was said in a report, which many members may have seen, by a Committee which was despatched to Mesopotamia to investigate the operations of the Red Cross Commission. At the end of their report they observe :—

> 'To the Red Cross a sick man is a sick man,'

thereby implying that it was catholic in all respects. I think, therefore, that the Council will agree that the question of the title of the Bill is subsidiary to the main humanitarian purpose for which this Bill is framed, and in regard to that purpose I have no doubt whatever as to the sympathy of this Council and of India at large. Proceeding now to clause 2 of the Bill, it is provided that the first members of the Society 'shall be nominated by persons who immediately before the commencement of this Act were members of the Joint War Committee Indian Branch of the Order of St. John of Jerusalem in England and the British Red Cross Society at a meeting to be summoned and held for that purpose in accordance,' etc. Well the reason for that is very simple. It is that they are the body of persons who are responsible as a matter of fact to the original subscribers of the Our Day Fund, and it is on them, in the first instance, that the responsibility for initiating the indianisation of the Indian Red Cross Society must lie.

"Under clause 4 it will be seen that within six months rules and regulations have to be made by the managing committee dealing with certain obvious requirements.

"I do not think I need go in detail through all the other sections, but under clause 8 provision is made for the constitution in the various 'provinces, States and other parts of India' specified in the Second Schedule branch committees consisting of members of the Society and 'subject to the requirements of the managing body of the Society for the purpose of clause (*a*) of section 7 and any provision for expenses of management,' the income of the property which has been vested in the Society under clause (*b*) of section 6 shall be distributed annually among such branch committees in the proportion shown in the said Schedule, to be expended by them at their discretion upon all or any of the objects referred to in clause (*b*) of section 7. Those proportions, I wish to explain, as is clear from the Statement of Objects and Reasons, have been arrived at on a consideration of the precise sums contributed to the Central Fund by the different provinces in the first instance, and it is proposed to give back precisely in that proportion the annual income, as a matter of right, to the contributing provinces.

"I think it may be relevant and will interest the Council if I read an extract from the new Charter of the British Red Cross Society. After reciting the reasons for enlarging, adding to and varying the ordinances of the said charter, it proceeds:—

'We are graciously pleased to grant, ordain and declare as follows, namely:—'In addition to the primary object as defined in the said charter the objects and purposes of the said Society shall include the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.' It also gives to the Society power 'to affiliate to the said Society any Society or organisation which is carrying on in any part of the world, work similar to any work for the time being carried on by the said Society or any local Branch of such Society or organisation, and to enrol members, etc.'

"I think it will be agreed that the breadth of the objects of the Charter of the new Red Cross Society in England are so extensive that our Bill cannot be said to go too far.

"I should like also, if I may, to say that in the preparation of this Bill I have been greatly assisted by an informal committee of Hon'ble Members of this Council who have been of the greatest possible help. They have represented the various provinces interested in the development of this scheme; they have all given their cordial support to it, and they concluded their second meeting by agreeing unanimously that 'the Bill with the amendments proposed would be suitable for the purposes in view and should be passed into law.' Further, I am happy to be able to say that I had an opportunity when the Princes' Conference was held here last November of consulting some of the Princes as to the possibility of extending Red Cross activities in the States of India; and I had the most satisfactory response from them. I was invited to meet them and an informal meeting of the conference recorded its sympathy and intention to support the movement as soon as it was inaugurated.

"I may now summarise the main purposes which we have in view. They are threefold:—

firstly, the preservation of the capital sum subscribed in response to the 'Our Day' appeal for war work and its reservation for expenditure on the relief of sickness and suffering arising out of the war;

secondly, to give authority for the extension of the purposes to which the interest on that fund may be expended on general humanitarian work and improvement of civil hospitals throughout India, and

thirdly, to bring into being, or rather to secure the continuance of those organisations which have come into being, during the war, and which we hope will not be allowed to relapse into non-existence during peace, but which we hope will divert their energies to an interest in hospital conditions, civil as well as military, throughout India.

"For the benefit of provincial representatives, I should like to say that the Bill has been drawn with a full appreciation of the desire of provinces to have autonomous control of their own funds, and the informal committee to which I have referred gave me the greatest possible assistance in altering the Bill in such a way as to secure that it should be free from the criticism or suggestion that the Central Indian Red Cross Society desire in any way to interfere with the discretion of provincial branches when this scheme comes into existence. I suggest, Sir, that this Bill should appeal to this Council as one bringing into being an organisation in all respects consonant with India's aspirations for self-realisation, that it will bring into existence a body, essentially Indian, controlled in India, and operating as an equal member with similar bodies representing the Dominions and Great Britain, and that as such it should appeal to the *amour propre* of India, and receive the cordial support of representatives of India.

"I shall not have another opportunity, Sir, and I hope therefore the Council will bear with me if I take this opportunity of expressing my personal thanks to all those members of the Joint War Committee, and the many helpers outside the Central body of the Joint War Committee, for the assistance they have rendered in the very difficult task of administering the work of the Joint War Committee during the past two and a half years. Again, it is impossible to mention individuals by name; they are too numerous; but I cannot let this occasion pass without making the Council acquainted with how much India owes to the efforts of Colonel Ross and Major Coldstream who, for various periods have officiated as Secretaries of the Joint War Committee, and who during the great war and again during the Afghan War were instrumental in rendering help of the very greatest value, as has been testified to by General Officers Commanding, to Indian troops in the field.

"I have very nearly done, Sir, but there is one question that may be asked and to which I would suggest an answer. It may be asked 'Well, why should this Society enter upon the campaign of ameliorating civil hospital conditions and of alleviating sickness and distress not due to war?' Conditions are very different in India in this respect from conditions in England. In England the magnificent hospitals which are available for the treatment of sufferers are preponderatingly private institutions subscribed by private philanthropy. In India, on the other hand, medical relief is very largely and preponderatingly supplied by Government, and hitherto there has perhaps been less interest taken non-officially in the administration of medical relief from the philanthropic side than has been the case in most countries. But it is hoped that by this Bill an organization will come into being which will remedy this defect and will automatically bring about an interest on the part of the non-official public in the amelioration of hospital conditions throughout the country. That these conditions need amelioration hardly requires argument. I take it that I am not alone in this Council in being familiar with the conditions obtaining in the average up-country civil hospital. Now I do not for a moment suggest a reflection either on Local Governments or on medical officers. It is not. Obviously, Government have their limitations, financial and otherwise, in regard to the amount which they can spend upon medical relief and upon the strength of their establishments. Nevertheless, the facts are that, leaving aside the large civil hospitals at the district headquarters, the average civil hospitals in smaller centres, taluka headquarters and so forth, can only be described in many cases as repellent institutions. They have been described to me as consisting of 'four walls and a charpoy,' and not a single comfort of any sort, kind or description is to be found within those four walls. Now the aim of the Indian Red Cross Society, when established, should be, and I hope, through provincial branches, will be, to bring into being Presidency, Provincial, Divisional, District and Tahsil Committees of the society, whose interest it will be not only to visit and organize comforts for the inmates in the hospitals, but to familiarise their fellow-subjects with the need for uplift in this respect and for facilitating the collection of money in aid of developments of this character for the provision of greater comforts to sufferers. We want to get over the state of affairs in which it is possible for people, as it is possible at present in some places upcountry, to prefer to die quietly in their homes rather than go to the hospitals, and that is essentially the reason why the Joint War Committee are so anxious that this Bill should speedily become law in order that action in that direction may be taken with the least possible delay. Sir, this Bill is the direct outcome of the War, and may we not say with Tennyson and share his trust that 'somehow good may be the final goal of ill.'"

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I desire to assure the Hon'ble Member that this Bill which he has introduced does appeal, and very strongly appeals, to the sympathies of this Council and that for 1-5 P.M.

several distinct reasons. In the first place, it is a humanitarian measure. The object of this Bill, I take it, is to place upon a sound and legal footing an organization which had done admirable work during the crisis of the war. It seeks to do something more It seeks to prolong the beneficent activities of that organization by placing it upon a legal basis. That, in itself, would appeal to all Indians. For, Sir, we are all partial to institutions of charity, beneficence and philanthropy. That has been the immemorial characteristic of our people from the dawn of human history, and that instinct is not yet dead. Therefore, I do say that upon the ground of humanity the Bill does appeal very strongly, and it also appeals to us for another reason which is of modern origin I understand, as the Hon'ble Member has told us, that this institution is to be a part and parcel of the League of Red Crescent Societies all over the world. Sir, we have been admitted and India is a member of the League of Nations, and we desire also to have a place in this League of Red Crescent Societies, and this League will spread the blessings of humanity, charity and beneficence throughout the world . . . .

The Vice-President:—"The Hon'ble Mover said Red Cross Society."

The Hon'ble Mr. Surendra Nath Banerjea:—"And this is to be a branch, a part of the Red Cross League.

"Then, Sir, lastly, my Hon'ble friend has assured us that the provincial organizations will all be autonomous in their character. That again is in conformity with one of those instincts which have been developed in us within the last few years. For these reasons, I am perfectly certain that this Bill will meet with the unstinted sympathy, and support of this Council and I desire to commend it to the acceptance of my countrymen at large, subject to the consideration of the details of the Bill. And, Sir, the objects of the society will not be confined to operations which are organized during war time, but the society will continue its activities during times of peace for the improvement of health, for the relief of suffering and the mitigation of sickness. Therefore, on all these grounds, I desire to commend this Bill to our people.

"Sir, before I sit down I think it is my duty as a member of this Council and as representing my Indian friends that we should express the gratitude and the admiration that we feel for Sir Claude Hill whose retirement is now approaching. His great ability, his deep sympathy with Indian aspirations, of which a notable illustration is afforded in the evidence that he gave before the Joint Committee, his grasp of details, his rare capacity for solving difficulties had made him, I venture to say, not only one of the most useful members of the Executive Council of the Government but also of this Council. I am sure his retirement will not only be regretted in this Legislative Council, but also by his numerous friends and admirers, and in the course of time when the secrets of the Executive Council come to be known, by an admiring, and grateful posterity, and I feel it my duty to give expression to these sentiments not only on behalf of myself, but also on behalf of my Indian friends ."

1-10 P.M. **The Hon'ble Sir Dinshaw Wacha** :—"Sir, I cordially welcome the Bill which Sir Claude Hill has introduced this morning with so much lucidity and fulness of detail and which, I think, will commend itself to all members of this Council.

"This Bill is really one of the beneficent outcomes of the war, and I suppose we must congratulate not only the original Red Cross Society in London, but also its Branch here for the good work they contemplate to accomplish So far as the proposed legislation is concerned, we hope that the future administration of the Red Cross Society in India will prove a great success.

"After all the elaborate arguments and reasons which have been put before us I have nothing particular to say; but I also wish to heartily associate myself with my friend Mr. Banerjea on the views he has expressed about the admirable manner in which Sir Claude Hill has introduced this Bill. I am quite sure that even in times of peace, the Red Cross Society now instituted, or which is going to be instituted, will be a most beneficial instrument for good for the relief of suffering humanity in respect of which India, I regret to have to say, is at the present time very backward.

"Influenza and plague epidemics and other fatal diseases have distressed us for a very long time, and I fully believe that this Society will prove a beneficent harbinger of India's good health in the future.

"My friend, the Hon'ble Mr. Banerjea, has paid a deserving compliment to my Bombay friend, Sir Claude Hill, and I, as a Bombay-man, cordially join in the appreciation that has been expressed by him before this Council in reference to the arduous, useful and most honourable work which Sir Claude Hill has performed from time to time not only in Bombay, but in this Council for the last five years with credit to himself and to the Government to which he belongs.

"With these few words, Sir, I heartily commend this Bill to all the Members of this Council, and I hope that it will be passed without delay so that we may begin to reap those benefits which it intends to confer on the country."

His Excellency the Commander-in-Chief:—"Sir, although this Bill has been introduced by my Hon'ble colleague, Sir Claude Hill, it is really a private Bill, and as the Member in Charge of that Department with which it is chiefly concerned, it falls to me to support the views of the Government in regard thereto. 1-13 P.M.

"As the Bill will be published in the Gazette of India with a view to eliciting public opinion, I am prepared to support its introduction on the understanding that in their eventual attitude towards the Bill, the Government must be guided by the opinions of those interested in the measure.

"I am also authorised to say that it is really a private Bill and the official Members of this Council will be free to speak and vote in regard to it as they please, and if, Sir, at this moment I may introduce a few personal words I desire to say how whole-heartedly I support this measure, as brought forward by my Hon'ble friend Sir Claude Hill. I wish it all success and I believe that in time to come we shall all wonder how it was that India was for so long unprovided with any organization of the kind and, consequently, lacking in the opportunity, which the proposed Indian Red Cross Society will give us, of showing sympathy for those less fortunate than ourselves, and of rendering personal and practical service in the alleviation of sickness and suffering by the systematic improvement of our hospitals."

The Hon'ble Mir Asad Ali, Khan Bahadur:—"Sir, with your permission I beg to welcome this measure on behalf of the Muhammadan Members of this Council and of the community. I may also be allowed to join with my friends, Mr. Banerjea and Sir Dinshaw Wacha, in the expression of appreciation which they have accorded to the Hon'ble Sir Claude Hill in connection with this Bill. I do so, also on behalf of Madras." 1-15 P.M.

The Hon'ble Raja Sir Rampal Singh:—"Sir, in the absence of my brother colleagues, the representatives of the United Provinces the pleasant duty of according my cordial and most enthusiastic support to the Bill which has been introduced by my Hon'ble friend Sir Claude Hill falls upon me. 1-16 P.M.

"Sir, there can be no two opinions about the desirability of constituting a Red Cross Society, and putting it on a legal basis. It would not be out of place to say that we are under a deep debt of gratitude to the Joint War Committee whose activities in affording relief to the people in need have been most praiseworthy. It is a matter of great gratification that India responded to the appeal of this War Committee in a generous way, and it is a matter of great pride to me, Sir, that the United Provinces headed the list when the 'Our Day' Fund was opened. I have every hope that my Province will try its best to maintain its position in this philanthropic work. With these few words I most cordially support the Bill and the motion that has been put before the Council."

1-17 P.M. **The Hon'ble Sir Gangadhar Chitnavis:**—"Sir, I beg to support the principles of the Bill for which leave to introduce has been asked by Sir Claude Hill. I am sure it will be the means of continuing in times of peace the good work done during the war by the Red Cross Society. I would also like to associate myself, on behalf of the Central Provinces, with the sentiments expressed by the Hon'ble Mr. Banerjea in his euology of the work performed by Sir Claude Hill in this Council and outside and our regret at his approaching departure."

1-18 P.M. **The Hon'ble Mr. K. V. Reddi:**—"Sir, I wish to join in the support that has been given to this Bill, on behalf of the non-Brahmin community of Madras. By this Bill, Sir, the non-Brahmins of Madras are twice blessed, because they are members of the Army that is supplied from that part of the country, and also because among them are included the lower classes who mostly suffer from epidemics and diseases to which this country is subject. To them therefore it is a double blessing.

"I should also like to associate myself with the just meed of praise that has been offered to Sir Claude Hill. We know the support that has been given to us non-Brahmins of Madras in the famous despatch to the Secretary of State in which the Government of India supported our demand for separate representation. We know that if it had not been for Sir Claude Hill and other members of the Government of India, we should never have had that concession given to us, so easily.

"In any case, as a Member of the Government of India, I thank Sir Claude Hill on behalf of the non-Brahmins of Madras, and I cordially join in the praise that has been given to him."

The motion was put and agreed to.

1-19 P.M. **The Hon'ble Sir Claude Hill:**—"Sir, I feel, in view of the kind words that have fallen from the lips of various members, that I need say but little on the Bill itself; and even from my friend, His Excellency the Commander-in-Chief, the tepidity of the water which has been thrown officially on the Bill is more than made good by the warmth of his personal support. But I was totally unprepared to find that the present occasion would be made one for so much kind reference to myself and I feel, Sir, that I may perhaps be allowed to say how grateful I am to the very kind friends who have referred to me personally in connection with this Bill.

"I beg to move the motion which stands in my name that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to

The Council then adjourned to Monday, the 8th March at 11 o'clock

A. P. MUDDIMAN,

Secretary to the Government of India,

Legislative Department.

DELHI:

The 12th March, 1920.

APPENDIX.

[Referred to in Answer to Question No. 10.

Statement showing the States which have introduced free and compulsory education.

Name of State.	Education free and to what extent.	Education compulsory and to what extent.	Education free and compulsory.
Bombay.			
Aundh	......	Compulsory.	
Bajana	Free	......	......
Bansda	Free	......	......
Bariya	Primary and secondary education free.	......	......
Bhor	Primary education free	......	......
Cambay	Free in village schools. Girl schools, Madrassas and Sanskrit schools also free.	......	......
Chhota Udepur	Free	......	......
Chuda	Primary education free	......	......
Daphlapur	Free	......	......
Dharampur	Primary and secondary education free.	......	......
Dhrangdhara	Free	......	......
Gondal	......	Primary education for girls compulsory.	......
Idar	Free	......	......
Jamkhandi	Primary education free	......	......
Janjira	Education free up to III standard.	......	......
Jasdan	Free	......	......
Jath	Free	......	......
Jawhar	Free	......	......
Kolhapur	......	......	Free and compulsory.
Kurundwad (Senior)	Free	......	......
Do. (Junior)	Free	......	......
Lakhtar	Primary and secondary education free.	......	......
Limbdi	Free throughout	Primary education made compulsory in most of the village schools.	......
Manavadar	Primary and secondary education free.	......	......
Miraj (Junior)	Primary education up to standard IV, free	......	......
Morvi	......	Compulsory	......
Mudhol	Primary education free	......	......
Muli	Ditto	......	......
Navanagar	Free	......	......
Phaltan	Primary education free	Compulsory in the municipal area.	......
Rajkot	Except in the city proper primary education is free.	......	......
Ramdurg	Primary education free	......	......
Sachin	Free	......	......

Name of State.	Education free and to what extent.	Education compulsory and to what extent.	Education free and compulsory.
Savantwadi	Only one free primary school. Boys and girls belonging to the depressed classes are taught free.	......	......
Sunth	Free	......	......
Tan-Lakhtar	Primary and secondary education free.	......	......
Wadhwan	Free	......	......
Wankaner	Primary education free throughout the State.	......	......
Bengal.			
Hill Tippera	Free	......	......
Central India.			
Ali Rajpur	Free	......	......
Barwani	......	......	Free and partially compulsory.
Chhattarpur	......	Compulsion is limited to certain classes, and is in reality nominal.	......
Nagod	Free	......	......
Narsingarh	Free	......	......
Ratlam	Elementary education free.	......	......
Madras.			
Puddukkottai	Except for the boys at the capital, elementary education is free throughout the State.	......	......
Punjab.			
Bahawalpur	No fees are charged in village primary schools.	......	......
Kalsia	Free	......	......
Kapurthala	......	Scheme for compulsory education sanctioned.	......
Rajputana.			
Jhalawar	Free	......	......
Karauli	Free	......	......
Shahpura	Free	......	......
Sirohi	Free	......	......
United Provinces.			
Rampur	Free	......	......
States in direct relations with the Government of India.			
Baroda	......	......	Free and compulsory.
Jammu and Kashmir	Primary education entirely free.	......	......
Mysore	......	Education compulsory.	......

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Monday, the 8th March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 54 Members, of whom 47 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Kamini Kumar Chanda asked:— 11 A.M.

Treatment of an Indian lady passenger at Ujirpur Railway Station.

1. " (*a*) Has the attention of Government been drawn to the following press telegram from the Associated Press, dated Patna, the 21st January :—

'The *Searchlight* publishes the particulars of how an Indian lady passenger travelling by first class from Ujirpur railway station was asked by two European gentlemen to vacate the first-class compartment at Samastipur. She was taken out and she had to remain standing on the platform with a servant for a few minutes. Then a gentleman, who happened to witness the occurrence, placed her into a second class. The matter was brought to the notice of railway authorities, but no action was taken.'

(*b*) Do Government propose to have an inquiry made about the matter and publish the result at an early date, stating what action, if any, has been taken by Government ? "

The Hon'ble Sir Arthur Anderson replied:—

" (*a*) The attention of Government has not previously been drawn to the telegram referred to.

(*b*) Information has now been obtained to the effect that the lady made no complaint to any railway official, but inquiries are being made with a view to ascertaining the facts of the case."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Representation of the Delhi Province on the new Councils.

2. "(*a*) Has the Delhi Province been given any representation on any Council, Local or Imperial, under the Reform Scheme ?

(*b*) Is it a fact that the Southborough Committee allotted one seat to Delhi in the Legislative Assembly ?

(*c*) Will Government state the reasons why this recommendation is not to be given effect to, as stated in the Communiqué of the 8th January ?

(*d*) Do Government propose to consider the advisability of allotting to Delhi at least one seat on the Imperial Assembly and one on the Council of State ?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(*a*), (*b*), (*c*) and (*d*). The Hon'ble Member is referred to the answer given to the question asked by the Hon'ble Mr. Patel on the 3rd March. For the reasons there stated, the Government of India do not propose to allot any elective seats to Delhi in either Chamber of the Indian Legislature. Delhi is a separate province, and cannot therefore be given representation on any of the Legislative Councils of Governors' provinces."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Railway porters for the Delhi station.

3. "(*a*) Is it a fact that the contract for supply of railway porters for the Delhi station is, according to the decision of the railway authorities, to be given to retired European or Anglo-Indian stationmasters and never to an Indian ?

(*b*) Is it a fact that there is an army of 400 porters employed at the station who have to pay a daily commission of four annas per head to the contractor ?

(*c*) Is it a fact that these porters harass passengers whose luggage they handle ?

(*d*) Do Government propose to make an inquiry into the matter ?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) The reply is in the negative.

(*b*) Government are not aware that this is the case. The contractor is authorised to employ a maximum of 400 coolies, to be available in batches over the 24 hours, and makes his own arrangement with them.

(*c*) The tariff which coolies are authorised to charge for services rendered is fixed by the Railway Administration. Each complaint forms the subject of inquiry, and if a licensed porter is proved to be guilty of harassing a passenger, he is summarily dismissed.

(*d*) The reply is in the negative."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Constitution of a Board of Economic Survey in the Punjab.

4. "(*a*) Is it a fact that a Board of Economic Survey has been constituted in the Punjab under official auspices in order 'to take up the more pressing economic questions of the day and arrange for their examination on scientific lines ?'

(*b*) Do Government propose to suggest to other Local Governments to constitute similar bodies ?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) The Government of India have been informed that the Punjab Government has sanctioned the constitution of a standing board of economic inquiry, but have not yet received any details regarding its functions.

(*b*) The Government of India consider that this is a matter which must be left to the discretion of Local Governments, but a copy of the Hon'ble Member's question and of my reply will be communicated to them."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The Provincial Educational Service.

5. "(*a*) In connection with the recent Press Communiqué of the Government of India on the re-organisation of the Provincial Educational Service, as sanctioned by the Secretary of State (dated Delhi, the 29th November, 1919), will Government be pleased to state—

(*i*) whether the cadre of the Provincial Educational Service in the different provinces will be re-organised permanently on the scale now sanctioned by the Secretary of State, or whether some other subsequent re-organisation is in contemplation, the present measure being in the nature of temporary relief;

(*ii*) whether the proposed re-organisation has been sanctioned as a result of the recommendations of the Public Services Commission; and

(*iii*) the date from which the re-organisation will come into force?

(*b*) Do Government propose to direct that the re-organisation be given effect to from the same date in all the provinces as far as is possible?

(*c*) Will Government be pleased to lay on the table papers in connection with the re-organisation of the Provincial Educational Service, including the despatch of the Government of India, Education Department, dated 10th July, 1919, on the subject and the Secretary of State's reply thereto?"

The Hon'ble Mr. Shafi replied :—

"(*a*) (*i*) The re-organisation sanctioned by the Secretary of State is intended to be a permanent re-organisation.

(*ii*) The re-organisation sanctioned by the Secretary of State, although it differs from the proposals made by the Public Services Commission, has resulted from the proposals made on the recommendations of that Commission.

(*iii*) The date of introduction will be primarily a matter for decision by the Local Governments.

(*b*) The Government of India do not propose to give any orders to the Local Governments in respect of the date from which the re-organisation of the Provincial Educational Services should come into effect.

(*c*) The * papers are laid on the table."

The Hon'ble Mr. V. J. Patel asked :—

Formation of a militia and a mercantile marine in India.

6. "(*a*) Has the attention of Government been drawn to the following observations of Lord Ampthill appearing at page 115 of the unrevised Official Report of the debate in the House of Lords of 16th December 1919 :—

'It would be a long step in progress, which would take more than a generation to accomplish, to train a proper proportion of the manhood of India in every Province in a military organisation and also in the art of modern seafaring; but no better earnest of our professed intentions could be given than to trust the people of India with the formation of militia and of a mercantile marine. There could be no better lesson in self-reliance and self-government than that.'

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* Not included in these Proceedings.

(*b*) What steps do Government propose to take for the formation of a militia and a mercantile marine in India?"

His Excellency the Commander-in-Chief replied:—

"As regards (*a*), the answer is yes.

As regards (*b*), the question of the formation of a militia forms part of the general question of Army organization which is now being examined by Lord Esher's Committee. No statement on the subject can be made until the report of the latter has been considered. The creation of a mercantile marine is a matter for private enterprise, but the question of establishing training schools in navigation and marine engineering is receiving the attention of Government."

The Hon'ble Mr. V. J. Patel asked:—

Payment of India Office charges by Parliament.

7. "From what date is it proposed to give effect to the recommendation of Lord Selborne's Committee that all charges of the India Office, not being 'Agency' charges, should be paid by moneys to be provided by Parliament?"

The Hon'ble Mr. A. P. Muddiman replied:—

"The Government of India understand that it is proposed to transfer certain charges of the India Office to the British estimates from the beginning of the next financial year."

The Hon'ble Mr. V. J. Patel asked:—

Control rate of Burma rice.

8. "(*a*) Is it a fact that the control rate of Burma rice fixed on the 7th May, 1919, in Burma was Rs. 385, but that people could not get rice at that rate and had to buy it at Rs. 500 after the 15th November, 1919?

(*b*) What is the present control price of rice in Burma? What steps do Government propose to adopt for preventing higher rates being charged from the people?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) It is a fact that on the 7th May, 1919, the maximum controlled price of Burma rice was fixed at Rs. 385 per 7,500 lbs. Big Mills Specials. After the middle of November some rice was obtained at the controlled rate, but stocks were by that time much exhausted and had mostly passed into the hands of a few merchants who were speculating on decontrol. These speculators were able to extort secret bonuses from licensees in Bombay, and it is possible that in some cases these bonuses brought the price up to the figure cited by the Hon'ble Member.

(*b*) The Hon'ble Member is referred to the Press Communiqué of the 24th December on the subject, which was laid on the table on the 18th February in answer to a question by the Hon'ble Sir Gangadhar Chitnavis."

The Hon'ble Mr. V. J. Patel asked:—

Publication of the Punjab Government's report on the Punjab disturbances.

9. "(*a*) Has the attention of Government been drawn to the fact that the official report of the Punjab Government on the Punjab disturbances has been published in England?

(*b*) Has the Secretary of State authorised the publication on his own responsibility, or were the Government of India previously consulted in the matter?

(*c*) Why has the publication of the said report in India been hitherto withheld?

(*d*) Do Government propose to order its publication without delay?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The narrative portions only of the report were published.

(*b*) The Government of India were previously consulted

(*c*) The same portions of the report have now been published in India (*vide* Press Communiqué of the 28th February, 1920). Government did not consider it expedient to publish in India while the Hunter Committee was sitting."

The Hon'ble Mr. V. J. Patel asked :—

10. "In what universities and to what extent has the system of examinations by compartment been in vogue? Will it be extended?" Examinations by compartments.

The Hon'ble Mr. Shafi replied :—

"The Hon'ble Member is referred to the statement which was laid on the table by the Hon'ble Sir Sankaran Nair on the 23rd September, 1918. Further information on this subject is contained in the University Calendars. The extension of the system of examination by compartments is a matter for consideration in the first instance by the Universities."

The Hon'ble Mr. V. J. Patel asked :—

11. "(*a*) Has the attention of Government been drawn to the recommendation of Lord Selborne's Committee regarding the embodiment in the law of the main principles governing the assessment of land revenue? Land revenue.

(*b*) What action do Government propose to take in the matter?"

The Hon'ble Mr. A. P. Muddiman replied :—

"(*a*) Yes

(*b*) The Government of India consider that as land revenue is a provincial subject, the necessary legislation must be undertaken by the local legislatures. They are in communication with the Secretary of State and propose to address Local Governments on the subject before long."

The Hon'ble Mr. W. E. Crum asked:—

12. "(*a*) Is it a fact that Government propose to earmark to Burma only one lakh out of the surplus arising from the present rice control in Burma? Allotments to Burma out of the surplus arising from rice control.

(*b*) Are Government prepared to reconsider this question and to allot the whole of the surplus to the improvement of communications in Burma?"

"May I draw attention to a slight clerical error in this question, in which the word 'lakh' has been substituted for 'crore.' I hope the Hon'ble Member will not need notice of the alteration."

The Hon'ble Sir Claude Hill replied :—

"I had assumed that the Hon'ble Member meant a crore."

"(*a*) Government originally announced their intention of allotting to Burma the whole of the net profits accruing from the rice control scheme up to a limit of one crore.

(*b*) The question of the allotment of the balance of the profits, should they exceed one crore, is under consideration."

The Hon'ble Rai Sahib Seth Nathmal asked :—

The Provincial Executive Service.

13. "(*a*). Are Government aware that officers of the Provincial Executive service have been suffering great hardships owing to inadequate salaries and the unprecedented and enormous rise in prices?

(*b*) Are Government prepared to ameliorate their condition by giving retrospective effect to the recommendations of Provincial Governments on the Report of the Public Services Commission immediately?

(*c*) Do the recommendations of the Central Provinces Administration published in the issue of the Central Provinces Gazette, dated the 13th December, 1919, create a distinction in the pay of officers of the Provincial Judicial and Executive Service of the Central Provinces?

(*d*) Do Government propose to sanction for Executive officers the same scale of pay as that proposed by the Central Provinces Administration for Judicial officers, in addition to a fixed touring allowance of at least Rs. 120 a month, with double first-class fare for journeys performed by rail?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government are aware that officers of the Provincial Executive Service, like officers of all other services, have been considerably affected by the rise in prices.

(*b*), (*c*) and (*d*) Instead of giving specific replies to these questions Government think it will be more useful to lay on the table for the information of the Hon'ble Member a statement of what has actually been decided in regard to revised scales of pay for the provincial civil service in the executive and judicial branches."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked :—

Increase of allowances to the postal employes in Sind.

14. "Has the attention of Government been drawn to a telegram sent by the Sind Postal Union, Sukkur, to the President of the Postal Conference, held at Calcutta on the 21st January, 1920, regarding the delay in sanctioning increased allowances to the postal employés in Sind on account of the high cost of living?"

The Hon'ble Sir George Barnes replied :—

"Yes.

The postal employés in Sind, outside Karachi, get the general war allowance sanctioned for the Postal and Telegraph subordinates, at the rate of 10 per cent. on salaries up to Rs. 70 and 5 per cent. on salaries exceeding that figure.

The men of the clerical class in Sind will participate in the general revision of pay which has been recently sanctioned by the Secretary of State for India for postal subordinates, and which will be brought into effect from 1st February, 1920."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Fluctuations in exchange.

15. "(*a*) Will Government be pleased to make a full statement, as suggested in the *Times of India* of 18th February last, on its policy on the subject of violent fluctuations in the exchange?

(*b*) What measures do Government intend to take to stabilise exchange?"

The Hon'ble Mr. W. M. Hailey replied :—

"The Hon'ble Member is referred to the *communiqué* published on February 23rd. The matter has also been dealt with in my speech introducing the Financial Statement.

As regards the second part of the question, if the Hon'ble Member is referring to the stability of the rupee sterling exchange, then I should point out that the policy recently adopted by the Secretary of State on the recommendations of the Indian Exchange and Currency Committee aims at securing the stability of the rupee in terms of gold, and not in terms of sterling."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

The Simla exodus.

16. "Will Government state for each of the last ten years the expenditure on their exodus to Simla under the following heads :—

(*a*) Travelling allowances to officers and clerks ;

(*b*) Special Simla allowances to them, such as house or rent allowances and any other allowances ;

(*c*) Expenditure on account of the carriage by railway of Government materials, including Government records, books, stationery, furniture, and sundries

(*d*) Expenses of Legislative Sessions, including all the allowances to members of Council, Executive and Legislative, and the additional cost of the Legislative establishment at Simla ; and,

(*e*) Miscellaneous expenses, covering all other expenses not ordinarily incurred at Delhi during the stay of the Government there?"

The Hon'ble Sir William Vincent replied :—

"The information required by the Honourable Member is being collected, and when it is received a statement will be laid on the table."

The Hon'ble Mir Asad Ali, Khan Bahadur asked :—

Number of Hindu and Muhammadan guards, etc., employed in various railways.

17. "(*a*) Is it a fact that on all the principal railways in India Indians are not generally employed as guards in mail and passenger trains ?

(*b*) Will Government lay on the table a statement showing for each of the last ten years the number of Hindus and Muhammadans employed as (*i*) guards in charge of mail and passenger trains, and (*ii*) district officers, on private and State railways, respectively ?"

The Hon'ble Sir Arthur Anderson replied :—

" (*a*) Indians are employed as guards on mail and passenger trains to the full extent to which men of suitable qualifications can be obtained, and the proportion is increasing.

(*b*) The labour involved in obtaining the information asked for by the Hon'ble Member is very great, and the statement would take a considerable time to compile. In the opinion of Government the result would not justify the expenditure of clerical time which the collection of the figures would necessarily involve."

The Hon'ble Mir Asad Ali, Khan Bahadur asked :—

Liquor shops in the Punjab.

18. "(*a*) Is it a fact that the period for which liquor shops are auctioned has been extended to three years in certain districts in the Punjab, and, if so, what led to this change ?

(*b*) Do Government propose to consider the advisability of substituting the fixed fee system for three years for the auction system in those districts as an experimental measure ?"

The Hon'ble Sir George Barnes replied :—

" (*a*) The Government of India have no information on the point.

(*b*) The Hon'ble Member is referred to the Report on the Excise Administration of the Punjab during the year 1917-18, from which he will see that a return to the fixed fee system is not considered advisable by the Government of the Punjab. The proper place for the question asked by the Hon'ble Member is the local Legislative Council, and the Government of India do not propose to take any action in the matter."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Cost of the War with Afghanistan

19. "Will Government be pleased to state (*a*) the cost of the war with Afghanistan; (*b*) the cost of the expedition against the frontier tribes since April, 1919; (*c*) how the above cost has been met by the Government; (*d*) whether it is intended to meet the above cost from the revenues or from loans?"

The Hon'ble Mr. W. M. Hailey replied :—

"The information which the Hon'ble Member desires to obtain will be found in paragraphs 27, 30, and 50 of my narrative introducing the Financial Statement for 1920-21 which was presented to the Council on 1st March It is not possible to show separately the cost of the Afghan war from the cost of the operations against the frontier tribes."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

The Cattle Conference held at Pusa.

20. "(*a*) Have Government issued any report regarding the Cattle Conference held at Pusa during 1918-19?

(*b*) Do Government propose to consider the desirability of inviting representatives of managers of panjrapole and dairy companies in India to such conferences in future?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) The Hon'ble Member probably refers to an informal meeting attended by a few Government experts which was held at Pusa in February, 1919, to discuss cattle-breeding and connected questions. The proceedings of the meeting were circulated to Local Governments and Administrations but were not published.

(*b*) There is no present intention of holding another meeting similar to that described, but the Hon'ble Member's suggestion will be brought to the notice of the Agricultural Adviser to the Government of India."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Rouble Note Ordinance.

21. (*a*) Are Government aware of the consternation produced among the commercial community by the Rouble Note Ordinance?

(*b*) What are the reasons for making the possession of rouble notes a criminal offence?

(*c*) What steps have the authorities in England and other countries concerned in Russian trade taken to safeguard themselves from any trouble that may arise from the depreciation of rouble notes?

(*d*) What is the market value of the rouble in England, Canada, Japan, and such other countries as trade with Russia?

(*e*) What is the approximate extent of rouble notes held by Indians in India?

(*f*) What was the extent of Indo-Russian overland trade prior to the war and during the war when Russia was an allied country?

(*g*) Did rouble notes play any part in the liquidation of the balance of trade, and, if so, to what extent?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government have seen a limited amount of criticism in the press and have received protests from the Indian Merchants' Chamber, Bombay, and from certain Yarkband traders, but have no reason to believe that any general consternation has been produced in the commercial community by the Rouble Note Ordinance.

(*b*) Attention is invited to the Communique which was issued on the 22nd December last.

(*c*) The Government of India are not aware that any steps have been taken by England or other countries concerned.

(*d*) Government have no information.

(*e*) The total value of notes deposited by all parties during the period of six weeks' grace allowed by the Ordinance was approximately 213 lakhs in roubles. Government do not know how this amount compares with the amount actually held by Indians before deposit.

(*f*) and (*g*) The Government of India have no information."

THE CHARITABLE AND RELIGIOUS TRUSTS BILL.

The Hon'ble Sir William Vincent :—" Sir, I beg to present the Report of the Select Committee on the Bill to provide more effective control over the administration of charitable and religious trusts." 11-15 A.M.

FINANCIAL STATEMENT FOR 1920-1921.

FIRST STAGE.

The Vice President :—" Council will now enter on the first stage of the discussion of the Financial Statement. Before we begin, I should like to inform Hon'ble Members of the course I propose to adopt. We shall sit on with the usual midday adjournment till 4 o'clock, at which hour we must adjourn as we have an important Select Committee sitting. Then, if Hon'ble Members so desire and not otherwise, we shall meet again at 6-30 this evening and sit till 8 o'clock. That will be a matter for the wish of the Council, but I would only point out that, if we are going to adjourn at 4 o'clock, I shall have to give the Hon'ble the Finance Member an opportunity of replying at a quarter to 4."

The Hon'ble Mir Asad Ali, Khan Bahadur :—" Sir, while congratulating the Hon'ble Mr. Hailey on his first satisfactory budget I cannot help feeling that he has to face more difficult times ahead especially in view to coming changes, and to the need for providing ways and means to meet our capital liabilities, as well as the war bonds and loans within the next three or four years. A fair revenue position and an anticipated budget surplus of a little over £2 millions for 1920-21, the maintenance of reasonably high silver reserves and the ability to keep down within manageable proportions the floating debt of India (which is said to have reached about 68 crores in October last) without the necessity of increasing the fiduciary note issue, the re-arrangement of the super-tax and the adoption of a railway programme, and above all, the absence of any additional burden to the country in the shape of fresh taxation are among the salient features of the Financial Statement. The Statement, the last of its kind under the Government of India Act of 1909, I venture to submit, calls for little criticism. With the menacing situation in the middle East and the Bolshevist schemes at our very doors, we cannot reasonably expect any appreciable reduction in our military expenditure in the present budget, nor can we look to any special grant under the heads of Education and Sanitation with a current deficit of about £14½ millions staring us in the face. 11-16 A.M.

"I may, however, be permitted to make a few general observations. In noticing the general revenue position it is satisfactory to note that the budget for 1920-21 provides for an increase in revenue of about £4½ millions over the revised estimate for 1919-20. While an increased revenue under customs and stamps, income-tax and railways, and posts and telegraphs is welcome, that under excise and opium is to be viewed with little satisfaction. The excise revenue has grown from about £7 millions in 1910-11 to about £13½ millions in 1920-21 (budget). It has nearly doubled itself within the last ten years. While the Provincial revenue has increased by about 46 per cent. within the last five years, the Imperial revenue has risen by about 95 per cent. during the same period. My own Presidency, which enjoys a high reputation for the efficiency of its Abkari administration, contributes over three-fourths of the total provincial increase in the revised estimate for 1919-20 over the budget of that year. While an increase in the excise revenue does not necessarily indicate a corresponding growth in consumption, it represents, however, that the major portion of the revenue is derived from the poorer classes whom the cursed drink habit unfortunately impoverishes. But an increase by leaps and bounds may also suggest an increased consumption of liquor. It is unfortunate that excise should be looked to as a fruitful source of ever expanding revenue. While we ought not to look to any increase in opium revenue, we find that, while the revenue from the sale of provision and medical opium has decreased by about 11 per cent., that from the sale of excise opium has risen by about 13 per cent. within the last five years.

"As for the railways, we may anticipate a further increase in the ordinary passenger traffic, and consequently a higher revenue from that source might probably have been budgetted for. While the railway administrations have been profiting themelves through increased earnings, it becomes their bounden duty to provide for greater facilities for train service and for increased comforts to the travelling public, especially the third class passengers who contribute largely to the revenue, and whose manifold grievances have from time to time been brought to the notice of this Council.

"Coming to the expenditure position, I find that military services, the largest item on the expenditure side, claim nearly two-fifths or about 40 per cent. of the total expenditure, both Imperial and Provincial. While I hesitate to criticise the military policy of the Government in the absence of a full and accurate knowledge of the present military needs and of the details of the military administration, I fear that a growing military expenditure in times of peace may probably lead to the starvation of the civil needs of the country. While it is true that a smaller item has been budgetted for, it may not be known until the actual figures for 1920-21 are obtained whether there might not be an increase over the budget estimate, as is the case this year even after deducting the Afghan war expenses. For even then the revised estimate for 1919-20 exceeds the budget estimate for the same year by about £2 millions. Though it is not possible to reduce military expenditure to the pre-war standard, the pruning knife of the Hon'ble Finance Member has yet to be applied to large Military items. Again, salaries and expenses of Civil Departments have increased by about 20 per cent. within three years, as the budget estimate shows: Though posts and telegraphs show a large budgetted expenditure for 1920-21, an increase of about 50 per cent, over the actuals for 1918-19, it is gratifying to learn from the Financial Secretary's memorandum that a part of the increase is due to the revision of pay of various establishments. The grievances of postal and telegraph subordinates have been before the Government for a long time I trust, therefore, that a substantial part of the increased expenditure under posts and telegraphs will go to meet their legitimate wants.

"With the presentation of this budget closes an eventful chapter in the history of Indian Legislative Reform. By this time next year, the Indian Legislative Assembly with wider opportunities may probably go into a detailed examination of the Imperial Budget, and suggest ways and means for the social and economic development of the country. In this connection, I should like to suggest that the Financial Statement accompanied with the

Financial Secretary's memorandum should first be presented to the members of the new Assembly. One week after such presentation, the first stage shall merely open the various heads of the Financial Statement. At least a week should elapse between the opening and the discussion stage. During the second stage the resolutions pertaining to the Financial Statement should be discussed. A week after that, the Assembly may go into a general discussion of the statement, three or four days after the third stage of general discussion. the Hon'ble Finance Member should present the budget in its final form The adoption of this procedure, it seems to me, will be more useful and convenient to the non-official representatives."

The Hon'ble Sir Manindra Chandra Nandi:—"Sir, I do not 11-21 A.M. envy Mr. Hailey's position as the present Finance Member of the Government of India. His first budget on behalf of his Government happens to be the last budget based on the combined accounts of the Provincial and Central Governments. This year Mr. Hailey has had many new problems of finance to grapple and contend with; in the next, he will have to throw all the traditional arrangements of Imperial and Provincial accounts into the melting-pot and evolve a purely imperial budget. Then, Sir, as soon as Mr. Hailey came into his office, he was set face to face with the problem of high prices on the one hand, and the preparations for a war on our frontier on the other. No one, Sir, with such a task before him, could feel very happy or comfortable: yet one feels that Mr. Hailey has done well under very adverse circumstances.

"Sir, Mr. Hailey's first Financial Statement has been hailed in certain quarters as 'a prosperity budget': in others, as 'a disappointing document' typifying old-world ideas of bureaucratic finance. It appears to me, however, that the truth in this matter, as in most other matters in this imperfect world of ours, lies midway between these two extravagant judgments. Mr. Hailey's budget is not a 'prosperity' one inasmuch as it does not indicate on a very sure and safe basis the prosperity of the people or the Government of India with whose finance he deals. Mr Hailey's good luck comes from the gain by exchange, and if the Indian tax-payer has escaped an additional burden other than involved in the re-arrangement of the super-tax, he must thank the exchange windfall rather than to increased revenues from the ordinary resources of the State. Nor are his disbursements very unhappy or disappointing either. Though military expenditure has absorbed the lion's share of the revenues of the Government of India, Mr Hailey does not appear to have stinted money on such nation-building items as 'education' and 'sanitation' or such reproductive investments as 'railways' and 'irrigation.' I am one of those who have never supported the idea of starving Indian Railways and Irrigation, for, after all, they are the geese that lay the golden eggs for us, and I feel that the budgetting for a capital expenditure of £18 million in England and 4½ crores in India for our profitable railway estate and £580,000 for Irrigation is not open to much sane criticism. Now, I will turn to education and sanitation. I find in Mr. Hailey's statement under discussion that the expenditure on education for the year 1920-21 from imperial assignments alone will be about 24 lakhs more than the similar grant for the last year, the provision made in the budget under 'education' amounting to over 2 crores of rupees against the probable outlay of 178 lakhs in the current year In the matter of 'sanitation,' I similarly find that the special imperial grants under this head for 1920-21 amount to about 60 lakhs against a probable expenditure of 34 lakhs in the current year. Sir, though these figures may not represent all the people might wish the Government of India to spend for their education and sanitation, it would be a travesty of truth to describe the grants already provided for in the budget under these heads as not going a long way towards meeting the requirements of the situation. Sir, the critics of the Government of India, however, are having their last fling in this matter, for, from next year, both 'education' and 'sanitation' will be transferred to the charge of the provinces and placed in the portfolios of Indian 'ministers.' We shall then be able to see what amounts we are able to spend ourselves on our education and sanitation when they have been taken out of the hands of Mr. Hailey and my good friend Mr. Shafi.

"Sir, though I do not share the general pessimism of my Indian friends who have described Mr. Hailey's efforts as very disappointing, in one matter at least . . .

The Hon'ble Mr. V. J. Patel:—"I rise to a point of order, Sir. No one has described it as disappointing so far."

The Hon'ble Maharaja Sir Manindra Chandra Nandi:—"My sympathies are with them. The military expenditure of the Government of India ran very high in all conscience during the last four years, but we submitted to all that very cheerfully in view of the great interests which civilisation had at stake in the last war. We do not even now mind paying a very heavy bill for the great Afghan war and its sequel, out of whose meshes, I am afraid, we have not yet been able to get out completely. These things, however, do not trouble me very much, for they form part of the very necessary sacrifices, which, along with other parts of the Empire, we were called upon to make for the protection of some of our dearest interests. But, Sir, it is not the past so much as the future that appears to me full of danger. In his budget, Mr. Hailey puts our military expenditure for the next year to sixty crores of rupees, which is about a little less than half of the total revenues of the Government of India. Sir, I frankly confess I cannot reconcile myself to a situation which takes away such a considerable amount of our revenues for military services and equipments, though we are assured by Mr. Hailey that this amount represents no more than only 'the bare minimum required.' If it were a question for one year only, we might acquiesce without much grumbling, but, Sir, what appears to me to be the most alarming feature in Mr. Hailey's budget is the fear held out of our military expenditure never coming down to a pre-war basis. In paragraph 53 of his statement, Mr. Hailey observes:

> 'I may say at once that if India is to maintain in an efficient state an army of the strength required for the adequate defence of our frontiers, the cost of the military services will in future *be much in excess* of the sum which we have been accustomed to allot in our budget for this purpose.'

"Sir, this appears to me to be an ominous warning. I understood, and hundreds of thousand of people understood all over the world, that the last war was waged to *end* war, and that, with the inauguration of the League of Nations, an era of peace would dawn upon this earth which would be quickly followed by disarmament and demobilisation in every part of the world. But, Sir, with Mr. Hailey's budget for this year and his ominous warning for the future, we do not appear to have entered into an era of peace at all. The budget does not read like peace, nor does the atmosphere look like it. But though, Sir, we cannot go back to old pre-war and old peace-time conditions, I think we must do something to reduce our military expenditure compatible with the safety of the Empire. It appears from the budget that a very large part of our expenditure on military account is incurred for the increased pay and war gratuities of British soldiers and officers, and for the housing and accommodation of the same. Sir, I do not see any reason why the future Indian Army should not be exclusively an army of Indian soldiers,—manned and officered by Indians themselves If the time is coming when we should do with a very small number of British officers in the civil administration of the country, I do not see any reason why we could not do without a very large British element in the army also. If the Indian Army could be made a self-contained and self-dependent machine, if the normal garrison of India could be largely left to Indian hands, then our military expenditure could be reduced by leaps and bounds, in spite of the higher standard of military equipment necessitated by the experience gained during the last war. I hope, Sir, this view of the question will be duly considered when the Army in India Committee's report comes to be considered by your Government, and I have no doubt that, when a policy of trust of the people on the part of the Government begins to beget trust on the part of the people for British rule, there will be a very large margin for economy in our military expenditure.

"There is another matter, Sir, to which I would very much like to draw the attention of the Government of India. We are told by Mr. Hailey that the exchange has made it possible for the Government of India to look forward to a time when it may be independent of all provincial contributions. Sir, it must be your wish, as well as the heart's desire of all friends of India, that the provinces of India should start their new career in constitutional development under as happy auspices as possible, and provincial development should not be strangled by inadequate finance. I, therefore, congratulate Mr. Hailey on his assuming on behalf of the Central Government the liability for extinguishing all provincial contributions within a measurable time. This, Sir, after all, is a negative blessing, and I hope the time is not distant when the Government of India should also assume the liability of contributing back to some of the provinces a certain definite amount for their development. Sir, I am thinking of Bengal, where, the land-revenue being fixed, we may naturally claim for a portion of the large amount which we contribute towards the imperial exchequer in the shape of customs and income-tax revenue, and, without which, I am afraid, it will be impossible for us to meet the growing requirements of a progressive and autonomous administration.

"Sir, I have no intention to take this Council into the intricacies of the currency question, but I would very much like to give the Government a warning in the matter. High prices, Sir, have followed the present exchange question, as it was inevitable that 'the general decrease in the purchasing power of money elsewhere should re-act upon the purchasing power of the rupee'. Mr. Hailey has himself admitted that the question of high prices is the most difficult and most anxious of problems which the Government of India have to face. Under this circumstance, I may be allowed to entertain the hope that the linking of the rupee with the gold, recently effected in consequence of the recommendations of the Currency Committee, will not be lightly disturbed. In this connection, Sir, I have another suggestion to make. I find that the Government of India have lost a good deal of money,—nearly 12 crores in January and February alone—by the sale of their Reverse Councils. It will go on losing heavily so long as these are put up in the markets to adjust the balance of trade. As I understand from experts that trade is not likely to suffer if the sale of reverse drafts were stopped, the Government ought to give their immediate attention to concerting measures for putting a stop to the sale of these Councils.

"In conclusion, Sir, I have to thank Mr. Hailey, on behalf of the people of Bengal, for the special grants made by the Government of India of the sum of nearly 9 lakhs of rupees in lump for our provincial sanitation, of over 4 lakhs for the Belgachia Medical College, of 6 lakhs of rupees for a technical institute in Calcutta, nearly 13 lakhs for the improvement of the Port of Chittagong, 10 lakhs for increasing the pay of menials in the various services, 7 lakhs for widening the Madaripur Bil Canal in the district of Faridpore, 6 lakhs for the re-building of the Kidderpore Bridge, and 38 thousand rupees for Sir Jagadis Chandra Bose's Laboratory in Calcutta, besides the necessary allotments for the re-organisation of the public services and the recurring grant of a lakh and fifty thousand to the Calcutta Improvement Trust."

11-10 A.M. **The Hon'ble Sir Fazulbhoy Currimbhoy** :—"Sir, at the outset I may remark that the Financial Statement presented by the Hon'ble the Finance Member is a brief and business-like document. I should like to congratulate the Hon'ble Finance Member on his good fortune in finding huge surpluses from adventitious sources, which on the whole cover the deficits arising from military and other causes. The Finance Member will reap a certain amount of legitimate popularity owing to the fact that when most people expected further taxation and when most countries in the world are raising large sums by taxation, he is able to give this country a budget which does not apparently involve any additional taxation.

"I am anxious to draw the particular attention of this Council to the serious feeling existing among all classes of business-men in Bombay with regard to the sale of Reverse Council Bills. Those of us who have given thought to the subject of Indian Currency and who have followed carefully the various steps by which the Government have changed their policy from time to time are distressed at the recent extraordinary fluctutations in the exchange which people in Bombay believe to have been due very largely to the action of the Government. The ratio of R15 to one sovereign had been maintained in practice to the advantage of this country for over twenty years. It was maintained during the war at a great sacrifice of public funds and a serious loss to the business community After the armistice, just when this country had the largest claim for reward and generous treatment at the hands of the United Kingdom and the Allies for whom India underwent to the full extent all sacrifice that was possible for her, we find that exchange has been raised successively until it has reached this height. The Government have sacrificed the stability of exchange, and notwithstanding the great need for establishing stability, the recommendations of the majority of the Indian Currency Committee have failed to give any reliable remedy in this direction. The American cross rate on which reliance was put has since gone down from 385 to 340; hence nothing but disaster can come from that report. The uncertainty of exchange is hitting alike the import and export trade, and I fear a still greater and permanent harm is done to the producers of this country. Whatever theoretical writers and armchair philosophers may say, I have no hesitation from my practical business experience in maintaining that the higher exchange has not resulted in any substantial benefit to the users of imported articles. The United Kingdom has not been able, owing to various well-known causes, to produce even a fraction of her pre-war output, and it is significant that the trade of other countries with India, as far as the import trade of the country is concerned, has expanded by leaps and bounds. Even during the period of rising exchange England has not been able to make any considerable advance in actual delivery of goods. Quotations from England in numerous articles are to-day even higher with an exchange which at one time nearly touched 3*s*. than they were twelve months ago when the exchange had not risen. The textile industry of Bombay with which I am closely connected is one of the best customers of the United Kingdom in matters of machinery and stores of all kinds, chemicals, beltings, etc. We are paying prices to-day which do not show any appreciable advantage to us owing to the rise in exchange If anyone asserted that the loss to this country over the exports is made good on the imports, that assertion would be a great wrong to this country, not only because the imports are smaller in volume, but also because the prices of imported goods have, on the whole, not shown any great tendency to come down in spite of higher exchange. What is the other side of the picture? Every Englishman who had investments in this country has hastened to realise them. Investments in machinery of all kinds have appreciated in value to an unprecedented extent, and most of these have been remodelled or amalgamated or refloated and passed on at inflated values to Indian investors. Their high realisations from these sources, the Government have enabled them to transfer to the United Kingdom at favourable rates. I am one of those who believe that the greatest benefit conferred by British rule on this country is the investment by Englishmen of their capital here in enterprises which Indians are unable to undertake on account of lack of funds or ignorance. In this light I cannot but help feeling that the greatest disservice has been done by the Government to this country in preventing this flow of capital and in encouraging the withdrawal of these investments.

"Capital which came to this country with the expectation of a steady 6 to 10 per cent. return is earning now by mere withdrawal over 100 per cent. in the sales through inflated value and more than 100 per cent. in exchange.

The difference between Home investments and investments in India was great at one time, but it is not so great now as to induce an Englishman to forego all advantages. He can afford to take a much smaller return at Home, and even to bear a larger taxation if he can make such enormous profits on exchange. Apart from the withdrawal of this capital it is the turning of the stream which must cause serious concern to all business-men. I for one do not expect that for some years to come capital would flow to this country for investment.

"Sir, the sale of Reverse Council Bills appears to have been adopted by the Government of India in pursuance of the recommendation of the majority report of the Indian Currency Committee. That Committee was very defective in its constitution, and it took very long to give its decision. In the meanwhile, Government went on raising the exchange ratio Indian publicists and a few Englishmen do not agree that the events during the period the Committee was sitting justified the Government successively raising the exchange. There were other remedies which, I am sorry to say, were not adopted. One such remedy was the mobilisation of the Indian Sterling Debt and its purchase by the people of this country. At the time the report of the Committee was published the exchange was 2*s.* 4*d.*, but the Government suddenly raised the rate to 2*s.* 7*d.*, 2*s.* 9*d.*, 2*s.* 11*d.*, in the course of a few days when no such action was at all necessary. The situation has radically changed since the Committee's report. Even if one allows for the sake of argument the raising to 2*s* 11*d.* was unavoidable, there could be no object in Government wanting to maintain it at that high level, and therefore there could be no object in the sale of Reverse Bills. I do not apprehend any serious consequences could have happened had Government not offered for sale Reverse Bills, when they did. They threw the market by their action into an uncertainty and invited those speculative elements which are always drawn where quick and easy money is to be made. The speculative demand created by Government action is having disastrous consequences, and even now the continuance of that policy is producing serious evils and serious obstacles in every form of legitimate trade and industry.

"In the meanwhile, Sir, there has been a phenomenon which has been greatly misunderstood by the public. The Government have not yet made free the import of gold to this country, and they have deliberately kept very low the acquisition rate for gold imported into this country by private parties. The Government method of reducing premium on gold in this country was certainly not the best one to adopt, because I can say from reliable information that by their policy of selling gold in the manner they did, the Government drew in the net an enormous mass of persons who did not want gold for any legitimate object, but who were merely speculating The result was that large sums of money were locked up. What was more necessary was to establish immediately honest and *bonâ fide* exchange rates with the outside world, and this could have been done by removing the restrictions on gold imports by private individuals. If Government were not prepared to do this Government should have at least raised gradually the acquisition rates of gold so as to reduce the tension. I regard gold as a very desirable backing for the note issue of India. The only explanation which I can find for the course of action they followed is their desire to save the gold reserve of England. If the acquisition rate was raised in India the premium on gold in London would have gone up and the sterling would have depreciated still further in relation to gold owing to the withdrawal of all gold for India. The low acquisition rate prevents gold from South Africa coming here and the gold from Australia being diverted to Bombay. Instead of India being able to dictate to the world and being in a superior position owing to the large percentage of metallic backing to her currency, she is deliberately kept in a position of inferiority, subordination and drift. While recognising the necessity of avoiding any violent changes and crisis in any particular financial centre, without reaction on the finance of this country, I I cannot help feeling that too much concern has been shown for British financial interests and too little for trade and finance of India.

"Sir, I am pressing these rather involved points to the notice of this Council and the notice of Government in order to raise a serious practical issue. In all earnestness I ask the Government whether they are going to lead the fortunes of this country in the matter of currency and exchange with the changes that may take place in the exchange between England and the United States—changes which may have nothing to do with India, which may have nothing to do with England, which may arise from political cause, strikes or any other reasons absolutely remote from the life and activity of this country. Must India perpetually play the second fiddle and be tossed about by every change that takes place in the American cross rate? Are the trade and industry of this country not to count in the decisions on currency and exchange question? I do not understand the particular point of fixing 2*s*. in gold for the rupee. It ensures no stability, and it is unduly high. If one were to judge the result by the evil consequences which have come about in the attempt to fix the exchange at this artificial point, the future seems very dark. If we can secure neither stability in exchange nor favourable conditions for trade, nor security, all legitimate expectations of further investments of British capital in this country will be at an end. How can we recommend persistence in this policy? Let us, I submit, seek the re-establishment of Indian exchange at the old rate of 1*s*. 4*d*. sterling by gradual stages without debasement of the rupee. I do not apprehend any serious consequences, provided the attempt is made steadily and by degrees; but I submit to Government in all humility that the objective of Indian policy should be that We cannot have a general advantage at any other rate. If that were the objective, the sale of Reverse Bills at such high rate as 2*s*. 11*d*. would certainly be disadvantageous. Even with the change in the exchange ratio, the sale of Reverse Bills is wrong. It does not even secure legitimate security from day to day. The only anxiety of Government should be to prevent exchange going below the rate fixed.

"Sir, various explanations have been forthcoming as to the necessity of selling these Reverse Bills. One object is the accommodation of trade. I am not raising a mere conventional protest against Government interference with trade when I say that trade would take care of itself if only Government left it free. What about the serious losses arising from the withdrawal of funds which were remitted to England at 1*s*. 4*d*. and are being called back at an exchange double of the old rate. The advantage in the reduction of Home charges is distant, and may be lost in future; but nothing can wipe out the public feeling from this simple process which the man in the street can understand very clearly. He sees the present loss which bulks large in his eyes. I ask leave of this Council to refer to the serious exasperation in commercial circles in Bombay which demand reconsideration of the whole problem and an immediate stoppage of the sale of Reverse Bills. Even if Government be not altogether convinced of the reasonableness of some of the demands of the Indian public, it would be, I submit, high statesmanship to respect this opinion as far as possible, and not to disregard it in a matter of vital importance to the people, nor to overlook the discontent which has followed and is likely to grow.

"In addition to what I have already said with regard to the policy of selling Reverse Council Bills and of the acceptance of the Currency Committee's Report, I should like to bring to the notice of Government the desirability of providing for the encashment of currency notes at district treasuries. The Government have at no time been bound by law to do this, but it was a healthy practice before the war, and it undoubtedly led to the establishment of confidence of the general public in the note issue. This confidence was during the war, on account of overissue and several other causes, shaken, and there was for some time very high discount on the notes, in some districts as high as 19 per cent. This is a phenomenon which I regard as alarming, and I would, therefore, urge on Government to provide as early as possible at convenient centres facilities for the encashment of notes. If the Government are apprehensive of an excessive number of notes being presented at any particular centre, they might authorise the district treasury to fix a daily limit for each individual, with the proviso that all applications up to Rs. 100 should be allowed. This would restore the confidence of the public.

"I wish to refer, Sir, to the very large gain from exchange. These large surpluses from exchange I regard with as much distrust as the late Mr. Gokhale used to regard the large surpluses from overissue of rupees and high prices. One can legitimately suggest that the surpluses arise as a matter of account, because no one suggests that India has actually gained this much money from any outsider. If then these large surpluses come primarily from the pockets of the people, they constitute to my mind a form of tax, and the greatest circumspection should be used to examine in what way these are spent.

"I wish to refer, Sir, next to the large military deficit during the current year amounting to no less than fourteen million pounds sterling. Whilst those who were watching the situation across the frontier anticipated some sort of trouble, but few expected such costly and extensive operations with such inconsiderable results, involving a financial burden which must make the Government and the people pause and consider the whole question. Where is all this going to lead? I am a practical man, but I cannot help feeling that the hopes and dreams of the world that was waging the war in order to end war are at the moment shattered to pieces. It was the hope of every patriotic citizen of India that the large financial resources required for nation-building, for vigorously pushing forward the programme of education, sanitation, and general industrial and economic improvement, would be got by savings in the military estimates. The military expenditure of India has been a subject of criticism by Indian members of this Council for over a generation. Even English critics of Indian finance have declared from time to time that India is bearing more than her legitimate share of military burdens. India maintained before the war an army beyond her own requirements—troops which have been used from time to time in operations beyond her own frontiers. While not grudging every legitimate contribution to the defence of the Empire, I respectfully urge on Government the need of curtailment, to its lowest limits consistently with efficiency and safety, of the programme of military expenditure for the next year, put at the extraordinary figure of £40 million. This amounts to nearly half the total revenue of India, and leaves very little for other essential purposes. Government, I am sorry to say, have not taken the members of this Council into their confidence in regard to the details of military defence and of future military reorganisation. Looking merely to the total figure of expenditure, our first impulse is to appeal to Government to have these enormous charges reduced. I am not sure that they could not be reduced, and that we could not effect further economy in military matters without impairing the efficiency of the army. A good country like India should rely on a Territorial Army and large half-trained reserves of Indians on the volunteer system. I earnestly hope that the Army-in-India Committee now sitting will consider this question in this light. Sir, in referring to this subject, I am referring to a feeling universal among the Indian public, and as they become more and more conscious politically through the benevolent action originating in the joint report of His Excellency the Viceroy and Mr. Montagu, these reflections and opinions are bound to gather strength.

"While on the subject of military expenditure, I should like to mention clearly my views on the question of further war contribution by India. When the resolution was passed, the feeling in the country was something different. The conditions have now changed. The Capital loss from exchange (forty crores in our paper currency reserve alone) have been very heavy. The economic condition of the people is anything but satisfactory. During the war, apart from direct contributions, the indirect contributions of India as a whole were large, and our various services have elicited expressions of gratitude from the highest authorities, both here and in England. To my mind, the very fact that the resolution last year was carried through the Council conditionally is significant of the grave apprehension which the people had with regard to the currency crisis and the disturbance on the Frontier. The assurances of the Government and His Excellency's personal views secured for it the support of this Council. We hold to the conditions. One of them admittedly is present. Then there are other considerations. We can ill-afford to spare this sum, though apparently the budget does not suggest new taxation. We need it for various purposes. The saving to the exchequer of India of this money would enable us to use it in numerous directions now unfortunately neglected for want of funds In my opinion Government should take the responsibility of final decision in the matter. Government have the materials before them for a comparative estimate of advantages and disadvantages. The Hon'ble Mr. Hailey, in his Note on the subject, observes: 'Apart, therefore, from the larger question which now comes before the Council the Government of India have in the matter of the contribution for non-effective charges formulated a settlement which, judged in the light of the previous proposals, must be regarded as satisfactory to Indian revenues, and if the matter is to be re-opened, it may result in new claims being pressed against India which it would be difficult to resist.' Again: 'A certain sum, calculated at £1 million would, if the offer be withdrawn, fall on our revenues on account of troops utilised for the Afganistan operations. Finally, there are strong grounds for holding that any re-consideration of the case should not in any case extend to the non-effective charges in view of the nature of the settlement................, since to do so might involve India in liabilities which cannot now be definitely stated.' We have no idea about these claims and liabilities; but the whole point is that the matter should be treated as a business proposition. If the compulsory Indian service share and the other non-effective charges exceed or even equalise the total proposed grant, it would certainly be prudent for India to sanction it. If, on the other hand, the total of the claims and the liabilities referred to above be less than the contribution, prudential considerations would counsel waiver. If the non-official members have to express an opinion, they would certainly press for the cost of the frontier operations to be deducted from the promised contribution.

"Sir, while the business community is thankful to Government for the abolition of the excess profits duty, the fact remains that the real burden on industry is not reduced to the desired extent owing to the re-adjustment of the super tax. One aspect of the re-adjustment must be brought to the notice of Government. A flat rate of one anna in the rupee will be levied on the whole profits of a company including the portion appropriated to payment of the tax. The dividends will therefore be lower and these attenuated dividends will be liable to be assessed to the super tax, possibly at a higher rate over again as forming part of the income of an individual. This principle is foreign to the administration of the income tax, and it is necessary that similar safeguards should be provided in the assessment to the super tax. Perhaps Government intend to do so, but from the speech of the Hon'ble Finance Member doubts have arisen in financial circles in Bombay, and hence I am referring pointedly to it. In case that portion of an individual's income which comes from dividends is not exempted from this levy, the net effect will be discouragement of investment in joint stock enterprises. Investment in a partnership business will bear super tax once, while that in joint stock companies twice. This would be manifestly unfair and very impolitic. I earnestly hope Government will favourably consider this important point.

"Sir, as a banker I regard the question of the outstanding Treasury Bills as serious. It is gratifying to see the Hon'ble Finance Member realises the danger involved in carrying huge floating liabilities. I have, however, looked in vain in his statement for a bold or definite policy for the reduction of this liability. Evidently he relies on his ways and means programme for a balance which can be applied to repayment of Bills as they fall due. Probably he expects a larger response to the next loan than the 15 crores mentioned by him. On the other hand, with the amalgamated new bank the Government of India ought to be in a position to tide over the intermediate period. All the same I would advocate a bolder course, and I would suggest that an option be given to the holders to convert the bills without any charges into Government Paper in the new loan with all the advantages and attractive features which would, no doubt, be devised by the Finance Member."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, in approaching the discussion of the Budget we are reminded of the fact to which, I think, reference has been made by my friend the Hon'ble Mir Asad Ali, Khan Bahadur, that we are a dying legislature and that our life has twice been prolonged by the beneficent intervention of His Excellency the Viceroy. This is the last Budget of its kind which this Council will be called upon to consider. The Budgets of the future will be very different in form and substance, and the methods of procedure in dealing with them will also be different They will largely, if not wholly, be budgets of the Central Government. There will be no grants from the Imperial Government to the Local Governments, but, on the other hand, contributions from the Local Governments to the Central Government. The estimates will be voted upon as in Parliament; the Resolutions will indeed not be binding upon the Government, but it is obvious that a Government, which has to depend for its legislation upon an Assembly preponderatingly popular in its character and complexion, cannot long afford to ignore its wishes or to disregard its behests. 12 P.M.

"Sir, what is the attitude of public opinion with regard to this Budget? Our feelings about it, I may say, are of the mixed order. They are feelings of approval and also of apprehension, of general approval subject to criticism in respect of details, of apprehension with regard to the future position of our finances. We recognise—and I think I re-echo the sense of this Council in this matter—we recognise the great ability which the Hon'ble the Finance Minister has displayed in dealing with a financial situation so difficult and so complicated. We congratulate him upon the lucidity of his exposition and upon the keen solicitude which he has displayed in dealing out even-handed justice to all interests concerned. But, Sir, we cannot disguise from ourselves the fact that it discloses a situation which must cause the gravest concern to the tax-paying community. The military expenditure has bounded up from 20 millions in pre-war times to 40 millions to-day. If that were all, the long-suffering Indian tax-payer might perhaps have reconciled himself to a situation that was inevitable, and perhaps not wholly unexpected; but there is something behind. The Finance Minister strikes an ominous note of warning; he tells us that this is the least amount that can be budgetted for as military expenditure and, furthermore, that it is liable to increase in the event of the frontier wars continuing. Sir, who can regulate or control the martial tribes on the frontier? They are volatile and fickle, notoriously turbulent, liable to be carried away by gusts of tribal passion and prejudice. The situation is ominous to a degree, and it is no comfort to us to be told that Japan has trebled her military expenditure after the war. Japan is not India. Japan is wealthy, India is poor; Japan has built up the fabric of her political freedom and of her commercial greatness, we are about to apply ourselves to this task. We have to re-organize our educational system, to create our industries, to develop our commerce, to re-fashion and re-mould our domestic and social institutions. There is the great work of re-construction that lies in front of us. Where is the money to come from, if the bulk of our revenues or a substantial portion of them is to be absorbed in military expenditure? Sir, let me not be misunderstood. I do not in the smallest degree desire to minimise the importance—I will even go further and add the paramount necessity—of effective military defence for the country. I think it is a matter in which educated Indian opinion is absolutely agreed. Peace must precede progress; tranquillity at home, security against foreign aggression from abroad, must be the fundamental condition of orderly and stable progress. We all recognise that; but, then, Sir, how are we to reconcile the exigencies of the military situation with our domestic needs and wants and the resources of a country so poor as India? That is the problem, the problem of problems, that confronts us, and I commend it to the solution of the Hon'ble the Finance Minister and of the Government of India.

"Sir, in this connection I have some recommendations to make My first suggestion is the formation of a territorial army of Indians. It would entail a small expenditure at the start, but in the long run it is bound to be economical. It would be a volunteer force, a second line of defence, a reserve if you choose to call it so, which may be called out at any time for active military operations as was done in England. Sir, you are going to form a territorial army of Europeans and Anglo-Indians, 36,000 strong, upon a compulsory basis. I ask you to form an Indian territorial army on a voluntary basis, and I am sure I do not appeal in vain to the Government of India or to His Excellency the Commander-in-Chief whose sympathies with Indian aspirations are so well known.

"Sir, no one knows what the future has in store for us; the future is on the lap of the gods. We must not rely too implicitly on the shifting phases of international relations either in the East or in the West. Those who are your friends to-day may be your enemies to-morrow. Ten years ago who could have anticipated in his wildest dreams the great war between Germany and England, or the terrible conflagration that has been lit up in the world, the dying embers of which are still smouldering? To be forewarned is to be forearmed, and I am sure a territorial army would be an institution, which both in its moral and material aspects would be a bulwark of the Empire. And mark the educative effect of the experiment which I commend to the acceptance of this Government. They talk of anarchism. I feel confident that if a territorial army were formed, it would sound the deathknell of whatever remains of the revolutionary feeling in this country. It will infuse discipline among our young men, foster public spirit and inspire a sense of Imperial citizenship which will bind the most distant parts of the Empire in the golden chains of an indissoluble union.

"My Hon'ble friend, the Finance Minister, has referred to the menace of Bolshevism in the Mid-East. I do not know anything at all about it. The country knows nothing at all about it; but I accept the statement. I do not wish to minimise the significance of that statement. My friend is in the secrets of the Government, and I am not. I do not wish from my place in this Council to utter one word which may leave upon it the mark of irresponsibility. Assuming then that there is this menace, let us organise the materials at our disposal. If you have a territorial army it would be an organisation both materially and morally strong. You will have in every Indian household a sentinel to guard the country and the Empire against the machinations of Bolshevism; for Bolshevism is an insidious thing; it does not fight with open arms; you can always fight that sort of enemy; but this moves underground, spreads its dangerous propaganda unseen; creates a revolutionary sentiment and saps the foundations of order and social stability. If the people were organised, disciplined, equipped under modern conditions, inspired with a sentiment of devotion to the Empire, I am confident they will be more than a match for the enemies of civilization and social order.

"I am told, Sir, that there has been a loss of martial spirit among the people of India. I am afraid there is a substratum of truth in that statement. I cannot disguise the fact. Where are our stalwart Rajputs of Bhojpur in Bihar who swarmed in the armies of the East India Company? Where are they? You do not find them. They have ceased to be the soldiers of the Government because you have not utilised their services; you go and look further afield; you go among the Gurkhas, among the Pathans on the frontiers of India for your soldiers, as if we had not throughout our long and historic existence sufficient war material in this broad and wide Continent. These soldiers are not citizen soldiers; they are mercenaries; and I may say with all confidence in this Council that citizen soldiers in the long run are far more efficient than mercenaries can ever be; for mercenaries, unlike citizen soldiers, do not possess that instinct of patriotism which is the most valuable asset of the good soldier. If I may remind the Council of a great historic feat, I may refer to the example of Rome when she rolled back the tide of invasion from her borders times without number; and that of France when invaded by the combined armies of Europe, who with her raw recruits led by experienced Generals defeated the trained soldiers of Austria and Prussia. Therefore, it seems to me, Sir, that you have in this territorial army a moral and material force of tremendous potency to fight against the enemies of the country and of the Empire.

"Sir, you talk of martial qualities. We know what people used to think of the Bengalees. They were thought to be utterly unfit for military service. Well, we sent a Bengali battalion to Mesopotamia. At the present moment a Bengali unit is operating in Kurdistan, and I hold in my hand a letter from the Officer Commanding who bears the highest testimony to the pluck, the courage, the endurance of these Bengalee soldiers. Military qualities are not the gift of any particular race. If there is any element of gift about it, it is liable to be developed, trained and educated by culture, and I ask the Government of India to extend the area of recruitment to the whole of India, or, at any rate, to a considerable part of it, to classes which hitherto have been excluded from it.

"Then, Sir, we are all grateful, I am sure I speak the sense of this Council, we are all grateful for our admission to the commissioned ranks of the Army, but I think I voice the sense of my countrymen when I say that these admissions are few in number having regard to our requirements; the method also is faulty, and is not what it should be. There is not sufficient publicity given to attract suitable candidates to apply for admission. Then, Sir, there are departments of the Army from which we are excluded. Take, for instance, the artillery, the transport, the veterinary and other services. Exact any test you please, but do not put upon us the bar of racial disqualification. We are prepared to submit to any test that you may like to impose. I think we are fit for it; we have sufficient stuff in us to equip ourselves to pass any ordeal which you in your wisdom may think fit to prescribe. There is a movement, a progressive movement, going on in connection with the wider employment of our people in the Civil Service, or, I think, I ought to say, the Civil Services of the Government. I feel that there should be a corresponding movement, a counter-part in the military service of the Empire. Sir, self-government has been declared to be the end and aim of British rule in India. That is the mandate of our Sovereign. It has been embodied in an Act of Parliament. Self-rule connotes self-defence, the obligation to guard our hearths and homes. Therefore, we appeal to the Government to qualify us for responsible service, not only in the civil but also in the military departments of the State, so that, Sir, we may rise to the full height of our manhood and our moral stature, and perform in full measure those responsibilities, I was going to add, those exalted duties which belong to the citizenship of the Empire. I am sorry that His Excellency the Commander-in-Chief is not here. I should like to make a personal appeal to him about this matter, and I am sure my appeal will not go in vain.

"There are one or two other matters not connected with the Army to which I desire to call attention. There is the question of the decentralisation of finance. Next year, the Provincial Governments will be making contributions to the Imperial revenue. My Hon'ble friend, Mr. Sarma, moved a resolution to the effect that the Provincial Governments should be relieved of their contributions. My Hon'ble friend, Mr. Patel, suggested that the matter should be referred to the Meston Committee for their opinion. You have budgetted six crores of rupees as the contributions of the Provincial Governments to the Imperial Government. I appeal to the Hon'ble Finance Minister to relieve the Provincial Governments of that contribution. He has given us an assurance that this will be done by and bye. We are all interested in placing Provincial Governments under conditions which will free them from financial embarrassment An impecunious Provincial Government is bound to be an unsuccessful Provincial Government; and an impecunious Provincial Government imposing taxes will be still more unsuccessful. I hope, therefore, that in this matter the Hon'ble Finance Minister, although the vote was lost in this Council, will respond to the clear verdict of public opinion.

"One word I have to say about railways. We are spending vast sums of money on them. But what about the convenience of the travelling public? There has been no sensible addition to them; the fares are as high as ever and they have not been reduced to their former rates; railway journeys are sometimes very tedious and wearysome. I at least know of some trains which cover a distance of 217 miles in twelve hours' time at the rate of 18 miles an hour. All this is reminiscent of the Middle Ages when people used to journey by stage coaches, but the high and oppressive fares are painful reminders of modern conditions. May I appeal to my Hon'ble friend, the President of the Railway Board, to look into this matter? There is very considerable public dissatisfaction with the railway administration. I feel it my duty to give public expression to it from my place in this Council Chamber, and it would not be a bad thing at all if a committee, a mixed committee of officials and non-officials, were appointed to inquire into this matter.

"One word, Sir, about the grievances of the postal clerks. I am sure Hon'ble Members are quite familiar with this subject. We have been flooded with telegrams, I think, since we have been here from these aggrieved postal clerks. They want their pay, their time-scale, to be assimilated to clerks employed in the Telegraph Department. May I make a personal appeal to my Hon'ble friend, the Finance Member, to look into this matter, and I am sure he will receive very substantial and sympathetic aid from the Hon'ble the Director-General of Post Offices.

"Sir, there are at the present moment two educational projects before the Government. There is the Dacca University Bill, and there are the recommendations of the Sadler Commission which will soon materialise in the form of law. Well, Sir, with reference to the recommendations of the Sadler Commission, it has been estimated that the initial cost will be one crore of rupees, and the recurring charges will be 66 lakhs of rupees a year. I feel, Sir, speaking as a graduate of that university, that no attempt should be made to give effect to these provisions until ample funds have been secured.

"Sir, education will soon be a Transferred Subject, and I do not think that this Council ought to pass a law imposing a heavy financial burden upon the province of Bengal and yet make no provision for it. You have no right to call for the tune when you do not pay the piper. If the matter were left to Bengal, Bengal would decide it in its own way, but when you take the matter out of the hands of Bengal, I claim as a representative from Bengal, that you must provide for the finances necessary for the scheme.

"I do not think I ought to detain the Council any longer. Sir, we are at the parting of the ways. The old order changeth and giveth place to the new. On such an occasion the memories of the past crowd in upon us, but they are overshadowed by the vision of a brighter future which will set us firmly on the road to self-government and to the attainment in full measure of our equal rights as citizens of the British Empire. We have had many disappointments in this Council in the past. I hope under new conditions, under happier auspices, there will be fewer of them. Sir, if I read aright the signs of the times, I will say this that the spirit of co-operation, of which there have been many signs of late, will dominate the deliberations of the Legislative Assembly which will be formed under the Reform Act. May I appeal once again to officials and non-officials, European and Indians alike, to combine to bring about this blessed consummation so devoutly to be wished for."

12-23 P.M. **The Hon'ble Mr. Nigel F. Paton:**—"I should like to say one word, Sir, with reference to Sir Fazulbhoy Currimbhoy's speech. If I have not misunderstood him, he indicated that commercial opinion in Bombay was unanimous in regard to the abandonment of Reverse Councils. There is no doubt at all that a very large body of opinion shares Sir Fazulbhoy Currimbhoy's view, but we are not unanimous. We are all searching very earnestly for some solution of this question, but there is no unanimity as yet . . .

The Hon'ble Sir Fazulbhoy Currimbhoy:—"May I rise to make a personal explanation, Sir? I said Indian commercial opinion."

The Hon'ble Mr. Nigel F. Paton:—"That satisfies me, Sir, and I have nothing more to say."

The Hon'ble Sir Gangadhar Chitnavis:—"The Financial 12-24 P.M. Statement before us is remarkable for an undertone of depression and anxiety which the confidence and trust in the future expressed by the Finance Minister at the end of his illuminating narrative cannot disguise. The position is really one of anxious concern to all of us. Not only the Council, but the public outside, will realise the difficulties of the Finance Minister, and every one of us here present will extend to him his sympathy and support. The Hon'ble Mr. Hailey deserves our support all the more in that the Statement gives clear evidence of his anxiety to make economy the ruling principle of his administration. If our expenditure during the current year has been abnormally large, and if the estimate for next year does not provide for a considerable reduction, it is because the operative causes, I, for my part, am convinced, are beyond his control and the situation does not admit of much economy.

"Sir, the extraordinary expenditure of this year has been met by measures which the Hon'ble Mr. Hailey himself describes as undesirable and unsound It is superfluous to criticise them. The point of more particular interest is the next year's budget, and the programme of expenditure, capital and revenue, to get through is heavy in all conscience. The Finance Minister points out frankly that 'this programme can only be realised if India gives a liberal response to our rupee loan in the coming year.' He expects 15 crores from the next loan, an estimate which requires examination. To my mind, it is excessive and unreliable. It must be conceded that the present Government stocks are somewhat discredited. The enormous depreciation in value has had a demoralising effect upon the investing public. Government Paper is mostly in the hands of small capitalists who lack the courage to invest their money in industry and business, and who derive little comfort from the fact that in competition the different loans are finding their own levels. People who are likely to take up the bulk of the new loan have, unfortunately, had their faith shaken in the value of Government loans as sound investment. The same uncertainties as to the future which makes capital shy of investment in business have come to hang over Government Paper. The holders have lost heavily through depreciation. The poor villager suffered heavy capital loss on his silver holding as a result of closure of the mints. The richer townsman has lost and stands to lose more on his gold investment. In the result it may well be that the small capitalist would prefer hoarding coins to laying out his hard-earned money on any of these investments. Government ought not to base their calculations in respect of the next loan upon the results of the loans raised during the year. It is not a secret that these were to a large extent taken up by big capitalists, European and Indian merchants and businessmen who made large profits but could not find employment for their money. The bulk of the securities have not been thrown upon the market. In my humble opinion, the whole question of Government loans should be investigated by the Finance Minister with the help of a small committee. It will not be right to go on increasing the rate of interest of future loans. It will be far better, instead of floating a fresh loan, to raise money by offering to the holders of 3 per cent., 3½ per cent. and 4 per cent. stocks favourable rates of conversion into a uniform 5 per cent. stock. The yield, I am sure, will be large. It is true in the result our interest charges will grow, but the moral gain will be incalculable. Confidence will be restored, and Government will have an unfailing source of financial assistance at their disposal. And for that matter, the increase in the interest charges will be debited to productive works, our railways and irrigation works—the income from which is progressive. With confidence restored, it may not be necessary to make large payments in redemption of the War Bonds. The holders may be induced to take up permanent stock in lieu of them. An effort should be made in that behalf. Special rates of conversion may be offered to them. The rate of interest suggested, 5 per cent., is fully warranted by the conditions of the money market.

"Sir, connected with this is the question of sale of Reverse Council Bills. The Hon'ble Mr. Hailey observes, 'the solution of the problems of the future depends therefore on the growing accumulation of capital wealth in India, and the interest which the Indian money market evinces in our loan issues.' Something has been said above to indicate the measures necessary to attract Indian capital into the Rupee Loans. Careful investigation may reveal additional possibilities. But one point needs to be emphasised here. It would be wrong to depend only upon appeals to the patriotism and the sense of responsibility of the Indian investor. The whole thing should be considered as a business proposition.

"Then, it may be pointed out that the heavy sale of Reverse Council Bills at a high rate of exchange certainly does not help to conserve capital in India. The Finance Minister himself notices the heavy withdrawals from the Post Office Savings Bank by European depositors under the impetus of a high exchange. The withdrawals, it may safely be assumed, have not been restricted to the Savings Bank. And these outgoings are anything but helpful to the accumulation of capital wealth in India which the Hon'ble Mr. Hailey desires. On this ground, if on no other, the sale of Reverse Councils should be discontinued. There are more powerful reasons besides. These sales are wholly opposed to the main principle of Reverse Councils. The Bills were never intended to be issued for the benefit of the trade. They were only meant for the support of exchange. But, in the present instance, they are sold mainly, and one might say solely, for the convenience, not of trade, but of private remitters, and, as such, they lack justification either in principle or expediency. The incidental deflation of the extra paper currency, even if considerable, is effected at too great a sacrifice. I believe the time has come when the whole exchange policy of this Government should be thoroughly overhauled, and a reversion to the old silver standard of currency with free coinage of silver should be seriously considered.

"Sir, the Hon'ble Mr. Hailey counts gain from exchange as a permanent factor in Indian finance, so much so that he seriously contemplates the complete extinction of provincial contributions in the near future. I wish grounds were present for such optimism. Assuming for the moment that exchange is maintained at 2*s*. (gold), with the change in the policy of the financing of the India Office establishment and the purchase of stores, our Home charges will steadily shrink. It would have been better if the Finance Minister's narrative had contained an analysis of the new position created by the transfer to the British Estimates of the cost of the India Office establishment, less the charges connected with Agency work. Indian revenues will be relieved to some extent. And it is quite likely that our purchases in England will grow less and less with industrial expansion in India under the able lead and guidance of the Hon'ble Sir Thomas Holland. How can then the gain from favourable exchange be steady? Councils cannot be sold to a large extent for the convenience of trade. Then, much of the future of the rupee exchange depends upon the price of silver, a most uncertain factor. The present conditions cannot continue. Sooner or later settled political conditions will be restored in Mexico, and the annual output of silver must reach its former level. The China demand, too, must ultimately fall off. In India, the Finance Minister has pointed out, the demand for coins is not now so insistent and embarrassing. When the reaction in the silver market does take place, it is not possible that the rupee will be maintained at its present high exchange level.

"Sir, huge though it is, we must support the Military expenditure of this Government. The Hon'ble Mr. Hailey's statement must reconcile us both to the Revised Estimates and the next year's budget. But what the public would like to know is, if Government have any materials for the conclusion that danger threatens India from the Mid-East? Reports are so far conflicting. In England the story is now discredited by a large and growing body of public men who ought to know as a canard, owing its origin to Mr. Winston Churchill's imagination. There is even a movement for official recognition of the Soviet Government of Russia, and the Prime Minister is himself the sponsor of it. Is it likely that His Majesty's Government would consider the question of recognition if any proof existed of Soviet Government's mischievous activity in Mid-East with India as its objective? His Majesty's Government must be supposed to keep correct information about the course of events in Mid-East. A full statement on the point by Government in these circumstances is urgently necessary. For long years our military finance was influenced by the bogey of a Russian invasion. It is imperative the mistakes of the past should not be repeated. If there be real danger from Mid-East, our military expenditure must of necessity be maintained at the proposed level; if not, it must be cut down to the irreducible minimum. In connection with this military question the suggestion made by Sir Fazulbhoy and Hon'ble Mr. Banerjea about the formation of a territorial or citizen army requires Government's serious consideration.

"As regards the special war contribution, I will speak with some reserve in view of the amendment or resolution that I hear is going to be moved, by some friends later on. Subject to such change as the arguments then advanced may bring to my mind, I presently think that this question will have to be decided in the light of facts stated by the Hon'ble Mr. Hailey in his able analysis. I am of opinion that it will be advisable to pay the contribution in instalments as stated by the Hon'ble Mr. Hailey. It is far better that the compromise effected by Government in respect of non-effective charges should be confirmed by the Council than that delicate questions of extra payment to His Majesty's Government should be re-opened. At the same time, I hold that the principle at the back of the 'long-standing practice, dating from 1870, for India to bear the Indian Service share, if any, of *all* pensions of British troops employed in British campaigns, while His Majesty's Government do the same in the case of Indian campaigns,' needs scrutiny in the light of existing conditions. The practice for a certainty involves India in heavy financial obligations. All the British units may be sent out here one after another for experience in India, and what with their ordinary and recently sanctioned extraordinary pensions the bill against us may run to an alarming length. In any scheme of Imperial Federation such a principle of apportionment of the cost of Imperial defence is sure to be abandoned. Meanwhile, efforts should be made for better arrangements with His Majesty's Government on the general question.

"The policy underlying the Railway allotment will meet with general support in the country Improvement on open lines is a matter of the first importance and must have the first claim. Increased facilities of transport and travel will be appreciated by all, especially for their effect upon prices I am sure the discomforts of Railway journey so well described by Mr. Banerjea will receive in future the attention of the Railway authorities. I fully endorse his opinion that a Committee of officials and non-officials, if sanctioned, will help the Railway authorities in a large measure to come to a right decision in all these matters."

The Hon'ble Mr. W. E. Crum:—"Sir, I would like first to take this opportunity of congratulating the Hon'ble Mr Hailey on the very lucid way in which he brought forward his Financial Statement, and also generally on his Budget. At the same time I hope he will not take that as meaning that I entirely agree with all his policy. 12-37 P.M.

"I would like to go through one or two items of the Budget, Sir, and I will take them in the order in which they come in the figures. First of all is Customs. On the question of export duty on hides and skins last year, Sir, at Simla, I made a special request to the Government that they should utilise the proceeds of this duty as largely as possible in providing tanning for Indians and improving the methods of curing and of treating the raw hide.

"Now, Sir, I know that certain steps are being taken in regard to tanning, but as regards curing and flaying of hides, I do not think anything has yet been done, and to such an important matter I should like to draw the attention of Sir George Barnes and Sir Thomas Holland again.

"Take the case of Calcutta alone; in Calcutta from the 500 hides produced daily about half are seriously damaged by butchers to the extent of about Rs. 2 a hide; so that if an improvement could be effected in that direction, it would mean a difference to the country generally of nearly two lakhs of rupees in Calcutta alone.

"Great improvement has been effected in Bombay owing to the fact the Government had practical control during the war of the Bombay slaughter houses.

"And I do think it is a matter of Imperial importance that Government should do what it can to improve the raw product and thereby add to the justification for the tax. A good deal has been said about the tax and it has been said that a great deal of harm has been done to export. Well Sir, the tax is 5 per cent. in the case of England and 15 per cent. in the case of other countries. The rise in exchange since it was put on has amounted to 33 per cent. Therefore I do not think it can be said in any way that the tax has contributed to the present undoubtedly slack trade which is going on in hides and skins.

"Then, Sir, I come to the next point of direct taxation. I am sure we are all very glad that the Hon'ble Member has taken off his Excess Profits tax, and I should like to congratulate him very seriously on that. It is true it was pointed out last year that it was probably only a tax which would last for a year, but nevertheless I am sure everybody is very much relieved that it has been taken off.

"As regards the super-tax I may have something to say later, and I venture to defer anything I have to say until the super-tax is actually under discussion.

"Then, Sir, as regards Posts and Telegraphs, there is one small point, and that is that I hope Sir George Barnes will be able still further to reduce the cost of foreign telegrams. The amount paid from India to outside for foreign telegrams is not reckoned in rupees, and since the exchange is so much in favour of India, I hope that further reduction will be made as soon as possible.

"Now I come, Sir, to the very important question of Railways. Now Sir, when the Mackay Commission sat it recommended a yearly programme of not less than £12 million on capital account. Now £12 in those days was 18 crores, and, I think, it is simpler for me to speak in rupees rather than in pounds. When 18 crores was considered sufficient as a yearly capital expenditure on railways, the purchasing value of the rupee was very much greater than it is at present. I do not think I am exaggerating when I say that the purchasing value of the rupee as against railway stock and such materials as are required for our railway construction is not greater than half what it was at that time. Therefore, when we see a figure of 22 crores in the Budget on capital account for railways, I do not think we should be unduly elated, and if I may say so I think that, considering the purchasing value of the rupee, the amount is far less than it should be. If I am right in assuming that the purchasing power of the rupee is only 50 per cent. what it was when the Mackay Commission sat, when the capital expenditure this year should be, not 18 crores of rupees, but 36 crores. But there is another consideration which also should tend to make Government increase the amount that it is going to spend on railways, and that is, the fact that during four years, 1915 to 1919 only Rs. 20 crores was spent, whereas under the Mackay programme Rs. 72 crores should have been spent. That of course was nobody's fault. The reason was that, because of the war, materials could not be provided, but the fact remains that on account of the war India in these four years has spent Rs. 52 crores less on railway capital construction than she would have done if she had been able to spend the amount which was recommended. Therefore, that is another argument for my proposal that 22 crores is very far short of what should be spent. Now, Sir, in the year

1917, Sir Hugh Bray pointed out that railways were making a great deal of money and that they were putting by no reserve, and at the end of the war when it was possible to spend money it might be difficult to get hold of that money. And in 1918, Sir William Meyer provided a certain sum, £20 million, which he called a special reserve, and he said about it :—

> 'Lastly, when peace conditions permit the resumption of the Railway Capital Programme on a scale necessary to provide adequately for requirements—and this will involve making up a lot of leeway in respect of the compulsory cutting down of that programme during the war—we shall probably find some difficulty in raising, on reasonable terms, the amount of capital which would be required.
>
> 'We propose, therefore, as against our temporary borrowings on Treasury Bills here, and in view of the satisfactory financial position of India as a whole, to invest £20 million in Home Treasury Bills in order to provide for the liabilities which in one way or another will come upon us shortly after the war is over.'

"Now I think this was generally recognised by members of Council, both official and non-official, and was accepted by Sir William Meyer as an actual reserve to be put by when money could not be spent on capital expenditure to be spent on capital expenditure in future. That Sir Hugh Bray imagined this to be the case is clear from what he said :—

> 'It is therefore, my Lord, with unbounded satisfaction that I find that he has had such a good year that he has been able to make restitution, if as I hope I do interpret correctly what he said on the 1st March and I trust that the reserve he then referred to may be so ear-marked, so tied up, that it must be spent on Railways only and that next year it may be possible to provide even a further reserve.'
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> 'And Sir George Barnes said :—'I cannot, however, pass railways by without emphasising the great importance of the special reserve fund of £20 million sterling which is being made this year. This provision will enable us to embark on fresh railway construction directly materials are available.'

"I think from those extracts, Sir, it must be evident that this £20 millions was regarded as being put by as a special reserve to be spent on railway construction, not as a part of the normal railway construction programme of the future, but in substitution of what had not been spent in previous years. It was regarded therefore as an addition to the normal expenditure. Now, Sir, I have been trying to find out where this £20 million has gone to. I find that £13½ millions of it disappeared in the year ending March 1919, and the other £7 millions, as the Hon'ble Member told us in his Financial Statement, has disappeared during the last year. Well, Sir, the railway capital expenditure in 1918-19 when the £13 millions disappeared, was *Nil* as far as England is concerned. In 1919-20, it was, I think, somewhere about £10 millions. But that presumably was capital expenditure out of the sum which had been otherwise laid apart in the Budget for capital expenditure on railways. I think therefore there should be some explanation as to why this £20 millions, which was put by as a special reserve for expenditure on railways over and above the normal railway expenditure for capital has not been spent on railways.

"Then, Sir, I come to a few special points about the railway budget I am very sorry to see that Burma is treated so badly. This year, I understand from the figures before us, that the amount to be spent on new railways in Burma is only Rs. 3 lakhs. Now the position, as I understand it, in Burma is that there is only one mile of railway for 144 square miles of country. In India there is one mile of railway for 35 square miles of country.

"Now there is something very wrong about that, that the proportion in Burma should be so much less than it is, and there are, I understand, two very important Burmese railways which are practically ready for construction at present. I refer to the Pyinmana Mergui Railway which is part of the Indo-Burma route by Chittagong and the Moulmein-Ye Railway which connects Northern Burma with Southern Burma. I hope that Sir George Barnes or Sir Arthur Anderson will be able later to tell us why such a small amount has been allotted to railways in Burma, and whether some considerable sum cannot be allotted to these railways and to these special railways out of the unallotted sum which is in the railway construction programme.

"As regards Bengal, Sir, we press for the further construction of the broad gauge on the Calcutta-Darjeeling line and for the Hughli Bridge. The answer which Sir Arthur Anderson gave to me the other day regarding the Hughli Bridge was that it had been surveyed and that soundings were being taken. I hoped something further from him and I hope that he will be able to say that it is the intention of Government to proceed with that bridge and with the railway bridge connecting the two sides of the river with the greatest possible despatch.

"Then, Sir, I come to railway revenue and expenditure Now, in pre-war years, 5 per cent. was regarded as a very fine revenue for the railways, a very fine return on the capital. During the war this rose and the reason that it rose was because the receipts from increased traffic were so much greater and because it was impossible to spend money on repairs and renewals. It rose to 5·79 in 1916-17, 6·55 in 1917-18 and nearly 7 per cent. in 1918-19, and I make out that the railways saved some 20 crores of rupees during those years which went into the common purse and which to my mind and in the opinion of a great many other Members of this Council should have been ear-marked to railway expenditure. This year, Sir, we find that the amount to be spent on railways has largely increased and gone up to 50 crores of rupees from 37 crores in 1918-19 and 45 crores in 1919-20. I hope that the Hon'ble Sir Arthur Anderson will be able to tell us later how much of this increased expenditure is due to normal increase of running costs, that is to say, such matters as increase of staff, increased cost of coal, and so on, and how much of it is going to be devoted actually to repairs and renewals, because there is no question about it, and I am sure he will admit it, that the position regarding Indian railways with respect to repairs and renewals and the general condition of the railways' rolling stock is very serious. Now we have had an example during the last two or three months of the complete inability of the Indian railways to carry the traffic that is tendered to them. We have had blocks all round; we have had complaints from coal; we have had complaints from almost every source; and the reason is simply because the railways are not up to trim. I do hope, therefore, that we are not to regard this 5·51 per cent. which it is proposed to make out of railways this year as a permanency, and that, as soon as possible, the Government will make an attempt to utilise the money which they receive over and above what may be called the normal of about 5 per cent. for the benefit of railways.

"I did not intend to speak, Sir, on the question of Reverse Councils and exchange, but there are one or two points in the Hon'ble Sir Fazulbhoy Currimbhoy's speech to which I would like to draw attention. He said that in Bombay among the Indian community Reverse Councils are generally condemned As far as Calcutta is concerned, I think that the opinion in favour of an adverse to Reverse Councils is about equally divided; but that is a matter of opinion.

"There is, however, a point of fact regarding which he has spoken. He said that higher exchange has not resulted in advantage to users of imported articles. Now, Sir, ordinarily speaking, I do not think there is any doubt about it that a high exchange or rather a rising exchange is of great harm to exporters, but, under the present circumstances, I doubt whether the fact that exchange is rising has been nearly so harmful to exporters as it would have been had conditions been normal. Prices are exceedingly high, the prices of all articles are high, and since I disagree with him that higher exchange has not resulted in advantage to users of imported articles, it follows that had exchange not been high, we should have had a still greater increase than we have had in the cost of imported articles. An instance of this would be an ordinary pair of imported *dhoties*. Imported *dhoties* with exchange at 2*s* 10*d*. cost Rs. 5-8 per pair; were exchange to go down to 2 shillings they would cost Rs. 7-8 per pair. Now, Sir, if under present circumstances the rupee was to go down to two shillings or even lower, I maintain that to the general people of India the result would be far, far more serious than if it remains somewhere in the neighbourhood of what it is. Who is it who has benefited by high exchanges or by low exchanges. The man who has benefited by high exchanges is the man who is living on a paid wage, generally the very, very poorest in the country, the labourer who earns his three or four annas a day and another class who is not generally regarded as poor, but who is in fact almost as poor as the labourer, the clerical class. They would have to pay, if exchange went down, and went down appreciably, very much higher than they do for every imported article that they consume. On the other hand, if exchange goes down, the people who will be benefited will be the people who actually produce the produce of the country, the *raiyats* and people of that class, and prices of produce are so high at present that I do not think they can complain very much if the prices of the articles which they produce did go down. I therefore think, Sir, that there are those two sides to the question, and that at the present moment it is very doubtful whether you can say that a high exchange is really adverse to the great majority of the peoples of India."

The Hon'ble Raja Sir Rampal Singh:—"Sir, the questions of exchange and currency, the sale of Councils and Reverse Councils, and the gains and losses accruing therefrom are too technical and complicated to let me have an insight into their intricacies. To a layman like myself, who can only take a superficial view in such matters, the gain of 11¾ crores in these transactions is a source of satisfaction. But the natural inquisitiveness remains unsatisfied as to the question whether the losses sustained were avoidable or not? I hope there may be no ground for alarm over them as I trust there must be in them also 'an element of artificiality' as is the case with the 'gains.'

"I feel bound in justice to offer my mead of praise and appreciation to Lord Meston for the skill and accuracy with which the Budget estimates of the current year were prepared under His Lordship's guidance. No one could have forseen at the time the Afghan War and the consequential military expenditure that had had to be incurred in its prosecution. In fact, it throws a still greater credit on the caution and foresight that were brought to bear on the preparation of the estimates, for otherwise the amount of deficit would have been much higher than £14⅓ million. Howsoever much we may deplore the Afghan War that was wantonly forced upon the Government, there is absolutely no reason to grumble over the expenditure that it had cost us. It is well and just that the subsidy which used to be paid had been stopped and I hope it shall never be renewed. It is a cause of just and real resentment and of extreme disapprobation that, pampered by the subsidy which India had been providing her and to the outrage of all moral obligations, Afghanistan should have had the audacity to wage war with us without any provocation whatsoever. It is an ample proof, if proof were needed, that no canons of morality can stop people from having their cupidity excited when times are propitious to have territorial aggrandizement. It is for this reason, Sir, if not for others, that I would most strongly deprecate any large diminution in our military strength or in its efficiency. As long as human nature is what it is, the evil of keeping a strong military establishment shall have to be maintained

"Sir, this is the last Budget of its kind under the existing system of division of revenue and expenditure between the Central and the Provincial Governments, and the first from the hands of the Hon'ble Mr. Hailey, our new Finance Member. I may heartily congratulate him on his lucid exposition of the Budget figures for the coming year. Barring the complications of exchange and other such like transactions which are, as I have observed above, too technical to me, the estimates and the explanatory notes attached thereto are quite intelligible even to a layman, and he can well appreciate the skill, caution, sympathy for the people with due regard to the requirements of the situation, with which they have been prepared. One can with difficulty fairly indulge in criticism and find fault with the Budget. It is a matter of much gratification that no recourse to any new form of taxation has been taken. The abolition of the excess profit duty and the alteration of rates in the levy of super-tax is in the right direction and will help industries and joint stock concerns to build up their reserve Capital and thereby strengthen their position.

"On the expenditure side in Imperial Budget the most important items fall under Military Services, Railways, and the New Capital

"If regard be had to the poor resources of India and the pressing needs of the moral and material development of the country the Budget provision of £40 million for military services appears to be too big. But, Sir, that very development largely depends upon security which these services provide from external aggression and internal commotion. It would be amiss on my part to grudge this amount. In the present circumstances through which the world is passing it would be suicidal to think of any curtailment in the strength or the efficiency of the Army. The Finance Member has not only explained the situation, but has also emphasised the facts that would have to be kept in view and which would most assuredly entail high expenditure on these services in future. Without in any way recommending any dimunition in the strength or efficiency of these services, I would strongly urge that they may be Indianised in a much more liberal and sympathetic manner than is the case at present. In every branch of such services, from bottom to top, there should be a far larger number of Indians than at present. It is only in this way that economy can be effected, and I cannot lay too much stress on the acceptance of this policy.

"The second Capital outlay is proposed to be on Railways I have not a word to say against the proposal. It is a patent fact that during the War the expenditure on them got a set-back and much lee-way has to be made up I am not prepared to deny that much of our progress depends upon greater facilities of communications, and the greater they are extended in proportion to our means and needs the greater the prosperity of India will flourish. But, Sir, as the things at present prevail before the extension or the opening of new lines, I would very strongly advocate the removal of the terrible inconveniences due to overcrowding to which the passengers are subjected in railway journeys now-a-days. The Railway fare was enhanced during the War and yet no relief in that respect has been given, and to make matters worse the public does not enjoy even half as much comfort as it had in pre-war times I only pray that the Government will see to that before extending further lines.

"The allotment of £580 000 for irrigation is too small, but the Hon'ble Finance Member has cut at the root of any criticism on this item by a statement that this is all that the Public Works Department can spend in the coming year. The importance of expenditure under this head cannot be over-exaggerated I wonder when the scheme for Sarda canal for Oudh will mature. My Province is now very much interested in it, and the sooner the work is taken up the better.

"It is needless for me to say that I am one of those who support the present elevated position of Delhi, and so I have no reason to disagree or to criticise the allotment of Rs. 110 lakhs for our Capital.

"Sir, it appears to me that the grievances of the postal subordinate services as regards their salaries and emoluments are real, and I only hope that something will be done to ameliorate their condition in these hard times.

"Sir, inthe future the battles for education, sanitation, Medical relief, and Agricultural and Industrial development are to be fought in Local Councils and I need not refer to them here. It is a matter of great satisfaction that the Government of India now fully realise their importance, and as the circumstances permit liberal allotments are made under those heads. We the people of the United Provinces under the guidance of our popular and sympathetic ruler Sir Harcourt Butler are re-organising the old University, and are founding new ones, and it is my earnest prayer that the Government of India will see their way to give us financial help to bring about those schemes into fruition, and further that, when they allot any funds to the Univers ities of other Provinces, the claims of my Province will not be overlooked.

"In the end, Sir, I feel bound to offer grateful thanks on behalf of my Province to the Finance Member and the Government of India for affording relief to the Provincial Governments to the extent of 11 crores of rupees I hope my Province will receive an equitable share in it. The concluding words of paragraph 24 of the Budget statement will be very highly and gratefully appreciated by the Province but, I am afraid, that consummation will depend upon Exchange which has always troubled our finances from a long long time without any permanent solution. Whatever the case with exchange may be, I strongly hold that the Government of India should become self-supporting and no contributions should be taken from the Provinces unless any special emergency might arise"

[At this stage the Council adjourned for Lunch]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I did not 2-35 P.M. have the good fortune to listen to the Hon'ble the Finance Member when he introduced the Budget as I happened to be away at the time, but on my way back to Delhi I came across an Anglo-Indian daily paper in the train, the leading article of which in its comments on the Budget began saying that it is customary for members of the Council when speaking on the Budget to compliment the Finance Member on the lucidity of the Financial Statement, and inquired whether that pleasant custom would be observed on this occasion. I had not then seen the Budget and I was wondering what was meant. I thought that probably the Financial Statement would be a very abstruse document which would be very unintelligible to a layman like myself, but after I had returned to Delhi and perused the Financial Statement, I confess that I found no justification for that comment and I have no hesitation in congratulating the Hon'ble Mr. Hailey on the lucidity and luminous presentation of the subject We differ from him in many matters, in his conclusions, in his premises, but I do not think that anyone can complain that the Budget lacks any perspicuity of statement. I also thank him, Sir, for his skill and ability, if I may say so, without impertinence, in avoiding any further fields of taxation. The variation in the incidence of the super-tax which as he says, is merely a re-arrangement is not a new tax at all, and I do not think that we have any reason to take serious exception to that.

"Coming to the Budget, Sir, taking the revenue side, I have two remarks to make. In the first place I see that no steps have been taken, no real endeavour has been made to secure any portion of the huge war profits, the enormous fortunes that have been made out of the war by individuals who could have had no expectation to make a fraction of this and who could have no valid objection if the State appropriated some substantial proportion of these profits

"The second remark which I have to make is in regard to the gain by Exchange.

"There is a cryptic passage in the Finance Member's statement on page 126 which says 'two months ago indeed it looked as if the figure would be very much higher, but the large sales of Reverse Councils which have been and are being made have considerably reduced the total anticipated for the year.' Sir, I confess that I do not understand this, it may be due to my not being acquainted with economics, but I do not follow why this heavy loss should be incurred and I do not see why we should continue to sell these Reverse Councils. Does anybody contend that there is an unfavourable balance of trade against us and that the creditors were insisting on immediate payments, or is it a case whereby we are profiting by these sales?

"I think, Sir, that Government should have accepted the policy that was laid down by the Chamberlain Commission that trade interests in themselves are no justification for Council drafts. I think this argument applies in regard to Reverse Councils too. I would be very grateful, therefore, if a little light could be thrown on this point as to why we should continue to sell Reverse Councils. We hope to have an explanation on this point presently when we shall have a resolution on the matter later.

"Coming to the expenditure side, Sir, my first complaint is that you cannot claim to be credited with a really keen desire to scrutinise the items of expenditure. The Government did not see their way to accept the humble suggestion I made the other day to set up retrenchment boards on the lines existing in England. Sir, far from there being any retrenchment visible in the Budget, I submit that there is a steady and perceptible rise in all departments, civil as well as military. As regards the military budget items, I shall make a few remarks presently. Just at the moment I would call attention to a passage in the memorandum by the Finance Minister in which he says 'the dominating feature on the expenditure side of our Budget is the high figure which we have been obliged to insert in the military account'. Sir, this is very significant and I shall make a few remarks on it presently. Now taking the civil side, I confine my remarks to the Imperial allotment only, where we find that in every department there is a steady rise. Take the general administration, we find in 1916-17 the expenditure was Rs. 1,14,69,186 Thus in the present Budget it rises to 1,43,90,000 and the revised figures may exceed even this Then take the Secretariat. In spite of the much talked of decentralisation, every year there is a steady increase from Rs 38,11,699 in 1916-17 to Rs. 49,56,000 in the present Budget. The Medical expenditure in 1916-17 was Rs. 11,79,478 and in the present Budget it is Rs. 17,67,000. In Ecclesiastical expenditure there is a rise from Rs. 19,25,359 in 1916-17, to Rs. 22,10,000 in the present. Budget. Well, Sir, if you go on at this rate what is going to happen to the country, and unless you apply your pruning knife to these subjects, I am sure very little will be left for the subjects on which the amelioration of the people depends ?

"We find, for instance, no provision for redressing the sufferings of the people due to high prices. I do not know if any action is contemplated to be taken in regard to food. We had the other day a Reuter's telegram to the effect that the supplementary estimates in England provided for £6½ millions of additional bread subsidy owing to the increasing loss of selling the quartern loaf at 9 pence, and that this brings the total subsidy for 1920 up to £56½ millions. Have we spent a pice for cheapening the staples in this country in these hard times ? Then while education, technology, agriculture do not come in for any share at all, we find that we have more than made up for the deficiency in these subjects in our liberality as regards the railway allotment. Sir, last year some of us objected to the record figure of £18 millions that was provided for railways by Lord Meston, and our objection to this was commented on adversely by Anglo-Indian critics. I remember seeing in a leading article of the 'Statesman' that my remarks were ridiculed and I was charged with inconsistency. It may be that we were wrong and the leader writer of the 'Statesman' was right, but Sir, what have we got for that huge sum? We are told by the Hon'ble Mr. Hailey that the revised statement of expenditure out of these £18 millions is £14·5 millions. Now we have a right to ask, Sir, what have we got in return? We were promised improvement of railway transport and travelling facilities. We were led to believe that if that allotment was granted there would be no dearth of wagons and trade would not suffer. Now what have we got? Is travelling any cheaper to-day? Have the passenger fares been reduced to pre-war levels? The complaint last year that was made by my Hon'ble friend Mr. Sarma was that in the disposal of applications for wagons there was a good deal of complaint. Has that been removed ? Is the scandalous over-crowding of third class carriages removed to-day ? Far from that being the case, Sir, I have seen the other day even second class carriages packed full and third class passengers still continue to be shipped in cart-loads in goods wagons. And as regards transport facilities, coal is very scarce in Calcutta owing to the difficulty in getting wagons. The other day in reply to a question by my Hon'ble friend Rai Sita Nath Ray Bahadur, who is unfortunately absent to-day from the Council Chamber owing to illness, the Hon'ble Sir Arthur Anderson said that although consideration had been given to the question of reverting to the pre-war level in passenger fares, Government did not undertake to do so. Sir, we are to-day budgetting for a yet higher figure. It is just possible that experts may be satisfied, that these £14·5 millions have been well spent, but it will appear nothing short of a riddle to the ordinary man that even after spending £14·5 millions, there is no improvement at all in travelling and in railway transport. Let us possess our souls in patience and hope that after expending these £18 millions and 4½ crores our position will be improved.

"Then, Sir, I come to Delhi. I will not frighten the Council by the threat of another debate on the question of the transfer of capital. I shall simply call attention to one circumstance. Sir William Vincent in answering my motion that Calcutta should be made the Capital again, said three things, in the first place he said the notice received of my amendment was very short, only two days . . . . .

The Vice-President:—"Order, order, the Hon'ble. Member must confine himself to the principles of the Budget."

The Hon'ble Mr. Kamini Kumar Chanda:—"I was basing my comments on the budget on his argument. He said that he had not time to go into this matter, and he said a new Council would come into existence a year hence, and therefore it was better to leave these things alone I said in view of this argument, was it wise and prudent to spend R1,10 lakhs this year? Why not confine your endeavours, as you have done for the last four or five years, simply to carrying on, and leave this question to be decided after the new Council comes into existence? That is what I meant to refer to. I say it is not wise to commit the mistake that was made in Dacca. Even with the growing opposition to the ill-fated partition of Lord Curzon, Government went on spending lakhs and lakhs on buildings at Dacca and what was the result? After sinking crores of rupees in Dacca the whole thing collapsed, and His Majesty the King Emperor was pleased to reverse the policy. My submission therefore is that as regards Delhi you should not spend this amount, but should simply carry on and see what attitude is taken up by the new Council and what decision is come to by His Majesty's Government.

"Then, Sir, coming to the military budget, I say nobody can contemplate the figure without getting giddy. In four years' time we have nearly doubled the budget. We are providing £40 millions, that is nearly the total of the whole of our land-revenue and our revenue from railways, the two largest sources of income. Sir, what is going to happen? Well, it must be remembered that this is being provided for not in view of any threatened invasion of the country or any menace of war, but we are budgetting for a year of peace, a year ushering an era of peace after the greatest war in history has been fought and won to put an end to war, with the result that we are saddled with this colossal figure; and this in a year of profound peace in a country where half the population does not know what a full meal means. I say this is a mockery, Sir. I shall mention one passage from a leading article in 'The Leader,' a well-known exponent of moderate views. It said:—

> 'It is a still more melancholy thought that while this colossal amount is being spent the people of India are rigidly kept down to the lowest positions in the Army, and that after all these generations of British rule and the many and various proofs of both valour and fidelity that they have given, the policy towards Indians continues to be one of petty and unworthy distrust and there is yet no serious thought of doing them elementary justice.'

The Hon'ble Mr. Hailey says in his narrative at page 139 'the expenditure in the current year is estimated to exceed the specific provision in the budget by £9,110,000.'

"If you refer to the figures you will see that the bulk of it goes to the English soldiers, and only £400,000 to the Indians.

"Mr. Ramsay Macdonald in his recent work expressed the opinion that unless Great Britain took a legitimate share of the military charges placed on the Indian estimates, there would be nothing left for internal amelioration in India.

"I submit, Sir, that England should certainly look upon our military expenditure as an Imperial burden. The benefit of it innures to Great Britain in times of crisis and the basis of it is not determined by mere defence of the country considerations.

"We were told, Sir, that in November last a sub-committee of the Executive Council was appointed to look into the matter and scrutinise the causes which have led to this excess expenditure. We are grateful that it was considered necessary to appoint a sub-committee of the Executive Council to consider this matter. That means that the sub-committee must have consisted of at least one non-military Member. I complain that there is nothing to show why some non-official Member of this Council could not be associated with that sub-committee. Sir, if an Indian soldier, a Member of this Council, or a Bengali civilian, is considered competent enough to have a seat on the Army Commission, I do not see why you could not have an Indian non-official Member from this Council or from outside to present the Indian side before you. Military expenditure after all is determined by questions of policy, and I submit that it was absolutely necessary that the Indian view point should have been presented to you.

"With regard to the balance of the special war contribution, there will be a Resolution on the subject and I reserve my comments under that head.

"These, Sir, are my humble remarks with regard to the Budget."

2-52 P.M. **The Hon'ble Mr. Srinivasa Sastri:**—"Sir, there are many things in the Hon'ble Mr. Hailey's Budget besides its lucidity of statement on which he may well be congratulated; but I think that, instead of paying compliments, if one brought his complaints before Mr. Hailey, he would be only the more grateful. I am bringing a number of complaints, not all of them remediable I fear. In the first place, I would remind the Council that in September, 1918, we discussed a number of Resolutions arising out of the Public Services Commission's Report. In the course of those discussions the non-official Members of this Council objected strongly for the reasons stated then to the proposed increments to the salaries, allowances and pensions of the better-paid services in this country. Of course the Resolutions were negatived; that follows from the composition of this Council, but that does not relieve us from the duty of entering a protest against the way in which, notwithstanding our opposition, these increments to salaries, allowances, and pensions have been granted. They have been granted on an extremely lavish scale, and, as this is the first opportunity that a non-official Member of this Council has of entering a public protest against that course of action, I venture to do so on this occasion. There are many services still clamouring for such increments. The increments have been granted already in the case of the better-paid services; the lower-paid services have had their complaints referred to Committees sitting in the various capitals of the Governments to consider the matter. I am sure their recommendations will also result in a very considerable drain on the resources of our exchequer. I would not make a complaint, Sir, in the case of the lower-paid services; they have been very hard hit, indeed. The increments are perfectly legitimate in their case, and I for one shall strongly support any proposals that may be made to relieve their hard lot. As to one of these services there is a remark not altogether of this general character which I must make, *i.e.*, the Medical Service. That service stands on a very peculiar footing. We recommended on the occasion that I referred to that the civil and military branches of the profession should be separated. That would have involved no doubt additional expenditure, but the moral and material blessings to the poorer population of our country would have been so immense that we should have welcomed an additional outlay on that item. The matter is still under consideration, and all I can do is to press the matter again while still it awaits solution.

"A word, Sir, about the postal and telegraph services. Complaints come from both these branches of this mixed service. It is extraordinary that the small postal employees are paid on a considerably lower scale than the telegraph employees. Nevertheless, there is great complaint coming still from the telegraph branch of this mixed department. I would ask the members oncerned, Sir George Barnes especially, to inquire into the reasons for this isparity between the scales of salaries in the postal and in the telegraph ranches of this department. I cannot explain it, it is very hard to explain, nd every inquiry that I have made results in this somewhat disquieting consideration that the employees of the telegraph Department are drawn from a certain community in the main, while the employees of the postal service are drawn from the general community, and that the community that supplies recruits to the telegraph service are to be treated by the policy of the Government on a specially discriminatory basis. If there is any truth in this I think it is a matter which ought to be set right immediately. It is certainly questionable that in the public services of our country any discrimination should be made between community and community.

"Then, Sir, I must refer, although perhaps I shall be accounted somewhat eccentric and obstinate, to this question of the Simla exodus. It seems to me that the time has come when we must make as emphatic a protest as possible in the name of the Indian tax-payer against a system which allows the Government to transfer itself root and branch from one place to another twice a year. At any rate I would, as the Hon'ble Mr. Chanda did, ask the Government to place the matter before the Legislative Assembly when it meets next year and take its judgment upon it before they perpetuate this system and undertake any large building operations in Simla.

"The Hon'ble Mr. Banerjea referred to a question of educational policy and advised the Government to wait until the new ministers shall have had time to consider the recommendations of the Sadler Report. I take it that Mr. Banerjea and I are at one in thinking that there are considerable parts of that report which must be carried out, whether by the ministers that take charge of the Education Department or by the Government of India before they so take charge. Still I think there is considerable force in the contention put forward by him that as in most other matters he who calls the tune must pay the piper. If the Government of India are going to carry out the recommendations of that committee in respect of the intermediate and secondary departments of education before the ministers shall have assumed charge, I think it is but fair to ask that the financing of that large measure should be undertaken by the Government of India. Mr. Banerjea spoke only on behalf of his own province; but as I happen to know that measures of an analogous nature may soon be introduced into the administration of education in other provinces, I think it is but fair that I should state on behalf of other provinces as well that the Government of India had better wait before they go forward in this matter. Let them leave the decision of these large questions to the future departments of education which will be accountable to the legislature.

"Now, Sir, the Council must have listened with great interest and appreciation to the eloquent and moving plea made by Mr. Banerjea for the institution of a territorial army in this country. I make no doubt whatever that to a certain section at all events of this Council the appeal came with extraordinary force and cogency. Everybody objects more or less—I am afraid even the Hon'ble Mr. Hailey is no exception—to the leaps and bounds, with which the military expenditure of this country is going on. Whether it is inevitable or not—as he says it is inevitable—whether that is so or not, I can undertake to say on behalf of the people of India that they would be more than half reconciled to this enormous expenditure if they were assured that that expenditure was incurred with the fullest possible justice to the aspirations of our country. If, for instance, there were free admission to the commissioned ranks of Indians instead of there being the pitiful figure of 30 at the present moment as contrasted with thousands of non-Indians if they were admitted to all the forces in the Army, if there were military colleges on the model of Sandhurst to train our young men in, if in these ways it was made clear that the expenditure on the forces in this country came back in a sort of way to the benefit of the people themselves and established their defences on the only satisfactory position possible, namely, that the army was more or less national, then as I say we might be more than half-reconciled to this burden-some expenditure on the Army. But there is no sign whatever, there is the faintest sign which is almost negligible, that a real change in the policy of the military department is afoot. I am looking in vain all round to see that those who have the conduct of affairs in the military department are really making a serious effort to alter the basis of the army. There is a good deal of promise, much amiable sentiment that one often hears, but as to actual measures set on foot for seeing that justice is done to the aspirations of the people of India in that direction, I must say that the evidences are as yet scarcely discernible. I had intended to make a personal appeal to His Excellency the Commander-in-Chief. We are all impressed by his sense of justice, by his generosity, by the liberality of his views, by his amiable disposition. I do hope that we are not adding unduly to the burdens of the great office that he has borne during these troubled times, but it does seem to me that the chances are very few indeed of a large and liberal measure being initiated in this department if he does not himself take drastic steps to review the whole situation while he still holds the reins of the military department.

"There is one question about which I had not intended to say anything at all, the question of railways. I have during the last few years come to look upon railways as one of our financial assets. The old argument that the railways were a white elephant in this country no longer holds good. We therefore look with something like complacency on the large outlay provided in the present budget to push forward the railway programme. I would not myself have quarrelled with it, but the Hon'ble Mr. Crum in some remarks that he made on this subject has aroused my alarm to some extent. He seemed to think that the provision made, although considerable, was hardly sufficient and he would be glad if the Hon'ble Mr. Hailey surrendered to him what he considers the profits of the last few years, which the general purse has assimilated. The Hon'ble Mr. Crum may remember that for a long series of years in this country the railways were maintained out of the public purse; it would take a very long series of years indeed before the railways made good the amounts that they have consumed out of the tax-payer's contributions. If their losses were in former years made good by the general tax-payer, the tax-payer may well expect that in the years when railways are a paying proposition he should also come in for a share of the benefit. I am not, Sir, in favour of fixing the tax-payer's share at 5 per cent. or 5½ per cent. rigidly; it must be left to the Government of the time to determine how much of the profits accruing from railways should really be appropriated to the benefit of the general revenues.

"A point that we used to make in former times when considering the budget is the relative proportions of the revenues raised which go to railways and to irrigation. We used in the old days, as I said, when railways were a losing concern always to say that if instead of treating the railways on a specially favoured footing Government only directed their attention to large irrigation programmes, they would not only be benefiting the people of this country, but would likewise be benefiting themselves for the irrigation programme would lead to a growth of revenue. Now, I am somewhat concerned to find on turning over the appendix that there is not a full statement of the case for irrigation. The expenditure on irrigation stands more or less where it did; and the only explanation forthcoming is that the Public Works Department are not quite prepared yet to undertake any further schemes. Now, I think a fuller statement of the case would be required. I should ask the Hon'ble Sir Claude Hill if he could, when making his statement to-morrow, say precisely what were the recommendations of the Irrigation Commission of a few years ago, what were the projects which they recommended, how many of those projects have been undertaken, to what extent have they been carried out and what further projects have the Government in view to redress the balance that has always been tilted against irrigation? A statement of that kind, Sir, if it could be made, would be exceedingly instructive and would help both Government and the people to understand where exactly lies the justice between the competing claims of railways and irrigation."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, the Hon'ble Mr. Hailey has succeeded to a very troublesome inheritance, and every sympathy must therefore be manifested in dealing with his first budget. But one need not look with that particular idea into the Budget to see very many points for approval and commendation in the statement presented on the 1st of March. I would congratulate him upon the fair estimate of the growth of revenue he has made a departure from previous practice. He has no doubt been cautious in budgetting for a small increase, but, I think, we must congratulate ourselves that he has seen his way to do what he has done, otherwise taxation would have been the result. The 1917-18 accounts showed that the revenue was £112 millions, and yet in 1918-19 the budget estimate was only £109 millions. But the actuals turned out to be 123 or £14 millions better. Then the Budget for 1919-20 was fixed at a low figure, namely 123, and the revised estimate is 129, so there is a growth of 6, and therefore I am perfectly right in stating that the caution has been carried too far during previous years, and we are therefore very thankful for a healthy change.

"There are one or two other points also upon which we can congratulate the Hon'ble the Finance Member. In the first place he has seen his way to allowing the provinces to budget for an increase of about 103 lakhs in Education. We are also thankful to him for the grant of 5 lakhs to the public health funds, 750 lakhs to the All-India Medical Research Institute, for the provision for a metallurgical institute and a small provision for industrial development, and I hope that the expenditure proposed in the Bureau of Commercial Intelligence will be found insufficient in practice and that it will be considerably increased.

"But if I have said this in favour of some of the salient features of the Budget, it would be wrong on my part if I were not to draw the attention of the Council to the fact that the peoples' complaint that very little has been spent upon the tax-payer, upon the poor man, during the last few years when the revenue has grown enormously, is not altogether an unjustified one. If we turn to the total revenue between 1913-14 and the present year, we find that there has been a growth of Rs. 76 crores, from 117 to 193, or about 59 per cent., and yet it must be confessed that on subjects which directly concern the poor man or the State's future growth, namely, Education, Sanitation, Agriculture and so on, I have not been able to see an increase of more than Rs. 6 to 7 crores. 6 or 7 crores as against Rs. 76 crores must be admitted by all Hon'ble Members to be a very small fraction indeed. But I think no good purpose would be served in proceeding to a further analysis of these figures because this is the last year of the old era, and we shall have to look to changed circumstances, and it is from that standpoint that I shall look at the present Budget.

"Well, Sir, turning now to the question of Political Departments, may I ask as to whether the Government of India cannot secure for this country a small reduction in the growth of this political expenditure. Between 1913-14 and now, there has been a growth of about £ 870 thousand. Part of it is due to Persia, part of it to the North-West Frontier Province and so on. I shall not go into the details,—but it seems to me that in view of the changed conditions in Central Asia, in view of the constitution of new Republics or new monarchies, in Arabia, Syria, Mesopotamia, Palestine and so on, in view of the enlarged sphere of the Allied powers in Africa, there seems to be no reason why India should continue to bear the political expenditure in Aden, Persia and so on. She would have to share, certainly, but I see no reason why the whole of it or a large part should be borne by her. If I am wrong I hope to be told so.

"Then, again, there is one small point with regard to civil furlough. I notice that from 302 thousand the budget figure has risen to £800,000. This is rather a large increase. The 1913-14 figure was only 451 thousand. I am aware there are a number of officers who ought in the ordinary course to have gone on leave have been in this country from patriotic motives and otherwise and that some facilities should be given to them, now, but still I think, Sir, that this is too large an estimate, rather too large a provision under that head.

"There are one or two resolutions of mine connected with the propositions arising out of the Budget and I shall not therefore take up the time of the Council by dealing with Currency, Exchange and other matters, but one thing, Sir, I may be permitted to say and it is this. One great principle which I think was unwisely accepted in the beginning of the war and which has led to considerable trouble here, is the principle of accepting payments from the Home Treasury in England for goods—which are delivered here on behalf of His Majesty. It might have been extremely convenient, no doubt, but there is not the slightest doubt that it has led to a sea of troubles, and there appears to be no reason whatsoever why the future Indian policy should not be in favour of payments for whatever goods may have to be contracted for on behalf of His Majesty's Government in India for payment here. I think that so long as the centre of gravity is not shifted to India, we will have these troubles always hanging over us, and there seems to be no reason why even at a loss in the beginning we should not agree to pay only in India for articles which are deliverable in India and receive payment only in India for articles which we supply. If that had been done, I think many of these juggling expedients which the Government had to resort to necessarily would not have been found necessary.

"Then again, Sir, everybody was aware in the early stages of the war that exchange would have gone adversely to Great Britain in America if there had not been an agreement between the two Powers for the purpose of stabilising it for the better prosecution of the war, and every one must have seen—at any rate, financiers must have seen—that with the huge debts that were growing, with the artificial credit that was being given, with the enormous sums which the Banks could manipulate, and having regard to the fact that the future resources of Great Britain were being drawn upon, there would be trouble about exchange after the war.

"And yet I will not blame the Government of India because I take it that they have acted only under the commands of the India Office and in this respect the one reason that I know why the India Office wishes to retain control over financial matters is, that there is not sufficient expert opinion here to assist the Government of India. In England, the Government have from day to day the assistance of financiers of the greatest ability, bankers and other experts, theoretical as well as practical, and it is for that reason that for several years the India Office has overruled the Government of India continuously on different occasions in their financial policy. If that was so, Sir, should not these great financiers have advised the Secretary of State that there would be an inevitable fall after the war, and should they have advised then the Government to invest monies in British Treasury Bills or Securities? Is it not just then that they bear the loss of about 40 crores of rupees in Paper Currency and about 20 crores, I think, in Gold standard reserves? If they are to do justice by India I hope care will be taken by the India Office not to overrule the Government of India readily and not let so much store by the expert advice they possess to run counter to what may possibly turn out to be to the best interests of India. There is one subject, Sir, that is uppermost in my mind and that is the question of Army expenditure, and I will come straight to it at once. I was very sorry to hear that the Hon'ble Mr. Hailey is somewhat pessimistic as to whether he would be able to secure for the people the acceptance of a smaller military expenditure than is budgetted for the coming year. Complaint may legitimately be directed by the people and the Hon'ble Members of this Council to the discourtesy that has been shown to them in keeping from them the details of the military expenditure, as if they were State secrets, the disclosure of which, even after the war, would result in disastrous consequences to the future of the British Empire. I had asked for these figures and I was told that they were sufficiently given in the Financial Statements whereupon we could build up our own theories. Sir, it is absolutely impossible for India to be satisfied with such an attitude. I could understand this reticence during the period of the war when any military secret disclosed might prove disastrous, but surely to urge it in this year of grace 1920, seems to me to be absolutely without any justification. However, I shall try to make what little I can out of the figures that have been furnished. I find that in 1913-14 the expenditure was 12 crores 22 lakhs under regimental pay, etc. There has since been an increase of 828 lakhs the revised figure for 1919-20, additional sums having since the budget date been provided for to the amount of 296 lakhs. The net result is that there is an increase of 68 per cent. over the figure as it stood in 1913.

"Then I come to the question as to why under Supply and Transport there should be such a large increase from 342 to 662 lakhs. It may be due to war conditions possibly, but then it would be only temporary. Then 'Miscellaneous' is the great sink into which all the expenditure which could not be shown under other heads was thrown, and I expected to be shown here only temporary expenditure and that some objection would have been taken to it on behalf of the Government of India. The Miscellaneous expenditure was 27 lakhs in 1913-14, it is 31 crores of rupees in 1919-20 revised. That means to say that every item of expenditure which could not be explained or should not be explained was put under that head.

"I take it that the past year was a year of general peace rudely disturbed by the Afghan war and the trouble on the Frontier. The expenditure on these expeditions was 4¾ millions. I deduct 22 crores from 31 under Miscellaneous. May I ask why there was an increase of 9 crores of rupees as against 27 lakhs of rupees in 1913? It can only be temporary in any event.

"Under other heads we had provided increase for Remount, Medical Service, Military Stores, Ordnance, Ecclesiastical, Education, Compensation for food and several other things. Now, Sir, some explanation is necessary here, and my own idea is that these 9 crores could be legitimately cut down from the budget estimates. The provision of 244 lakhs of rupees under the heading of conveyance by rail for the year 1919-20 can only be temporary; well, after all, I suppose it does not matter very much because what we pay under the Army we will receive back under Railways, only a portion of the profits will go to English Companies and the working expenses are increased. Anyhow there is a difference of 200 lakhs of rupees under that head; there does not seem to be the slightest doubt that considerable retrenchments could be made under this and other heads too. But what strikes me as being rather important is that outside assistance would be helpful in scrutinising the expenditure. It is curious that out of 719 lakhs of rupees increase provided for in the revised estimates towards increases in pay and allowances, 659 should have gone to the British element and only 50 to the Indian Forces.

"I am not complaining of that. I am only saying that there must be an increase in the contribution from the rest of the Empire. It is well known that the Army has been maintained partly for the benefit of India and partly to meet the international arrangements and protect the British interests. Is it not just therefore that this British force kept in India should be considered as having been kept here (it may be kept temporarily in British Africa or in other parts of the world) partly for the rest of the British Empire including the Colonies, such as South Africa and possessions, like East Africa, and all the Colonies and possessions of Great Britain should be asked equally to share in that expenditure, and again, Sir, the Reserves are going to be largely increased. Should India have to bear this increase in the reserves? Whatever we may say the military will have their way and there will be an increase in the Army Reserves and most of that increase will be in England. Is it just that we should have to find funds for the purpose? We should arrange for an increase in the Indian officers in the army if it be necessary to do so, so as to keep the Reserves here, but if the Reserves have to be British and are to be located outside India, I do not see any justification for India being asked to pay. This question of increase in the army should be looked at from two standpoints:—Firstly, that the increases, if any, are really due to international engagements of Great Britain, and India should not be asked to bear the charges thereof, and the army should not be increased indefinitely because a poor country like India can never bear the increased expenditure. That leads to the next proposition that the former ratio of 2 to 1 must go if there is to be any safety for

India, so long as you have that ratio the element of expansion will be very narrow and we will be exposed to the attack of countries like Japan, and we may be told, as we were very nearly in 1917, that there is a great danger of an invasion of India. Every one of us is ready to bear arms for the purpose of defending India.

"And I am sure if only the Territorial Army is expanded and Indians are trained as officers, the expenditure might be reduced, I will not say considerably, but to an appreciable extent. I hope therefore the policy of the Empire in regard to the composition of the Indian Army, its location and the constitution of the reserves will be viewed from a new standpoint.

"Then, Sir, with regard to railways, I have just one word to say. I join the Hon'ble Members who preceded me in their legitimate complaints about over-crowding, about the insufficiency of wagon supply, and the enormous difficulties obtaining in the way of conveyance of foodstuffs. This is an oft-repeated story, but the same oft-repeated answer has been given. The question does not admit, I think, of any very great delay before a satisfactory solution is reached. I hope therefore that the complaints of the people that illegitimate profits are being made, that the supplies are insufficient, that there is over-crowding, will be attended to, and that the system of increasing the wagon supply, etc., of India will be undertaken without the slightest delay."

3-31 P.M. **The Hon'ble Mr. K. V. Reddi** :—"Sir, I do not know whether the Hon'ble Mr. Hailey will be overwhelmed with the many congratulations that have been so rightly showered upon him, or whether he will be overburdened with the immensity of the criticisms that necessarily followed those encomiums. His exposition, his lucidity, his theories on exchange and currency are all splendid, and the latter would perhaps form the basis of textbooks in future. His expenditure on railways is too much, his expenditure on the Military side is something which cannot be thought of in this country. But as an administrator, as a minister in charge of the finances, he could not help doing his work. Armies must be maintained, I suppose, if the defence of the country is to be ensured. The elementary duty of a Government, we have always thought, is to protect the citizens thereof, and if a Government is not prepared to protect its own subjects, I do not know what else it exists for.

"There is perhaps a different view, or a different standpoint from which a budget will have to be looked at or the financial conditions of a country will have to be looked at. A few months ago, England was said to be almost on the road to ruin. The tremendous strain of four years of war has driven numerous countries into almost financial crisis. It was said that unless production was increased in England, England would never be able to meet the demands on her. So great indeed was the strain in England that Lord Rothermere once suggested the sale of certain possessions in England to America in order that the debts might be discharged. Coming to our own land, is it not a matter for congratulation that in this country at least we are not perturbed by any such considerations as these? I do not for one moment mean to say that we are richer than England or in fact that we can be called a rich nation at all; but, Sir, a distinction will have to be made between the wealth of a country and its financial capacity to meet the needs of the country. A country, Sir, that within one or two years subscribed to a loan of £100 millions, a country in which 535 companies have been started with a capital of 166 crores, a country too which has gained 30 crores of rupees or is about to gain 30 crores of rupees in a single year, a country in which the balance of trade has been so favourable, I think, must necessarily impress one as having its finances in a state of abounding confidence. I do not therefore view this budget with anything like dismay. It shows that we are prosperous. It may be that we are not rich in the ordinary sense of the term, but financially we have every reason to congratulate ourselves and the series of illustrious Finance Ministers who have placed the finances of this country in the position in which they now are.

"Well, Sir, coming back to the Budget itself, I have got to make one or two observations. But before I do so, there is one statement made by my Hon'ble friend Mr. Sastri, who I am sorry to find is not here, one statement which I cannot leave unchallenged when it was made by him, and that statement, if I have taken him down correctly, runs thus, that in the public service he would deprecate that any distinction should be made between community and community. Sir, coming from the non-Brahmin community of Madras I say I cannot allow that statement to go unchallenged. If that statement is purely one of an academical nature, if that was made in relation to an ideal state, perhaps resembling Plato's republic, I certainly would have had no quarrel with it, but Sir, if in a particular province you find that one particular community monopolises all the places therein, and if other communities who are something like 90 per cent. of the population and who pay the greater part of the taxation of the province and who have produced as many graduates as the services require are sedulously excluded, whether wilfully or not, is another matter, or whether for good or bad reasons is another matter, but if those communities are excluded, is it not the duty of the Government to see that they are properly represented, proportionately to their numbers? Is it not the duty of the Government to see that all communities are properly represented proportionately to their numbers, proportionately to their intelligence, proportionately to their tax-paying capacity? And is this not the right place for me to ask if it is not the right policy that all communities should have their proper share in the administration and in the councils of the country?

"Now Sir, I shall proceed to the points on which I wanted to say a word. The first is the salt question. Sir, salt is a subject with which everybody in the nation is concerned, but perhaps it is the poor man who is more concerned with it than the richer landlords, zemindars and the educated community with whom this assembly is perhaps more directly familiar. Sir, an examination of the figures shows that there has been, ever since the increase of the tax from Re. 1 to Re. 1-4-0 in 1916, a considerable reduction in the consumption of salt. From the year 1903 to 1908 and from 1908 to 1916 there has been a considerable reduction in the tax, and there is a proportionate increase in the consumption, so much so that during the eight years preceding 1916 you will find an increase of as much as 25 per cent. in the consumption. But what do we find after 1916?

"In 1916-17 we have got 51,038,000 maunds, but in 1917-18 we find that the consumption was only 44,803,000 maunds. Now, Sir, last year you budgetted for a consumption of 5 crores and 48 lakhs, but in the revised figures for this year I find that the total consumption would be somewhere near 4 crores and 99 thousands, a reduction of 49 lakhs of maunds, or nearly half a crore in consumption. Sir, the tax that you have got on this is certainly not more than a million, for I find from the figures, excepting the exceptional year of 1917-18, that your income is something over 6 crores and a half and if you reduce the tax by four annas your income will be reduced, I should take it, by a million. When you have taken credit by way of a loan for 10 or 15 crores in the coming year would it not be a sounder policy, would it not be a more humane policy, would it not be a policy which would commend itself to the great bulk of this nation, if you could reduce one million from the salt tax and put it, if needs be, into this loan that you are borrowing?

"Before leaving this question of salt, I have one or two words to say. Sir, I find that during the war, importation of salt into this country from Germany was avoided, but unfortunately enough—and I hope I will be understood in the right sense when I use the word unfortunately there—I find a certain amount of salt still being imported from Liverpool. The value of this salt in the year 1913-14 was 20 lakhs and odd in value (I am omitting the thousands) and in the year 1917-18 it was 16 lakhs and odd. Now, Sir, it occurs to me that it is more or less an irony of fate that a commodity like salt should be imported into this country. It is perhaps the easiest industry known on the face of the earth. A bountiful sun and plenty of sea water are all that are required for making this salt. It does not require any capitalist, it does not require any plant, it does not require any buildings, it does not require any expert; you have only to get the land and take the water of the sea into it. India has of course the largest seacoast of which any country can boast. With its large seacoast, with its large quantities of sea water, and with its bountiful sun, how is it that we are allowing other countries to import salt to this land? With a little bounty from the Government, say, in the shape of loans on the lines of those which are given to agriculturists under the Agriculturists' Loans Act, I am perfectly certain that a stage can be reached within the course of three, four or five years when India can not only manufacture, the salt which is necessary for its own use but when she will also be in a position to export to other countries and thereby this tax deficit will be recouped. I can assure the Government and I am perfectly certain that this tax of four annas which should be remitted would be more than counterbalanced by the output. It will increase the wealth of the nation, not only because it affords work for so many labourers, but also because it increases the production of the country in every way. Therefore, this small reform could easily be effected without in any way interfering with the large programmes of the Government.

"The only other subject on which I wish to say a word, Sir, is one on which you have heard many speakers and many eloquent speeches. That has reference to the military situation. I have already said that it is impossible for any nation to dispense with military expenditure. We are told that we have passed through the greatest war which was intended to end war. Well, Sir, you all know whether war has ended or not. So thought the great statesmen who sat in Vienna in 1815 after the great Napoleonic wars, but not a single decade in the last century passed without one great war or another breaking out and though perhaps it would be heresay for any one to say, after the League of Nations has been formed, that these wars will not be avoided, still, Sir, one cannot delude one-self into the belief that any nation or every nation on the face of the earth will be free from foreign aggression or from wars.

"Therefore, when our Finance Minister provides for a certain amount in his Budget, the only way in which we will have to look at it is not whether there is any necessity for the amount, but to keep a watchful eye and see that the money that is provided is carefully and economically spent. But, Sir, there is one other view which I wish to place before the Council in this connection. Great reforms are about to be ushered into this country; in fact it is felt that India is being placed on the road to self-government and that in the fulness of time and in the wake of proved fitness the goal of self-government or responsible government will be reached. Is it not then the duty of this country to provide for its own defence? And how can it do so unless the young men of the country are employed in the Army and are given greater and higher offices than they are at present given? I will explain my position in another way. In the year 1916, when Commander Churchill pleaded for the creation of something like 10 or 12 divisions in India he was met with the objection that there were no officers to train our men. Then it was proposed that sick and disabled generals and officers might be employed for that purpose. The next objection at once was put forward that the vernacular difficulty would arise in the case of these officers Now, Sir, if at that time our young men were trained and we had had Indian officers sufficient to train our young men, certainly this war would have ended much earlier than it did, and perhaps, if I may say so without offence, the boast of America that she won the war would not have been allowed and India, which stemmed the tide of the first German onslaught and saved France from the fate which had befallen Belgium would have had the credit of having assisted the Empire in bringing this war to an earlier close. But, Sir, why was it not able to do so? Was it not because we did not have sufficient trained Indian officers? Sooner or later that stage will have to be reached, and if to-day you have placed this country on the road to self-government or responsible government, you will not be fulfilling your promises fully unless you provide also for her adequate defence. And this question of defence brings me to another question. I do not know, Sir, whether any provision has been made for aeroplanes in this large military budget. I daresay it must have been made. The reason why I press for this is that this frontier trouble and this Afghan trouble is a thing that has been troubling this country for years and years together.

"From my childhood up to this day I have not come across a single quinquennium in which we have not heard of trouble with the Afghans, the Afridis, the Mahsuds, or some other tribe on the frontier. Is this great nation of 250 millions, protected by the strong arm of the British, to be bullied by the small tribes on the frontier like this for ever? Have you no remedy for it? Can we not make short work of these tribes? The great Indian nation that brought Germany to her feet, can she not subdue these little tribes? What matters it if it costs a little more now? Sir, you may be sure the country will be at your back. Spend as much as you want. Only see that this trouble is not repeated again.

"This brings me to another question, and that is, the question of propagandistic work. I do not know again whether the budget provides sufficiently for propagandistic work. While I was in England at a small party of friends, amongst whom were Americans, Rumanians and men of other nations, everybody was saying that the war was won by the nation to which he belonged, when a young man got up at once and said that the war was won by Lord Northcliffe. We were wondering what that meant, whether it was because the newspapers had reduced their size to much less than usual and we asked him whether that was the reason. 'No', said the young man, 'It is the propagandistic work of Lord Northcliffe that won the war.' Now, Sir, if there is any truth in that I think this is just the time when we might spend profitably some money on propagandistic work, not only in this country, but also in Afghanistan, in Persia and, perhaps, elsewhere. Viewed in these lights, I would not certainly grudge the military expenditure that is budgetted. There is only one other submission that I wish to make and close. A question was put by my friend, the Hon'ble Mr. Patel, whether any attempt would be made to give effect to the suggestion which was made in the House of Lords by Lord Ampthill. Of course we were told, and perhaps rightly, that the creation of merchant-men was a work for private enterprise. I may, however, add, Sir, that it is possible for the Government to take up the work in the sense that merchant-men may now be constructed in such a way that they could be converted into naval ships at a short notice. I do not know whether that is scientifically possible; your engineers may be able to tell you; but I know one thing, namely, when motor cars were imported into this country before the war, we were told that they were so fitted that at a moment's notice they could be converted into armoured cars. Well, if that was possible, I should think it ought to be possible likewise that ships could be constructed which in peace time could be used as simple merchant-men, and if needs be in times of war could be converted into armoured cruisers or dreadnoughts or whatever you may call them.

"Sir, I do not think I have got anything more to say. There is only one word which I would say, and that is with reference to the irrigation expenditure that is to be found in the budget . . . .

The Vice-President:—"I would remind the Hon'ble Member that he has already exceeded his time."

The Hon'ble Mr. K. V. Reddi:—"I beg your pardon, Sir. I will sit down, because I am told that there will be a resolution on the point and I hope to be able to speak then."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan:—"Sir, I am afraid there is nothing in the Budget before the Council on which we can congratulate ourselves or the Hon'ble the Finance Member, and not many items on which we need express our condolence. It is a Budget of waste and want. The key-note of the English Budget system now-a-days is retrenchment and re-construction. But here expenditure is on the increase and there is no attempt at re-construction. In almost every department, we find a rise in expenses. In general administration, there is an increase even in the salary and expenses of the Governor General. From Rs. 10,49,815 in 1916-17 it has come up to Rs. 10,85,000 now. The salary is a small and fixed item, but the expenses are expanding That is the case with the charges of the Secretariats. In almost all departments, instead of a decrease there is an increase—steady and mounting up. It is so under Law and Justice (Courts of Law). Under medical expenditure, we find the amount for 1916-17 was Rs 11,79 478. Next year it rose to Rs. 12,39,275. Last year the revised figure stood at Rs. 15,48,000, and this year it is Rs. 17,67,000 ! Even in Ecclesiastical and Superannuation expenditure there is a rise. We are within measurable distance of the long anticipated Reforms, but every proposal to increase the cost of the services made by the Government of India has been sanctioned by the India Office! I know the vetoing power rests not with the Secretary of State but with the Council. But the Secretary of State and the Governor General must be held morally responsible for the increase. A policy of retrenchment would have brought no relief.

"The Hon'ble the Finance Member has referred to the suffering of the people due to high prices. But what is sympathy without action worth? What have Government done to alleviate this suffering? Even the amount allotted for Famine Relief has not been fully spent. The other day we found that in England the supplementary estimates included six and a half millions of additional bread subsidy owing to the increasing loss of selling the quartern loaf at nine pence. That was in England. But here nothing has been done to cheapen bread or even to stamp out profiteering by unscrupulous business-men.

"The Hon'ble the Finance Member has referred to the loss due to Exchange. Three years back, speaking in this Council-room, Sir William Meyer said—'We have taken powers to enable us, instead of earmarking gold for our Paper Currency Reserve against the issue of notes, to hold a portion of the Reserve in British Treasury Bills, which are the next best thing to gold.' But he had built his castle on the quicksands of an unstable exchange. And to-day the Hon'ble the Finance Member deplores the loss of 27½ crores. But worked at the present rate of exchange it comes up to much more and to it must be added the loss on Reverse Councils. And we have been made to suffer for no fault of ours.

"The military expenditure has risen to an appalling height; and, unless a clear case is made out, we must not lend our support to this increase. Many non-official Members of this Council—prominent among whom I should mention the late Mr. Gokhale—have protested against the stupendous nature of this expenditure, but to no purpose. And what is more, Sir, 'while this colossal amount is being spent, the people of India themselves are rigidly kept down to the lowest positions in the Army.'

"I am glad some attention has been paid to Education, and deservedly so. I offer my thanks to the Government for the grant of about Rs 4 lacs to the Belgachhia Medical Institute in Bengal, the grant of Rs. 6 lacs for a Technical Institution at Calcutta, and the grant of Rs. 28 lacs for contributions to District Boards in the United Provinces for the improvement of secondary Vernacular Education. But, at the same time, I cannot help expressing my regret at the neglect with which technology and primary education have been treated in this the last Budget under the old system.

"The claims of Sanitation have, it is true, not been overlooked. But the health of the people requires more looking after. As Chairman of a District Board, I have gone into the matter carefully. And I quote what His Excellency the Governor of Bengal said about the 'grim tragedy' which his inquiries about Malaria in Bengal disclosed. 'Every year,' said His Excellency, 'there occur in Bengal from 350,000 to 400,000 deaths from this cause alone. But a mere enumeration of the deaths gives but a faint idea of the ravages of the disease.' It has been said that a leading cause of the poverty and of many other diseases in a great part of Bengal is the prevalence of Malaria. Then the plague slays its thousands; and of late, Influenza has come to claim its tens of thousands.

"In view of the huge profits made on Railways, I hope it will be found possible to reduce passenger fares to the pre-war level and revert to the pre-war arrangements, thus affording relief to the travelling public.

"I will add one word in regard to the railways and it is to request that at least a part—an influential part—of the huge profits made by them may be used for the improvement of the third class travellers. Sir, I strongly support my friends Mr. Banerjea and Sir Chitnavis' idea for the appointment of a Committee of Inquiry composed of officials and non-officials to investigate the hardships of third class passengers.

"I would also urge the reduction of telegraph rates and hope I do not urge in vain.

"We have been told that 'the burden of high prices has been felt in a special degree by the large number of low paid Government servants.' I hope Government will see their way to improve their pay and prospects—paying special attention to the ministerial officers whose hard case has so often been pleaded by the press and the public.

"In the matter of sanitation, the province which I have the honour to represent deserves especial attention. The plague is decimating the fair province and the poor people lie in constant anxiety and terror. If a tenth part of what happens in Bihar and Orissa had happened in England, a successful crusade against rats would have resulted in their extirpation. I hope more attention and more money should be given for the improvement of sanitation in Bihar and Orissa.

"Sir, there is one other matter on which I would say a word or two. In the military expenditure entries have been provisionally made for the payment of certain portions of India's further contribution towards the cost of the war in pursuance of the Resolution passed in this Council in 1918. That Resolution, as we have been told by the Hon'ble the Finance Member, contained a reservation that the offer would be subject to the condition that the payment would be reconsidered in the event of two contingencies occurring We have been told by the Hon'ble the Finance Member that the expenditure of about £15 millions involved in the Afghan War and frontier operations 'clearly' makes the first condition operative. I beg to assure the Government that I have given the matter most anxious consideration; and I have come to the conclusion that, considering the expenditure incurred in the war and the loss sustained in reverse Councils, we as representatives of the people must stand on that condition and not agree to waive it. I, therefore, propose that the cost of the Afghan War and the frontier operations amounting to about £15 millions should be deducted from the grant."

The Hon'ble Mr. Ayyangar :—"May I ask, Sir, that my speech be taken as read?" 4-2 P.M.

The Vice-President :—"The Hon'ble Member asks that his speech which, I understand, has been printed may be taken as read."

The Hon'ble Mr. A. P. Muddiman :—"No, Sir. The Hon'ble Member's speech is not in print. The Hon'ble Member never has his speeches printed as he should. I hope that in future he will have his speeches printed if he wishes to have them taken as read."

The Vice-President :—"On the assumption that the Hon'ble Member will have his speech printed for distribution as provided by the rules the Council will take it as read."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—"The day of budget discussion has been called, I think by a Madras official, the Oliver Twist Day of the Council. From the people's point of view, it is a day of ineffective cries against unfulfilled undertakings and neglected responsibilities. The provision for education and sanitation, the proposed projects for irrigation and agricultural improvements, the decrease in military expenditure and in the taxation of ordinary articles of consumption, such as foodstuffs, etc —these are a few of the items we Members of Council generally look to. As the Indian press has already pointed out, this year's budget must be pronounced to be a disappointment from this standpoint, while the frequent references to problems of exchange and courses of trade envelop the whole thing in a cloud of learned mystery.

"Two years have elapsed after the war; but the military expenditure has not abated—rather so far as India is concerned the re-appearance of that eternal bogie in the North-West—the Afghan trouble—has accentuated the strain on the revenues by retaining a heavy expenditure. High prices of an unprecedented kind, unknown even to famine days or war time, continue to reign; and in spite of favourable monsoons, the uniform good behaviour of the seasons, the realised and expected bumper crops, etc, the lower classes are on the verge of starvation.

"Very little has been done to retrieve the oft-repeated promises to non-official Members that proposals for the expansion of education will receive consideration after the war; and what is worse, in many cases, owing mainly to official neglect, there have been lapses of unspent allotments amounting to nearly 33 lakhs under Education; and, as I already pointed out, there was a similar lapse of 30 lakhs last year.

"Railways bulk large in the matter of expenditure to the neglect of other useful branches of work, notably irrigation. Even as regards Railways in actual construction, I am afraid, strategic rather than economic considerations will outweigh and the more productive projects in remote and peaceful areas will be given the go-by in favour of these in frontier tracts. One Finance Member characterised Indian revenues as a gamble in monsoons and a ready measure of protection against its expenditure on productive irrigation schemes. And yet irrigation is more starved in the budget. Some more useful projects, especially in the Cauvery delta, are neglected. While an excuse may perhaps be readily found for the postponement of the Kannambadi Dam project in the yet unsettled dispute between the Mysore and the British Governments, the Mettur Project should have been taken in hand long ago. Even if the award of arbitration of the Kannambadi Dam which has to be reconsidered should be assumed as to go against the Madras Government, it is only a question of constructing the Mettur Project on a minor scale Minor or major the project should be begun. Delay of this project has cost the Government and deltaic ryots of the Cauvery a great deal, and I would request that the project may not be further postponed.

"Among minor schemes of expenditure, provision for the improvement in the lot of subordinate officials of Government cannot engage the attention of Government too soon in view of the acute sufferings of the men on account of the high prices prevalent in the market. Any scale of increase must be adequate to the increase in the price of foodstuffs. It is gratifying that the pay of the officials in the Postal Department is to be revised on time-scale. Their pay should be brought into line with those in the sister department of Telegraph. The pay of the staff below Rs. 200 also should be enhanced. Similar revisions in the scales of pay of subordinates in other departments must at once be taken in hand if serious discontent is to be averted.

"The Government monopoly of the rice trade in Burma under the name of 'control' is causing widespread dissatisfaction as His Excellency is aware from the representations of the Deputation from Ceylon that recently waited on His Excellency. It will be nothing short of a scandal if this Government profiteering in the staple food of the country should go on indefinitely to the greatest hardships of the people in spite of favourable monsoons, bumper crops, and slackness in exports owing to exchange difficulties. It is difficult to find excuse for the action of Government in selling rice at

Rs. 1,000 per 100 baskets (*f. o. b.* Rangoon), when the average price in 1919 in the Burma market did not exceed Rs. 500.

"The absence of a fixed policy in the matter of linking silver to gold has been the cause of a great grievance to us. When in England the silver shilling which was linked to gold should have remained in the same ratio in value, why should there have been in India alone such violent fluctuations? Now that a certain ratio has been fixed, it is but just that the people should demand that there should be a continuity of this policy for a long time to come. All our grievances about the arbitrary fixing of the rate of exchange and the violent fluctuations in the matter of linking Indian silver to gold will disappear if the same coins that are current in England are introduced in India. There can be no better opportunity for doing this than the present time. The rupee which weighs and which is valued exactly double an English shilling may be named a 'rupee' or 'two shillings', while 20 shillings or Rs. 10 may be declared equal to a gold sovereign. In the name of fixing exchange rates, the cultivators' interests are not at all taken into account, and the raw products which should find their way into foreign markets fetch very low prices in rupees as the exchange rate is very high. It is to be regretted that there was no one to represent the cultivators' point of view in the Currency Commission when they fixed the present rate.

"The other day Mr. Sarma asked Government why the Secretary of State should stand as an intermediary for the purchase of gold for selling the same in India. No answer was forthcoming to the question, and so the Government have given cause to strengthen the conviction of the people that the Government have thrust gold into India in order to take away the silver, and then again they are cheapening by an artificial process the price of gold by purchasing gold at Rs. 23 and selling same at Rs. 16, creating a scare that gold has cheapened to make the people part with their gold also as the precious metal they have hoarded may not become still more cheap and they are put to further loss The people fear that this process may result in the withdrawal of the precious metals and in the inflation of the circulation of paper currency.

"Though we get only 60 per cent. of the value out of depreciated exchange we are thankful to the Government for arranging to transfer the paper currency reserves from England to India, and we hope that, at an early date, the gold standard reserves will also be transferred here.

"It is also a matter for congratulation that the evils of progressive rates of taxation have been minimised in the case of super-tax. The distinction made in the Bill between Joint Stock Companies and Joint families seems to be invidious, and we respectfully urge that this distinction should be done away with.

"When the duty on petrol was first imposed, the member in charge of Commerce and Industry pleaded that war purposes required the Government to impose the duty simply for diverting petrol to the centres of war and that the Government did not contemplate taxing this article; but last year this duty was made permanent and it was said that Government were deriving a good revenue, and that the Government did not want to lose such a big revenue, though this duty was first imposed not for revenue purposes. Why should the sight of a revenue make the Government change a policy of imposing a duty for the purposes of protection to one of getting a revenue out of it?

"The restrictions on exports and imports for another 2½ years, the prohibition of dye-stuffs except through England and the preferential tariff on the export of raw hide and similar attempts at Imperial Preference will, I am afraid, greatly affect not only the revenue of the Government, but also the prosperity of the people. Closing the open market to India which cannot consume all her raw products which should find a market in the outside world will greatly affect the country. Imposing an intermediary to share the prices due for the products when already the rates of exchange will not bring the usual number of rupees will greatly restrict the profits of commerce. It is unfortunate that in the Committee constituted to advise the

Government on the policy it should take in the matter of Imperial Preference, there is no one to represent the producers, who form no less than 72 per cent. of the entire population.

"The money market has become very tight and it is feared that the largest industrial enterprises undertaken by the people may have to suffer in these trying times. The note of warning sounded by His Excellency and the Finance Member regarding the formation of companies will further enhance the difficulties. I am also afraid that the people will be led to believe that this excess caution of the Government has been occasioned by their anxiety to secure the loans asked for.

"The Indian Members have also to raise their voice of protest against the sale of these reverse council bills, against fixing a very low rate for them and against the allotment of these bills to certain classes of people. I have to bring before the Council how the Indian opinion goes against them and it is well brought to the notice of the public by Mr. B. F. Madan, who writes as follows:—

'Do the Currency authorities seriously want anyone to believe that the £122 million applied for last week represent such *bonâ fide* accumulations waiting to be remitted Home? Do they themselves believe it? Evidently not, because they themselves say (in paragraph 4) that—

> 'It is clear that the present exchange situation is being exploited by speculators who are not themselves genuine remitters, but who are taking advantage of the facilities given . . . . to secure a profit on their re-sale.'

This shows that the applications are to the belief of the authorities themselves speculative, and do not therefore show the accumulations awaiting remittance Home.

'Even assuming their very lame defence that there are accumulations of war-profits awaiting remittance Home, what business has the Government to offer these war profiteers this further profiteering chance of 40 per cent. on remittances Home?

'Perhaps the Currency authorities will say that this return of the £ to 10 rupees is problematic. If they do, then they must be thinking that England is bankrupt or on the point of being one. Because unless they believe this which means that England is not likely to resume gold payment, at least in the near future, why do they throw away our sterling resources at these ruinous rates to-day? Is it simply to oblige these war profiteers that we are doing all this? Or, is it something still worse? Is the financial position of the Government so bad here that it is urgent to transfer our funds from London to India as promptly as possible, and at any sacrifice?

'If neither of this is the case, *i.e.*, if England is not bankrupt, and if the Government here is not in a tight corner, what justification have they for selling away our sterling credits at Rs. 6-14-0 per £? We waited five years to suit the convenience of England and the Allies. Was it all in order to be ourselves ruined as soon as their need was over? And to be ruined at whose hands? At the hands of a Government who year in and year out tell us that they were the trustees of the welfare of the people of this country. What would we say of a trustee that auctioned away the assets of his wards at 6,000 knowing full well that by patient and careful realisation he could get 10,000 for the same?'

"I should once again be permitted to bring the question of Dastic or Mohini allowances to the temples and mosques and urge full payment of their dues. These temples were originally endowed with large lands and they were taken by the Government along with the management of these temples. When the Government decided to hand over the management of the temples to indigenous agencies the lands were retained on the understanding that their entire proceeds will be handed over in full to those institutions. But with all our representations in the Councils and the petitions to the authorities by the temple managers, the present income as well as the surpluses of previous years have not yet been handed over to these institutions. Will not the Government remedy this very just and longstanding grievance? The feeling that the Government without discrimination is coveting even the property belonging to religious trusts should be removed from the minds of the people both Hindu and Muhammadan at the earliest possible moment.

"It has been said that exaggerating the situation in the Punjab was one of the reasons for the wars with Afghanistan and the frontier tribes which have cost us no less than 14 millions. Not only this, the Financial

Secretary brings before us that a loss on railway earnings is a great deal due to it. When India is in dire circumstances commercially, the Afghan War has come upon it as a great drain on its resources. As one who voted against the supplementary contribution of 43 millions, I should urge this as an additional reason for withholding the balance of the second contribution. I have also to remind the Council that, as all the vital necessary items—irrigation, education, sanitation, medical aid and the elevation of the depressed classes—are already starved, we should not further encumber ourselves to any extent whatsoever, whatever may be the greatness of the object for which it is utilized. Between self-preservation and cheap name for largeheartedness going with the gift, I can only choose the former. I have to bring before the Council what the Chairman of the Indian Chamber of Commerce of Bombay, Mr. Bomanji Dinshaw Petit, has to say on the subject:—

> 'The fact is, that the Government of this country is much too costly and extravagant for its resources. It is top-heavy, and unless it is redically overhauled from top to bottom and the principles which guide it are thoroughly revised, I for one am very apprehensive of the future of our industries. A country so situated and with such scanty resources even for its legitimate means and requirements, with a per-capita income of £2 a year would have hesitated to offer a contribution of a hundred million pounds which until recently would have been equal to a year's income. But the Imperial Council in its wisdom thought otherwise; and voted away that huge sum which has meant additional taxation in the shape of super and other taxes on the already slender resources of the country, for a period of close upon 20 years. That contribution, gentlemen, though well-meant, was a blunder and amounted to the pawning away of the resources of the country for such a long period. But I have no patience with those who asked the Legislative Council for another contribution, which to our shame, I must confess, was blindly voted away by our own representatives in the Council without an adequate sense of their responsibility and without in the remotest degree paying the slightest attention to the urgent needs and requirements of the country, which must in consequence stand indefinitely postponed. The manner in which the onus of that imposition was thrown upon the Indian members and the consequent thrusting of the excess profit tax on this country are events which are too recent and too well known to you to need recapitulation at this stage. But I shall say this that these two contributions and the taxation necessitated by them have so far tied down the resources of this country, that it would be next to impossible for the ministers of the future, be they Indian or English, to find the necessary money for constructive, educational, sanitary and other schemes which are so absolutely necessary in the interest of the country.'

"I am grateful to the Government for allowing us to express our opinion upon this year's budget also. All these years we have expressed what we felt on different occasions about the policy of the Government, and in doing so we might have been at times a little harsh in our expressions. Circumstances and strength of our opinion might have prompted us not to conceal our thoughts, and if anything should have been done to make the Government think that we do not appreciate what they have all done for us, then I have to correct that notion and tell them that we are grateful for the good that they have done, and that it is this conviction that our wishes are responded to and legitimate aspirations are respected that prompts us to ask for other things that remain undone."

The Vice-President:—"As no other Hon' ble Member desires to speak, I will adjourn the Council till 6-30 P.M."

The Council then adjourned till 6-30 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. 6-30 P.M.
Vice-President. The Budget before us is full of questions of importance and the pity of it is that we are unable by criticisms to make any change in it. The events that have happened are some of them matters of past history. I should say partly matters of past history but it concerns those who come here; and as this is the only opportunity members of this Council have to offer any criticisms, I feel it my duty to join in with my colleagues against the principles in this budget. The first to which I should like to refer is that of Reverse Councils.

"I think that attention should again be drawn to this matter from more than one aspect and in the lucid statement on this subject as set out by the

Hon'ble Finance Member the policy which is involved in it requires to be mentioned. I do not think that the bereaucratic system of government which obtains here could expose itself to more just attack by any action as much as it has exposed itself by these sales of Reverse Councils. When the exchange Compensation Allowances were passed there was very severe criticism on it, but here at this time when India has suffered so much during the past five years when the people of India are suffering so much at present from a variety of causes and when the exchange itself has been one of the main causes the trouble which they have had for years past and for which they have had to pay grievously, it seems to me that it is not very wise to yield to the pressure of private individuals by the sale of Reverse Councils. In saying so I do not mean any personnel reflection against the Hon'ble the Finance Member, because I have no doubt that he has done the best he could in the circumstances. The Government of course, as a whole, must be responsible for the policy that has been decided upon and Government includes the Secretary of State. But it seems to me that the matter is more important than it appears. At page 125 of the Statement by the Hon'ble the Finance Member in paragraph 17 we find him saying 'in these circumstances the linking of the rupee to gold' necessarily caused its exchange value as expressed in sterling to rise by several pence The much greater amount of sterling that could be purchased by a given number of rupees naturally provided a great incentive to people, with accumulated funds in India, to remit these to England. The demand for Reverse Councils became unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of Reverse Councils which we sold during February.

" Now it is possible that the Finance Member has some very satisfactory explanation to give as to why this is so done, but here I have not been able to find any such explanation, and it seems to me, Sir, that it is a very regrettable fact that so much of the public money should have been so sacrificed. The Government has exposed itself to the attack which has been already expressed in the Council in previous speeches in respect to private individuals being allowed to have consideration where they should not have been allowed to have any consideration. I hope this view is incorrect, it may be of course, no one would suggest the object of the Government was that it should be so, but the result is that it has been so. I hope we shall have an explanation which will relieve our feelings in this matter.

" The second point to which I should like to refer is restrictions upon the free import of gold by private individuals. I do not wish at this hour to dilate at any great length upon this policy, but I do not think much argument is needed to lessen the view that there should be restriction any longer upon the free import of gold by private individuals We all understand that in this matter England and India had no desire to accumulate gold. Every civilised country wants to make themselves financially stronger by attempting to do it. Germany tried to do it before the war. If England is now, after the war, trying to keep herself and strengthen her position, we do not find any fault with her, but it should not be done at the sacrifice of India. That is their concern and we hold the Government of India primarily responsible for the welfare of Indians and to see to it that no such artificial means are provided, and that the country should absorb as much gold as she reasonably can in the ordinary course.

" Passing on to the expenditure side I join with those of my friends who have declared that the growth of expenditure on the civil side is tremendous, and here again is an item to which I think it my duty to draw particular attention, and that is the sanction of the enormous increase in salaries, pensions and allowances which has been sanctioned by the Secretary of State I think, Sir, that nothing could offer a stronger point of attack than that these elements of growing expenditure should be sanctioned by the Secretary of State. I am aware that this Council has not the power yet of passing the Budget. I am aware that the Secretary of State and the Government of India concurring can sanction these things, but, I think, Sir, in view of the changes which are pending, in view of the new order of things, the matter should have been discussed in Council fully and an opportunity given to members of expressing themselves once more before it was actually carried out. I am not aware that any such opportunity was given, but when a huge amount of increase is added to the expenditure of the country there should have been a further opportunity given to the people to discuss it, and what is more, more deference shown to the public opinion of the country.

"But I take it that the salaries have been sanctioned and pensions have been sanctioned, and I would only now say this, that I hope that now that these salaries and pensions have been sanctioned on the civil side, our friends the entire body of the civil servants and all persons engaged in the service of His Majesty will combine earnestly and honestly to endeavour to cut down expenditure in all other directions as much as they can. Expenditure has been growing tremendously. If the average national income had been growing in a proportionate way, there would be no cause to complain; nobody would waste his breath over it, but the average national income has not been growing proportionately. In fact the complaint is that, while sections of the people have benefited by the changes which have come about, there are vast sections who have not benefited. In this state of things it seems to me that the figure at which the salaries have now been placed is entirely out of proportion and unjustified by the conditions of the country. For years past we have been complaining that the salaries paid to the Civil Service were the highest in the world, but instead of any reasonable reduction we find an enormous increase in these salaries. It is a matter for regret and the people of India cannot feel happy that this is so. However, this having been done, there is room for retrenchment in other directions and one of these directions is the Army expenditure. The Army expenditure has been growing and several members have already complained of its growth. Now here at least I hope that all members of the service and all others who have any voice in determining the affairs of Government, the policy of Government, including the military members of the Government, will strive to cut down military expenditure and to bring it within reasonable limits. I am aware, Sir, that military expenditure has to be kept up to a certain standard owing to the exigencies of modern times, but the standard has to be fixed and the Hon'ble Finance Member has himself indicated that the standard ought to be fixed somewhere, though he has pointed out that the time has not yet come, the present is not the time, when it could be done. He has told us that a sub-committee of the Viceroy's Council, by which I take it is meant the Executive Council, has been appointed to examine this question. I have been able to ascertain the names of two members of the Committee, the Hon'ble the Finance Member and the Hon'ble the Home Member: probably there is a third member to the Committee. I think, Sir, that when the Government thought it fit to appoint a committee like that, they should have done us the courtesy of asking a few non-official members of this Council to co-operate with them in this matter. The words of His Majesty the King Emperor, used in his gracious proclamation, are still fresh in our minds. He has advised us, appealed to us, to co-operate, the officers of Government with the people, and the people with the officers of Government. Both are interested in keeping military expenditure down to a reasonable level. Both are sworn by their oath of allegiance to the King to carry on the administration in such a way that it shall be most economical consistently with efficiency. I submit, therefore, that when the Government appointed a sub-committee, they ought to have done this courtesy to the non-official members by asking a few of them to co-operate in examining this expenditure. For long past we have been complaining that we are not let into the secrets of military expenditure. The Hon'ble Mr. Sarma complained to-day that the details which he had asked for have not been supplied. Now, Sir, we pay the taxes, we are, therefore, entitled by right, we have the indefeasible right, that is to say if right is might, we have the right to an account of every pice of expenditure which is incurred out of the taxes which we pay. I cannot conceive why the details of the expenditure which the Hon'ble Mr. Sarma asked for were not given to him. I cannot conceive why non-official members should not be asked to join with official members in scrutinising the expenditure. It may be that the expenditure is thoroughly justified;

it may be that there is nothing reasonable to complain of against it, but an opportunity should be given to look into these matters, an opportunity should be given to satisfy ourselves that the expenditure is not unreasonable extravagance. Now that is one general point which I would mention with regard to military expenditure. Then there are two other points. Hitherto, ever since 1885, when the first Indian National Congress met in Bombay, educated Indian public opinion has been repeatedly asking that military expenditure should be cut down. They have been urging certain matters, certain departures in policy, by which this could be effected. We have urged that Indians should be appointed as officers in His Majesty's Army. The five years of war are over, happily over. We urged during the war, from the commencement of the war, that a fair number of Indians should be appointed to His Majesty's commissions in the Army. We were not given the satisfaction of finding such a fair number appointed. We now find that at the end of the war when this enormous military budget is put before this Council, there is no announcement accompanying the statement of the Finance Member that a reasonable and just departure from the present policy has been determined on and shall be carried out. I submit, Sir, that the experiences of the war have some lessons for us. They have shown the value of the Indian Army. They have shown that without the Indian Army His Majesty's prestige could not have been maintained in the East, and glory would not have been brought to His Majesty's arms. They have proved up to the hilt the fidelity and the valour of Indian troops, and now after all this that there should not be an announcement, a definite announcement of the change of policy, is a matter for sincere regret to us Indians. I do not hold any individual Member of Government to blame for this not having been done, least of all do I hold the Finance Member to blame for it, but the system is there. Whosoever has to shoulder the blame, the fact remains that it is very blameable, very regrettable that at the end of the war, even when a new budget is presented to the Council, there should be no such announcement as we have been long pressing for. Now, Sir, Indians have proved their valour and their fidelity in the war. All that is needed now is that they should be admitted as equal fellow-subjects of these colleges which have been established to train officers for the Army. It seems to me anomalous, regrettable, a matter of reproach to the Government and a reflection against the people that the college established for military training in Quetta should not admit Indian youths on the same terms to its classes as it admits non-Indian youths, and I hope the Government will take this matter up betimes and remove this reproach.

"The second point is about the future of the Army. There are passages in the speech of the Hon'ble Finance Member which indicate that the matter is under consideration, and I only hope that when the matter is to be seriously considered, and at any rate before the matter is finally disposed of, non-official members of this Council will be given an opportunity to have their say on it. The Army exists, I need hardly say, to preserve order and peace in the country. The Army exists for the people, the people do not exist for the Army, and the expenditure on the Army should bear some reasonable proportion to the national interests. That is the point to be achieved. How can that be achieved without sacrificing efficiency is the problem for consideration before the Government. Suggestions have been made by more than one Member as to how this can be done. A territorial army created on a sound basis ought to prove very helpful in reducing the expenditure on the regular army. I believe that the value of a territorial army has been proved beyond doubt. We have to co-operate, Indians and Europeans, in preserving order in His Majesty's territories. Indians have proved that they have co-operated and will co-operate. Why not then organise a regular territorial army on a basis which will relieve you of any reasonable anxiety on the score of the want of strength in the army, and why not give the people an opportunity to feel that they are responsible as much as the officers of Government or the soldiers of His Majesty for preserving order and peace in the country? If this is done, a very reasonable reduction will be brought about.

"The third item is the production of those articles which are needed for use in the country. In that direction the Indian Munitions Board has already done splendid work during these several years, and I hope that the new appointment of Sir Thomas Holland is a guarantee that that policy will be promoted and continued and that India will be able to manufacture as many articles that are needed for war purposes as she can. That in itself ought also to bring about a great reduction in the military expenditure of the country. I hope Government Members will picture to themselves the state of feelings which will grow in this country if these matters are not attended to. The Reform Act is going to be put into operation next January. There will be a larger Assembly, much larger than this Council. Matters in which the people feel interest will be talked about more and more, not only in cities and towns but in villages. The whole population will begin to think and to speak on these questions Is it right, is it wise, is it statesmanlike, that the public sentiment in these matters should be disregarded? Would it not be wiser that the Government should anticipate and should take action in such directions where it is reasonably demanded in order that the public sentiment should be more and more, in an increasing measure, on the side of Government in supporting right measures of reform and in promoting the welfare and prosperity of the country? I believe, Sir, that if the policy is thought out, debated, settled and acted upon, if the right policy is acted upon, there will be a tremendous gain from every possible point of view, financial as well as moral.

"Another item connected with the military expenditure is the war contributions. I join with one of the previous speakers who have referred to it in thinking that, in view of the Afghan war, according to the terms which have been mentioned by Sir William Meyer, the contribution should certainly be reduced if it ought not to be entirely wiped out. Circumstances have changed and those circumstances ought to be given their full effect. The amount is not so inconsiderable a one that it can with due regard to the interests of the people be overlooked, and I support the suggestion made by the Hon'ble Sir Fazulbhoy Currimbhoy that this amount should be, at any rate, reduced by the amount spent on the Afghan War.

"With regard to railway expenditure, no one . . .

The Vice-President:—"I must ask the Hon'ble Member to bring his remarks to a close as soon as he can. He has already spoken longer than any other Member. The recognised time-limit on these occasions is twenty minutes."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, Sir. I was misled by the indulgence shown to-day."

The Vice-President:—"I will give you another few minutes."

The Hon'ble Pandit Madan Mohan Malaviya:—"Thank you, Sir. I have nothing more to say."

The Hon'ble Raja of Kanika:—"I do not wish to take up the time of the Council at this late hour in the evening and with your permission my speech might be taken as read." 6-54 P.M.

The Vice-President:—"The Hon'ble Member's speech will be taken as read."

The Hon'ble Raja of Kanika:—"Sir, I offer my cordial compliments to the Hon'ble Mr. Hailey on his first Financial Statement which he presented to this Council on Monday last. This, Sir, is also the last Financial Statement that will be presented to this Council on the combined accounts of the Central and Provincial Governments.

Sir, the old era is rapidly passing away and a new era is approaching, and standing as we do in this twilight of history, one cannot but look back to our past financial administration with a feeling of genuine satisfaction and even of pride. For the most efficient administration of Indian Finance over a series of years our best thanks are due to a long succession of very able Finance Ministers which it was India's good luck to get

"Sir, the present Budget has come as a very great relief to the millions of people in this country inasmuch as the Government have not proposed any new method of taxation. We are living, Sir, in days of almost daily surprises, and the people of this country were extremely apprehensive lest the Hon'ble Mr. Hailey would throw a new surprise upon the people on his Budget day. Their anxieties and apprehension have happily proved groundless. With ever-increasing prices and the stress of the modern economic life, the burden which the middle class and the poorer people in India have to bear is much too great already, and no Finance Minister can afford to increase their burden with a light heart. They deserve all sympathy in their struggles, and I am glad the Hon'ble Mr. Hailey has done nothing to add to their burdens.

"Sir, about thirty years ago, the gamble of Exchange totally upset the Government of India by the heavy decline in the gold value of the rupee. But now the boot is on the other leg and with the soaring prices of silver and the sensational rise in the gold value of the rupee, the Government of India have netted about 22 crores of rupees, and have now quite a different set of problems to solve. I am sure the recent Report of the Currency Committee, which we all so much admire, will help the Government to undertake—as they have already undertaken—measures in order to stabilise Exchange. I wish the Government all success in its attempt.

"Sir, the very heavy military expenditure of India cannot fail to excite considerable anxiety in the minds of all sober people, because with military expenditure swallowing up such a large part of our resources annually, quite a large number of other deserving and very important objects of expenditure are more or less starved. That is a matter of very grave anxiety, and though I will admit that military security is absolutely essential, I still hope there will be some control of the ever-increasing tendency of military expenditure to expand, and I still earnestly hope that with the Reforms in hand there will be some real and earnest improvement in this matter. Our little frontier wars are fast becoming an annual exhibition—and costly exhibitions too—as they cost us about £15 millions last year. So much money wasted in repelling a senseless aggression: let us hope, however, that the new Afghan treaty will see an end of it in the future.

"There is another matter with which I would like to deal for a few minutes. The Government of India is naturally anxious to draw out the small investor in the country and with that view it has recently offered some tempting investments in the shape of cash certificates. But, Sir, the Government having had recently to borrow in the open money market at a much higher rate than before, I think it is only fair that the small investor should also get the benefit of the higher rate. I know the holders of Cash Certificates get that benefit, but people who put their money in Post Office Savings Banks do not get any benefit of a higher rate. I think this distinction is unfair to the small investors in the Savings Bank— particularly after the Government had recently increased the rates of interest on various Provident and other Funds in its hands on the very same ground, namely, the recent rise in the rate of interest which the Government have now to pay on its loans in the open market. I do hope the Government will sweep away this distinction and raise the rate of interest in Savings Banks, and I trust the Hon'ble Finance Member will favourably consider my suggestion. This is a question which affects millions of poor people, and I hope I shall have a sympathetic reply from Government to-day."

6-55 P.M. **The Hon'ble Mr. P. J. G. Pipon:**—"Sir, I have listened to many speeches from Hon'ble Members of this Council criticising the military expenditure in many and varied ways, and I must confess to a slight feeling of disappointment that one aspect of the case has not received more attention from them.

"My Hon'ble friend Mr. Banerjea said in the course of his remarks 'we cannot minimise the paramount importance of the military defence of the frontier.' With those remarks I think very nearly every Member of this Council would agree. My Hon'ble friend Mr. Reddi in the course of a very eloquent speech, which was extremely interesting, put the case in almost a still stronger manner. I am afraid I cannot subscribe to all his conclusions, but a great deal of what he said was essentially true The aspect of the case that I would like to put before the Council is this, that the great bulk, that is to say, a very large portion of the military expenditure of last year and the military expenditure estimated for the coming year has for its direct object the protection of the lives and property of the inhabitants of the North-West Frontier Province. They have Sir, as indefeasible a right to that protection as any other tax-payers of the British Empire I think I may be forgiven for putting their case so strongly, but they have very special claims to the consideration of this Council. To begin with, they are probably the most exposed residents of the whole of the British Empire. They are exposed not only to invasions such as unhappily occurred last year, but they are exposed daily to the attacks of their predatory neighbours, and in a very real sense they do stand between the rest of India and invasion. Historically speaking, the Pathan tribes which inhabit the mountainous country between India and Afghanistan have always made irruptions into India. I do not think we need to be reminded of the fact here in Delhi. The very stones of Delhi are eloquent of it. Now, in happier times, I say happier times for the rest of India, those attacks are being borne by the inhabitants of the North-West Frontier Province. Certain figures were given at the last meeting of the Council by the Hon'ble the Foreign Secretary (in reply to a question by my Hon'ble friend Mr. Sarma) of raids and offences committed by these persons in British territory in the year 1919. Those figures measure the extent to which the inhabitants of the North-West Frontier Province are now bearing the burdens which in former times fell upon the rest of India. I think no one will deny their special claim to consideration in this respect, and may I say that the only way in which they can be adequately protected is by efficient military measures, not only military measures for the actual protection of the frontier, but by operations against their enemies such as are now in progress in Waziristan.

"My Hon'ble friend Sir Fazulbhoy Currimbhoy in his speech remarked that few expected such extensive operations on the frontier with such small results. I do not think that remark ought to pass unchallenged. In the first place, one cannot judge of the results till the operations are concluded. In the next place, the results are not small if they imply in any way a guarantee of the lives and property of British subjects.

"Perhaps I may be allowed just for one moment to draw on my personal experience. In the years 1899, 1900 and 1901 I spent over two years on that particular portion of the frontier where the operations are now in progress. There was then exactly the same phenomenon as there is now, continual raids on the lives and property of Indians. The difference between the conditions then and the conditions now are to be measured, I think, by the relative importance of the war of 1897 and the great war of 1914-18. Government undertook in response to that the blockade of the Mahsud tribe and certain other operations. Those operations were brought to a close before the full fruition, the full advantage of them, could be obtained, unfortunately. I think I may use the word 'unfortunately' without impropriety, as it is now over twenty years ago; but the point is that if the operations are to be successful, if they are to have the result of protecting the lives and property of British subjects, they must be costly operations and they must be carried out to their full conclusion; and I am sure that every member of this Council will support Government in wishing not to stint in any way the expenditure required to bring those operations to a successful close. I know that the general attitude of the non-official members of this Council can be very helpful to the Government or the reverse, and I hope in this case that it will be helpful.

"I am afraid, Sir, that I may be perhaps accused of what Sir William Vincent very happily alluded to the other day as 'provincial patriotism,' though, I think, it was hardly an accusation, it was almost a term of praise; but I am quite sure that Hon'ble Members who have spoken in this Council to-day are actuated by something else, that is to say, by Indian patriotism in its highest sense; and surely the adequate protection of the frontier of the country is the first duty of patriotism. I do not think anyone will deny it."

The Hon'ble Mr. V. J. Patel :—" Sir, I will not detain the Council more than a few minutes at this later hour. Before making a few observations on the budget I should like to emphasise one point raised by my Hon'ble friend, Mr. Sarma. It appears from his speech that the policy in the matter of the Gold Standard Reserve and of the Paper Currency Reserve adopted, not by the Government of India, but by the India Office authorities, has involved this country in a loss of Rs. 60 crores . . . . .

The Vice-President :—" I thought the Hon'ble Mr. Sarma said Rs. 40 crores."

The Hon'ble Rao Bahadur B. N. Sarma :—" It was Rs. 40 crores in the Paper Currency Reserve; it may be Rs. 20 crores in the Gold Standard Reserve; that was what I think I said."

The Hon'ble Mr. V. J. Patel :—" I took down the figures when Mr. Sarma was speaking Rs. 40 crores in the Paper Currency Reserve and Rs. 20 crores in the Gold Standard Reserve; and he pointed out that the policy was the result of the advice given to the Secretary of State by the bankers, the financiers and the experts in England. He also suggested that those financiers and experts and bankers ought to be held responsible for that amount. Well, Sir, the loss of Rs. 60 crores—I tremble really when I think of it—to the starving millions of India is a matter of deep concern and great regret and must be so to the Government of India. They should, therefore, consider whether some one should not really be held responsible for that loss. It was pointed out by Mr. Sarma that in years past the Government of India was against such a policy and the people have always protested against it. If that is so, why was that policy pursued, and who really is responsible for this loss of Rs. 60 crores to the people of India? I submit, Sir, that a strong representation should be made by the Government of India whether it is not possible to recoup this enormous loss to the people of India, it may be, from the £100 millions that we have promised, or in some other way; but it is a loss for which the people of India are not in any way responsible; it is a loss for which some others are responsible, and they must be brought to book. We are absolutely innocent, in fact, we have protested and the Government of India also were against the policy. That being so, surely it is unfair that the people of India should be made to suffer that loss, and I do hope that the Government of India will take early steps to represent matters to the Secretary of State.

"Now, coming to the Budget, I find that the total estimated revenue for the year 1920-21 is £134·3 millions. Speaking for myself I always hold the view that any Budget which does not take note of the pressing problems of the day and make necessary provision to meet them can under no circumstances be called a satisfactory budget. Now, what are the pressing problems of the day in India? My Hon'ble friend, Mr. Sarma, has referred to them. The first is Education. We all know very well that in the matter of education only 6 per cent. or 7 per cent. of the people of India are literate; that is the position of literacy in India Then comes Sanitation. We know that as many as five millions died from influenza in British India during the course of a few months the year before last. We were just told by my friend, the Hon'ble Chaudhuri Ismail Khan, that two or three hundred thousand people die every year from malaria in Bengal. Then we have plague, cholera, and other diseases. Sanitation is therefore of vital importance to the people of India. Then you have agriculture. Eighty or more than eighty per cent. of the people live by agriculture and agricultural labour. The people are poor; so poor, indeed, that my Hon'ble friend Mr. Chanda remarked, and very rightly remarked, that more than half the population of India do not know what a full meal in a day means. Agriculture really requires the first attention of the Government. Then my Hon'ble friend, Mr. Sarma, referrred to the head of Medical relief, which is of course intimately connected with Sanitation, and also there is the head Scientific and other Miscellaneous Departments.

"Now let us see what is the provision made in the Budget this year out of this £134 millions taken from the tax-payer. I find that under the head Education £5·5 million is allotted, under Medical £1·6 million, under Sanitation £1 3 million, under Agriculture £1·3 million, and under Scientific and other Miscellaneous Departments £ ·9 million. All these total somewhere between 10 and 11 million pounds. Out of £134 millions of the tax-payer's money, my Hon'ble friend the Finance Member's budget provides that 10 to 11 million pounds shall be spent on the vital needs of the country, that is, one-thirteenth of the total. That being so, so far as I am concerned, I must declare the budget to be entirely disappointing and unsatisfactory.

"Now, Sir, this £134·3 million is divided into two: £92·4 million belong to the Imperial share and £41·7 million belong to the Provincial share. Out of £92·4 millions of the Imperial share, £41 millions go to the Military, £15·2 millions to Railways; then you have got the Political and the Ecclesiastical Departments. You have also certain interest to be paid on debts which comes to about £8 millions, and you have also general administration, etc. So as a matter of fact, very little is spent for the amelioration of the condition of the tax-payer from the Imperial share. Sir, we have been told by several Hon'ble Members that this is the last budget under the old régime, and that probably from next year the Legislative Assembly will have wider opportunities to criticise the Budget. I am sorry I cannot share their view. So far as I could see, next year we will not be allowed the right of criticism which we enjoy to-day. For instance, we have to-day criticised the military expenditure, the political expenditure and several other items of expenditure in the Budget. Now under the new régime, we shall be entirely at the mercy of the Governor General in this respect. As a matter of fact, these items of expenditure will not be open to discussion; I mean the items regarding 'military' expenditure, 'political' and 'ecclesiastical' expenditure and certain fixed salaries of high-paid officers, interest on debt and similar other items. According to my calculation about 70 per cent. of the Imperial expenditure will not be open to discussion or criticism . . .

The Vice-President:—"The Hon'ble Member must understand that we are not discussing the Reform Scheme. We are discussing the principles of the Budget."

The Hon'ble Mr. V. J. Patel:—"I am much obliged to you, Sir. This is the last occasion, Sir, when we have got this opportunity of criticising the Imperial Budget as a whole.

"Now coming to the military Budget, I join my friends who have protested against the huge expenditure which is proposed. If you will look at the Revised Estimate for 1919-20 you will see that an item of thirty-one crores is put down under the head 'Miscellaneous Services' under the head 'Military'. Now, as my Hon'ble friend Mr. Sarma very rightly pointed out, out of these 31 crores, probably 22 crores are provided for on account of the Afghan War. But what about the remaining 9 crores? My Hon'ble friend asked for details. No details were supplied to him. Why should we not be permitted to scrutinise the various items of expenditure under the head 'Military' and see if it is not possible to bring down the total . . .

The Hon'ble Rao Bahadur B. N. Sarma:—"May I rise to make a personal explanation, Sir? I do not think I had asked for any particular details of the reserves. I had simply asked for the military estimates for the various years."

The Hon'ble Mr. V. J. Patel:—"Thank you. Now, Sir, the Hon'ble the Finance Member in his Narrative refers us to the analogy of Japan. My Hon'ble friend Mr. Banerjea has very rightly remarked that the conditions of Japan differ very materially from those of India. Japan is a rich country; India is a poor country. Japan is self-governing; we are not. But may I ask the Hon'ble the Finance Member what proportion of the total revenue of Japan bears to the military expenditure? Here we see that out of 92 millions of the Imperial Revenue, 41 millions are proposed to be spent on the military. That comes to 44 per cent. of the total Imperial share of the whole revenues of India. Now I should like to know from the Hon'ble the Finance Member when he refers us to the analogy of Japan, whether in Japan they spend as much as that on the military? It is no doubt true that Japan has probably doubled or trebled its military expenditure in the course of the last two or three years. That is all very well. But what proportion does it bear to the total revenue is the real point.

"There are many other matters, Sir, on which I should like to join my friends who have entered their protest. Of course, as regards the contribution question, I have myself given notice of a resolution, and I do not wish at this stage to enter into any discussion regarding it. But I do most strongly protest against the sale of the reverse Council Bills. My Hon'ble friend Sir Fazulbhoy has referred to it in very strong terms indeed, and the opinion in Bombay is very clear on the point.

"Then there is the question of the amelioration of the condition and the pay and prospects of the Postal clerks. As some member has very rightly remarked. We have been flooded with telegrams and letters during the course of the last one month and a half, and so far as one could see, their grievance seems to be not imaginary but real. I submit that, if nothing else can be done, let a committee of officials and non-officials, as suggested by some of us be appointed, to go into the whole question to see if their pay and status cannot be placed on the same footing as that of the telegraphists. I do not propose to enter into the discussion of the question alluded to by my Hon'ble friend Mr. Sastri regarding the employment of a particular community in the Telegraph Department and the favoured treatment given to them, but I do strongly urge that an immediate inquiry should be made into the whole matter, otherwise I am afraid there will be some trouble.

"Well, the second point that I would like to invite the attention of the Council to has reference to repressive legislation. In order that we might begin the new era with mutual good-will and co-operation, it is absolutely essential that certain repressive measures must disappear from the Statute-book and certain others . . .

The Vice-President:—"Will the Hon'ble Member explain what this has to do with the principles of the Budget. References to repressive legislation do not appear to have any bearing on the principles of the Budget."

The Hon'ble Mr. V. J. Patel:—"Sir, I propose that a provision should be made for the appointment of a committee to examine all the Statutes of a repressive nature . . .

The Vice-President:—"Again, I must ask the Hon'ble Member to say what connection that has got with the principles of the Budget."

The Hon'ble Mr. V. J. Patel:—"Because there is no provision made in the Budget. If you will permit me I will speak, otherwise I will not What I say is that provision should be made in the budget for the appointment of a committee to go into the question whether certain repressive laws should not be . . . .

The Vice-President :—" I must rule that out of order."

The Hon'ble Mr. V. J. Patel :—" Very well, Sir. Then, Sir, I next come to the move of the Government of India to Simla. I strongly protest against any expenditure in the Budget on that score, and I protest also against the provision made for building operations in Simla. Public opinion is very strong, Sir, on these questions, and the sooner we dispense with the Simla exodus business the better for the Government of India and the people alike.

"Similarly, with regard to the huge increases in the pay, pensions and allowances of certain high paid officials, I think we should have been given an opportunity of discussing in this Council the *pros* and *cons* before the Government of India finally settled the question. I do strongly feel that any increment at this juncture is certainly unjustifiable, but now that the provision is made, there it is, it is a settled fact and we can only enter our protest."

The Hon'ble Mr. W. M. Hailey :—" Sir, the discussion to-day has taken a wide range and Honourable Members will, perhaps, forgive me if I do not try to follow each and every one of the speeches that have been made on the subject of the Budget. I could not in the time at my disposal deal with subjects so far apart as making the conversion of the Mercantile Marine into Navy Boats; or that hardy annual which the Hon'ble Mr. Ayyangar has again brought before the Council regarding the temple savings in Madras; and I hope I may be excused from dealing with the question of the Simla exodus. But, Sir, if I do not touch on each and every topic, I hope Hon'ble Members will not feel that I do not appreciate highly both the criticisms and the advice which have been given us to-day. I think I may say with perfect justice that the criticisms are often even more helpful than the advice itself. I will, however, endeavour to go through some of the main topics that have been discussed. I think first of all that a complaint was raised against this Budget—not a general complaint, but one which I identify with the names of the Hon'ble Mr. Chanda, the Hon'ble Pandit Malaviya and Mr. Patel, on the ground that so far from showing a reduction in expenditure, it shows an increase in expenditure, both Civil and Military. Now, Sir, our revenues are growing and I do not think it possible that with revenues growing, with increased demands for the expansion of our services in every direction, we should be able to avoid an increase in civil expenditure. I know it has been represented to-day that a large part of that increased expenditure is due to increases in the pay, pensions and allowances of the Imperial Services. A large part of it, or some part of it at all events, is due to that cause; but a great part of it is also due to the increase in pay of the subordinate services. I think, perhaps, hardly a day passes now when my table is not flooded with cases in which the Local Governments ask urgently and insistently for large sums for the increase of pay of subordinate services. Prices have increased all over in India; the pinch is felt severely, and if we are to avoid discontent and its resultant inefficiency we cannot avoid these increases. 7-21 P. M.

" Then, Sir, a second criticism was raised that the Budget is a disappointing one—I do not mind the word—because it provides insufficiently for the real needs of the people. With that criticism I identify the names of Mr. Sarma and Mr. Patel. It is said, for instance, that the sums provided for Education and Sanitation are altogether insufficient. Now, Sir, my functions . . . .

The Hon'ble Rao Bahadur B. N. Sarma :—" Sir, I was reviewing the general results since the commencement of the war that only six or seven crores had been spent out of seventy-six crores in increased revenues. I was not referring to the particular Budget of 1920-21."

The Vice-President:—"The Hon'ble Member does not support Mr. Patel."

The Hon'ble Mr. V. J. Patel:—"I do not mind standing alone, Sir."

The Hon'ble Mr. W. M. Hailey:—"My point is, Sir, that my functions are not the indication or modification of a policy, but the preparation of a Budget. This has two parts, the Imperial and Provincial I take it the complaint is not against the provision which is made in the Imperial portion of the Budget, but against the Provincial portion of the Budget Here, of course, we only insert those amounts which the Local Governments themselves propose to spend and, I think, the Hon'ble Mr. Sarma recognises that we have to look forward to a new order of things, in which Local Governments will be responsible for financing the services which they themselves administer. Looking forward to that new order of things we know, I take it that Mr. Patel must know, when he says provision for Education is insufficient, that we cannot place in the Budget large doles to Local Governments for these purposes. I think he must recognise that this would be against the spirit of our new financial arrangements.

"I would like, however, to give the Council a few figures as to what we have done in regard to those two important services to the community, Education and Sanitation. I am not going to argue here the question whether our policy in the past has been sufficiently liberal or not I am speaking purely on the question as it affects this Budget, and would like to bring the exact figures to the attention of the Council. In 1916-17 the figures for Education (including provision for expenditure under the head of Public Works) were four crores eighty lakhs. In 1917-18, five crores twenty-three lakhs; in 1918-19 six crores seven lakhs. The revised figure for 1919-20 provides for seven crores fifteen lakhs and the Budget for the coming year provides for eight crores eighty-one lakhs. This shows, I think, a very consistent increase.

"The figures in regard to Sanitation for the same period are eighty-one lakhs in 1916-17, ninety-four lakhs in 1917-18, one crore two lakhs in 1918-19. The revised figure for 1919-20 is one crore forty-five lakhs, and for the Budget two crores eleven lakhs. There is, therefore, a progressive increase in the expenditure under this head also.

"The Hon'ble Mr. Sarma further thought that the Budget should have shown some reduction under another head, namely, political expenditure. In this connection I merely wish to afford the information for which he asked in regard to Persia; he thought that we should at all events share the expenditure on Persia. We do so. There is a considerable amount of expenditure in regard to Persia entirely borne by His Majesty's Government: the remainder is shared between us.

"I come now to another question which frequently looms large in these discussions, I mean the claim for reduction of taxation. I think the position as put forward in this Budget has been generally accepted as not unreasonable, and I have but one criticism to notice, that of the Hon'ble Mr. Reddi, who suggested that we should reduce the taxation on salt. I am not clear that the reductions we have previously made in the taxation of salt have always reached the people we intended to benefit; but be that as it may, I think I am right in objecting to his proposition in the particular form in which he put it forward. He suggested that we should reduce the taxation on salt by approximately a crore, and that we should raise our loan by the same amount. Now, Sir, there is a great difference between reducing taxation and raising a loan. I do not think that I need elaborate that point; they are not alternatives in any sense of the word

"I come now to a more important head, the head of military expenditure. I am, I think, correct in saying, that the proposals in the Budget received support from the Hon'ble Mir Asad Ali, the Hon'ble Raja Sir Rampal Singh, and from the Hon'ble Mr. Reddi; but they have been criticised, and criticised strongly, in other directions. The Hon'ble Maharaja of Kasim Bazar, Sir Fazulbhoy Currimbhoy, Mr. Banerjea, Sir Gangadhar Chitnavis, the Hon'ble Pundit, Mr. Patel, Mr. Sarma, all criticised the provision which we have made under this head. I tried in my Financial Statement to explain, as fully as possible, what were the components of that expenditure. I ventured on a prophesy (and in doing so I seem to have caused a good deal of apprehension to some members of this Council) that it would be, perhaps, impossible for us ever to reduce our expenditure to the pre-war level. I should prefer, however, here merely to deal with the expenditure immediately before us, the expenditure for the coming year. Now, Sir, the coming year is an interim period; we have not yet got clear of the aftermath of the great war itself; and we have not yet finished with war-like operations on the frontier. It has been a work of the greatest difficulty to frame an accurate estimate, or to get any clear sight at all, of the standard of expenditure necessary in the coming twelve months. There are important questions of policy involved which we cannot solve until we have received the report of Lord Esher's Commission; but apart from questions of policy, there has been a baffling and complicated mass of details to consider before we could get to grips with the financial side of the question as represented in figures. I have to acknowledge the very great assistance that we received from the Army in this respect, the whole-hearted endeavours made by the officers under the direction of His Excellency the Commander-in-Chief to explore every source of economy, to reduce personnel wherever it was possible, to make provision in the lowest terms compatible with safety. I have heard criticisms to-day that the method we adopted in drawing up our anticipations of the expenditure for the coming year was the wrong one; that we ought to have invited some of the Hon'ble Members of this Council to join us in our deliberations. Sir, the reason why a sub-committee of the Executive Council was appointed to go into the question of military expenditure was simply this. We were faced some time in October by the necessity for providing large sums of money in excess of the Budget provision. Ordinarily this would have been considered in my Department, and would have then gone as a general question before the Executive Council. Instead of that procedure being adopted, certain Members of the Executive Council were asked to go fully into every detail. It was an administrative matter of great urgency; it was not a question for a committee of inquiry or a commission It was in these circumstances that that inquiry was undertaken, and I myself would like to feel that the Council appreciated the labours of those members of that sub-committee who undertook that task in addition to their ordinary work at a time of great pressure in other respects. Mr. Sarma, in dealing with military expenditure complained of the lack of information on certain points. I have here in my hand a statement which I have had drawn up this afternoon which will give him the fullest information in regard to the points to which he particularly referred, namely, the increase in the expenditure in the supply of transport (which I find is mainly due to expenditure on free rations to the Indian troops), the components of the item Miscellaneous, (which are very largely the contribution to His Majesty's Government and the expenditure on the Afghan war), and some analysis of the increased cost of conveyance by rail. These figures are entirely at his disposal. He mentioned one point in which I should like to correct him. He suggested that the reserve should be a reserve of Indian officers. The reserve referred to in our figures is a reserve of Indian troops, and does not refer to officers at all. Sir, I do not think we have over-estimated our military expenditure; it is no fault of ours that every item of that expenditure—pay, pensions, equipment, buildings—is infinitely more costly than in the pre-war period. Nor do I think that it was possible at this stage, in dealing with the estimates for the coming year, for us to have taken account of the alternatives which some of the Hon'ble Members have placed before us.

There may be a great future for the employment of Indian territorial troops; there may be a great future for the more extensive use of Indian officers, although I do not myself see that they would be in any way cheaper than British officers. There may be a reduction, perhaps, in the future owing to the operation of the League of Nations. But, Sir, we had to deal with the palpable and insistent needs of the immediate future; we could not await the development of plans for radical alterations in the Army; we certainly could not rely on any supposition that our friends across the frontier would join the League of Nations or would obey its dictates. Let me give, for the information of the Council, a short summary which will show exactly what the increase in our military expenditure has been proportionately to the general income of the country. In 1920-21, the military expenditure is budgetted at 30·6 per cent of the total expenditure of India, that is to say Imperial and Provincial. In 1890-91 it was 31 8 per cent, in 1895-96 it was 31·3 per cent. I do not think, Sir, that that shows any great or unreasonable increase over the previous proportion of expenditure on the Army.

"I come now to another head, which has evoked criticism to-day; I mean that of railways. There has been, I think, a general recognition that large railway expenditure, perhaps increased railway expenditure, is necessary. As my Hon'ble friend, Mr. Sastri, put it, we now regard the railways of India not as a white elephant, but as an asset.

"There have, however, been criticisms that the heavy expenditure undertaken last year has not resulted in any increase of comfort, and that the improvements which Hon'ble Members had looked for have not so far been effected I think there is only one cure for that, Sir, and that is more expenditure. But I wish to deal in particular with two points raised by my Hon'ble friend, Mr. Crum. He referred, in the first place, to the special reserve of 20 millions and asked what had become of that special reserve I have taken the opportunity of looking up the proceedings of Council in regard to that reserve. I find that it was decided to invest 20 millions in Home Treasury Bills in order to provide for the liabilities 'which in one way or another would come upon us shortly after the war is over.' There was, Sir, no guarantee that that would be applied entirely to railways; nor was there any guarantee that that sum would be in addition to the ordinary railway programme. I think at the time, perhaps, some Hon'ble Members hoped that it might be so, but that position was not accepted by the Hon'ble Sir William Meyer either implicitly or explicitly. The 20 millions have now been expended; they went to increase the Secretary of State's ordinary ways and means balances; it was by half of that 20 millions that the large sums which we have been able to devote to railway capital expenditure of the last two years have been financed; and, if that 20 millions had not been available, we should either have had to curtail our programme or to increase our short-term borrowings.

"The Hon'ble Mr. Crum further asked why railways should not enjoy the entire advantage of the profits which they make over and above the interest due the capital on which they are financed. There have, it is true, been of late years profits, substantial profits, after paying for all interest charges; they have varied from ·60 in 1914-15 to about 2·86 per cent. in 1918-19. But, Sir, I think that the Hon'ble Mr. Sastri has given a complete answer to the Hon'ble Mr. Crum on that point. Railways were in debit in the past; it is only of recent years that they have for some years been a source of profit to India. It is by no means certain if, owing to the increase in working expenses, owing possibly to the increased prices at which we shall have to raise our capital, they will be an equal source of profit in the future. At all events, I, for one, would at present deprecate setting by any definite sum out of the profits of railways for expenditure on railways. I think the real test is, whether the sum we set by year after year is adequate and can be profitably expended by the Railway Board.

"I fear, Sir, that I am delaying the Council. I will, therefore, omit any reference to some of the other major questions which have been raised, such as the provincial contributions, and will come at once to what is, perhaps, in many ways one of the most important parts of the Budget, namely, the question of exchange. I shall delay Council for a few minutes on this question. I attempted—I do not know with what success—to explain the position of Government fully on this question in my Financial Statement. There have been severe criticisms levied to-day against our exchange policy. Now, I shall separate those criticisms into two parts, because with one part I can deal briefly to-day and with the other part, I think it would be more advantageous if I were to deal subsequently. Criticisms levied against the exchange policy as a whole, the policy that is of the Currency Committee, occupied a smaller part of the discussion to-day than criticisms against the policy of issuing Reverse Councils. I regard the latter largely as part of the mechanism of carrying out the policy of the Currency Committee. We have a Resolution coming on to-morrow on the subject, and, I think, it would be perhaps more convenient in many ways if I made a fuller statement on that subject in dealing with the Resolution. I only desire for the moment to deprecate the suggestion made to day that our Reverse Council policy has been dictated by consideration for private individuals, and to say that it would be wrong if this Council were to accept the suggestion that India has lost or is now losing 60 crores of rupees on account of that policy. I shall deal with the subject at greater length to-morrow, and I merely return here now to deal very briefly with the criticisms as a whole on our adoption of the policy advocated in the Currency Committee's Report. Sir, that policy involved the linking up of the rupee to gold and it involved the linking up of the rupee to gold at what some critics considered a high figure, namely, two shillings Now I had hoped that I should receive here from the Council some constructive suggestion as to whether the policy as a whole was likely to prove detrimental to India, whether it was likely to upset the balance of trade, and whether, if it was likely to be detrimental, we could immediately adopt another and more beneficial policy. The Hon'ble Sir Fazulbhoy Currimbhoy believed that the policy of what I may call high exchange is detrimental; he believed that it is detrimental both from the import and the export point of view. But, Sir, on this point my Hon'ble friend Mr. Crum was not prepared to agree with him; on this cardinal point therefore we have had to-day a decided difference of opinion. The Hon'ble Sir Fazulbhoy Currimbhoy believes that a high exchange will kill export trade. The Hon'ble Mr. Crum, if I understand him rightly, thinks that, so far, a high exchange has not proved detrimental to export trade and is in future not likely to prove detrimental in that respect. But what alternative was suggested to us to the policy of the Currency Committee? The Hon'ble Sir Gangadhar Chitnavis would go right back to the times before 1890; he would not link the rupee to gold; he would not, I think, link the rupee to anything; he would simply open the Mints again and leave the rupee to follow its own course. The Hon'ble Sir Fazulbhoy Currimbhoy, if I have his formula aright, would return to the 1*s.* 4*d.* rupee, and he would do so by gradual stages without debasing the currency.

"The Hon'ble gentleman is interested in commerce; he is a practical man. It would have assisted us here if he could have explained the steps which he would have taken for that purpose; it would have assisted us if he could have shown how it was possible to have a 1*s.* 4*d.* rupee and yet maintain our silver currency; it would have assisted us if he could have shown how it was possible to do that without leading to inconvertibility at a very early date.

"I must conclude, Sir, with a few and a very few general remarks. The Budget has been a difficult one to prepare, because it depends largely on an uncertain factor, the gain from exchange; and it is for that reason that I wish to make it clear that if we do realise our surplus it will only have been realised by the operations of that somewhat indeterminate factor. I wish further to make it clear that if it is so realised, it would not, in my opinion, be available, and should not be regarded as available, for ordinary revenue expenditure. We have overdrawn at the bank, and it is our duty to re-adjust our over-drawing as soon as possible. We can only do that by a gradual process of conserving our resources and expending any surplus we may realise for the purpose of reducing our temporary loans and our floating liabilities.

"It will be ungracious of me, Sir, if I were to conclude without thanking those members of Council who have found some merit in this budget. If I accept that appreciation, it is not for myself; it is for those of my friends and colleagues who have worked with me. There are some of them here in Council, and their names are known both to the members of Council and to the public; there are others, not less I hope my friends and colleagues because they are not in Council and their names are not known to the public. The lot of public servants is not always an easy one, and their path is not always smooth; and if Government servants belonging to any class or grade of our services know that India's public men feel any appreciation of their work and find that it has not been in vain, then such appreciation is indeed welcome to them."

The Vice-President:—"The Council will resume the second stage of the discussion at 11 o'clock to-morrow."

The Council then adjourned till Tuesday, the 9th March at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department

DELHI:
The 20th March, 1920.

SGPI Delhi, 436 L D—20-3-20—750.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Tuesday, the 9th March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., *Vice*-President, *presiding*, and 60 Members, of whom 53 were Additional Members.

FINANCIAL STATEMENT FOR 1920-21.

SECOND STAGE.

The Vice-President:—"The Council will now proceed with the discussion on the Financial Statement."

The Hon'ble Mr. W. M. Hailey:—"Sir, I beg to open the second stage of the discussion on the Financial Statement. I have no remarks to make definitely in connection with the second stage of the discussion, but if you will allow me, I should like to supplement what I said yesterday evening in respect of one fact only. A number of Hon'ble members asked for information in regard to the revision of salaries of the postal establishment. I merely wish to inform the Council—I should have done so yesterday evening but for the shortness of the time at my disposal I omitted it—that a revision of the salaries of this establishment has lately been sanctioned under the orders of the Secretary of State, the total amount of which will be over Rs. 25 lakhs a year." 11-10 A.M.

The Hon'ble Mr. Surendra Nath Banerjea:—"Does it include the Postal Superintendents also, if I may ask a question?"

The Hon'ble Mr. W. M. Hailey:—"Postal subordinates."

RESOLUTION *RE* EXTRA GRANT FOR NEW UNIVERSITIES.

11-11 A.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, I beg to move the following Resolution.

'This Council recommends to the Governor General in Council that the sum of Rs. 30·72 lakhs treated as reserve out of the appropriation of 214 lakhs under heads XIX—Education and 22—Education be distributed equally amongst all the Provinces for the special purpose of starting and assisting the starting of new Universities and the maintenance thereof.'

"Sir, equity, equality and culture are my motto and the maxims invoked in support of my resolution. I ask here for the special appropriation of the reserve of 30 lakhs of rupees for the expansion of university education, especially in localities where there are no universities, to enable all provinces to start new universities and to maintain them. Well I do not think that I need go into very great detail for the purpose of justifying the position. That the time has arrived when a large number of new universities ought to be started at the earliest possible moment, so that all provinces which have not got universities should have them, and that universities should be started, as far as possible, to serve district language areas. Now in framing this resolution I have in my mind particularly the claims of Burma and the Central Provinces. The population of Burma is more than 10 millions, and there are about 584 thousand boys and girls at school and more than 125 thousand in the secondary schools and the number in the colleges is not insignificant, namely, 685.

"Sir, it will be the centre of Buddistic culture. We owe much in India to Buddism and we are proud of the prevalence of Buddism, especially in Burma, and we should be very glad to help the progress of oriental culture by means of improving Buddistic learning in Burma. Then turning to the Central Provinces. Here we have a happy combination of Marathi and Hindi culture. I need hardly plead the claims of the Central Provinces which has a population of about 15 millions, out of which 353 thousand are at schools, 61 thousand in secondary schools, and more than 1,127 in colleges and about 321 in professional colleges, and, I think, therefore that the Central Provinces are entitled to a university in the immediate future. Well apart from the needs of other provinces, Sir, I think it is absolutely necessary that special appropriation should be made from this reserve of 30 lakhs for starting and maintaining universities in these two provinces.

"Then, Sir, we have the development of the university system in the United Provinces. The Aligarh University might have come into existence four or five years ago, but for reasons which need not be gone into now, I think it is desirable that the culture of Islam should be encouraged. Lucknow is another competitor. Nobody in the rest of India would grudge any money to the United Provinces for equipping them with additional universities, but, Sir, I think that I should not forget the claims of my own presidency, which includes extensive areas occupied by people speaking different languages—I allude particularly to my own Community, the Andhras. I think a university for the Andhras has been practically agreed to in the Madras Presidency and elsewhere, and it is merely a question of finance.

"I think, therefore, there is no great difficulty in advocating at least one other university for Madras. I need hardly multiply instances. My submission is that this money cannot be better devoted than towards the development of university culture. The question may be asked as to whether, when so much money is being spent on universities, one should not like to add these resources to secondary education, or to primary education. I have thought over the matter and I have come to the conclusion that this 30 lakhs of rupees would not make any appreciable impression either on the growth of primary education or on secondary education, and we must also remember that, unless we begin at the top and improve the university system, there cannot be a healthy growth either in respect of secondary education or primary education. Sir, out of the 11 crores 82 lakhs of rupees spent in 1917-18, we have about 338 lakhs spent on secondary education, and 30 lakhs is only about 10 per cent. or even less, and would not make any great impression, whereas 30 lakhs would be an appreciable addition to the expenditure on universities, it would be about 25 per cent. and that would go a long way towards helping the cause of university education:

"I am not here espousing the claims of university education in general, but I have here asked for the earmarking of this money for starting new universities.

"Then I have hardly touched on the second point, equity. I do not exactly know how the position would be in regard to these grants. I take it that these appropriations would be treated as Imperial expenditure on the basis of which contributions from the provinces would be made, and that there would be no further payment to the provinces hereafter from the Imperial Exchequer. That means to say this is to be the final gift of the Government of India to the provinces and, therefore, I ask that this parting kiss may be distributed amongst the children equally, and let there be no heart-burning that more was given here and less was given there on account of inadequate reasons, such as that there is more agitation in one province than in another. I plead here for equity and equality. If you look at the principle of distribution from the point of view of the size and population of the province, the improvement of developed areas it would be different from the point of view where large sums are required on initial development. Besides the difficulty in fixing the principle, it cannot be gainsaid by the all-powerful Government of India that weak provinces like my own generally go to the wall.

"I need hardly allude to the figures on page 48 of the Financial Statement as compared with the figures on page 307 of the previous Financial Statement for the purpose of showing that out of the 51 additional lakhs we have received only about 6 and odd lakhs, although we are entitled to more whether you look to our population or needs, and we have hardly any money unspent. Our province has got only 72 out of 555 total. Well, if we say that we are entitled to far more than has been given to us by reason of our enormous population, the large number of students, the general educational requirements, or for the matter of that, contribution we give every year to the Imperial Exchequer, we are justified in our criticism. But I shall not dwell on this unpleasant history because we are nearly at the end of the last chapter and there is no use in reviving old and bitter memories. I am only using the past for the purpose of illustrating that it may not be altogether amiss to ask for some definite principle in the acceptance of the division of this Rs. 30 lakhs. I hope, therefore, this resolution will commend itself to the Council."

The Hon'ble Sir Gangadhar Chitnavis:—"Sir, I beg to support Mr. Sarma's Resolution. Mr. Sarma has shown in his speech by giving figures how essential the establishment of a university is in the Central Provinces. I am glad to say the Central Provinces Government have done everything they could to give our new university scheme a good start. Land has been purchased and a committee was appointed for the purpose of suggesting a programme. That programme has been prepared and submitted to the Local Government. They are only waiting to see what improvements they could introduce in that programme as the result of the recommendations of the Sadler University Commission. A mixed Committee of officials and non-officials, as lately appointed by Sir Frank Sly, is now going to sit and consider this question. Money is, however, badly wanted in these times of high pressure. All the services are looking out eagerly for increases to their salaries on account of high prices. Such revision is essentially necessary to keep the services contented and in an efficient condition. After this revision has been made, and after allotments have been made for the several necessary purposes for which money could not be found in the last few years on account of the war, I do not 11-22 A.M.

not think sufficient money will be forthcoming to equip the university in the manner we would all desire. Any grant the Government of India may make for this purpose will, therefore, be most gratefully received and most usefully spent."

11-24 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—" Sir, I wish to give my support to this Resolution. Although my province is not yet fit to ask for a separate university, being a small province, still I think that there ought to be a multiplication of universities in the country. We have at present altogether eight universities, including the Benares Hindu and the Mysore Universities, and if the Dacca University be established soon, as we hope it will be, the number will be only nine, and nine in a population of 315 millions is a mere drop in the ocean. I, therefore, strongly support this resolution, and I hope steps will be taken to inaugurate more universities."

11-25 A.M. **The Hon'ble Pandit Madan Mohan Malaviya:**—" Mr. Vice-President, I gladly support the Resolution which has been moved by the Hon'ble Mr. Sarma. I only wish the figure which he has given were larger because I feel that the universities do need a great deal more help than they have up to this time received. I hope the Hon'ble Finance Member and the Hon'ble Education Member will agree to set apart at least this sum if a larger sum cannot be provided. While I do not yield to any of my friends and colleagues in my desire to see primary education extended all over the country, while I do not yield to any one in my appreciation of the very great importance of secondary education being put on a sound footing, I yet feel that university education ought to receive its proper measure of support from the State and from the public, and I think that in any money which can be spared at present too much cannot be set apart for university education. This recommendation comes at a very opportune moment. The Calcutta University Commission have made very many recommendations for modernizing university education. I think whatever differences there might be in regard to details, generally speaking, there is a unanimity of public opinion that the university should be modernised, that is to say education should be provided in a larger measure than has been done in the past. Now this wants money, and large sums of money too, and it is, therefore, desirable that the Government should set apart whatever sum it can to further strengthen the universities. It may be said that the provinces will be in a better position now than they have been in the past and the provinces will contribute in a larger measure to the universities situated within their areas. I hope they will. But even so when the Government of India are in a position to spare some money to be devoted to useful purposes, it would be very proper that they should not forget the universities. As regards the question of the distribution, the resolution recommends that the money should be set apart for starting and assisting the starting of new universities and the maintenance thereof. I am at one with my friend Mr. Sarma and my friend Mr. Chanda in desiring that there should be many more universities established in India. The number of universities in India is still very small, but I share one feeling which, perhaps, they do not share to the same extent, namely, that the universities which exist ought to be strengthened to the fullest extent. It takes a lot of money to start a university as I can tell from experience. The public have contributed Rs. 62 lakhs in hard cash to the Benares Hindu University, and the Ruling Princes have contributed, if we take the capitalised value of their grants, about 21 lakhs. The Government of India give us an annual grant of 1 lakh, but we find that the money is all too insufficient for the needs of the university, and we find that we have to raise another 50 lakhs of rupees within twelve months or so in order to put the University on a satisfactory footing. I would ask my friends, therefore, who are anxious to see universities put on a satisfactory basis, to concentrate their efforts, in the first instance, upon strengthening some centres. I do not say which particular centre. Let the centres be selected in an impartial way from the point of view of where the public interest would be best promoted, but I would strongly urge that a few centres well established which are able at once to provide the money and use it to good purpose, should be selected and strengthened. After this has been done, let there be new universities started. I should not be understood to say that I am opposed to the starting of new universities altogether, but I say let not the desire to see the number of universities increased lead to the universities which exist being starved and not being given their proper measure of support. There is no question but that if one particular centre is strengthened, it will benefit the whole country. We have education of the highest type provided in many centres, and it should be the aim of the Government and the public to combine to co-operate to make at least one centre such as would contribute to the needs of the youth of India in all parts of the country.

"If one centre is properly developed, it will be a great help to other centres. Therefore, I would suggest, if the Resolution commends itself to the Hon'ble the Finance Member, that, in the distribution of funds, what should be kept in view is not an equal distribution among the various provinces, but a distribution in such centres that the largest amount of good will be derived from it for the present. Perhaps in the next year, the distribution may be made to another set of Universities, but at present the needs of the country require that there should be a few universities put on a proper footing, and that cannot be done without a large sum of money being set apart.

"I, therefore, support the Resolution and hope it will find acceptance with the Government."

The Hon'ble Mr. Shafi :—"Sir, my Hon'ble friend Mr. Sarma asks the Government to devote the sum of rupees 30 lakhs, 72 thousand for distribution among the various provinces for the purpose of starting and assisting the starting of new Universities, and the maintenance thereof. My Hon'ble friend Mr. Reddi, as will be noticed from the next Resolution, would like to have 15 lakhs out of this sum of rupees 30 lakhs, 72 thousand devoted to the purpose of scholarships to deserving pupils of the depressed classes, while my Hon'ble friend Pandit Madan Mohan Malaviya would like to see this sum distributed not in the manner in which my friend the Hon'ble Mr. Sarma proposes, between the various provinces in proportion to their needs, but distributed among definitely selected educational centres in order to strengthen the existing Universities and also to strengthen secondary education. But when I tell my Hon'ble friends what the nature of this 30 lakhs 72 thousand is and how it is not a new sum to be disbursed during the ensuing year for various projects as suggested by them, but that it is a definite sum, itself part of a larger sum most of which has already been assigned, and in the past year too this sum has been spent on definite objects, they will, I am sure, be convinced that there is no sum in the hands of the Government of India which can be distributed between the various objects suggested by them. Let me point out to them that this sum of rupees 30 lakhs, 72 thousand is merely a portion of the annual recurring Imperial subsidies, most of which have already been assigned to various objects and various provinces. This particular sum, no doubt, still remains under the control of the Government of India, but 27 lakhs, 42 thousand out of this sum have already been allotted to technological and agricultural education, so that the Government of India has got only 3 lakhs, 30 thousand. It is this remaining sum which can be distributed for other objects. And let me remind my friend the Hon'ble Pandit Madan Mohan Malaviya that out of this 3 lakhs, 30 thousand rupees, one lakh is the annual recurring grant which the Government of India make to the Benares Hindu University, so that there remain only 2 lakhs, 30 thousand in our hands to be spent for other educational purposes. We have not got this sum of rupees 30 lakhs, 72 thousand, as some Hon'ble Members imagine, which can be distributed between either the various provinces for the founding of new Universities, or can be given to various provinces for endowing 11-30 A.M.

scholarships to the depressed classes. I am sure Hon'ble Members realise that no one has greater sympathy with the object which they have in view, I mean the founding of new Universities or the improvement of existing Universities than myself, and I can assure the Hon'ble Mr. Reddi that, if funds were available, I would be the first person to press upon the attention of my Hon'ble colleagues the necessity of giving scholarships to the depressed classes. But the proposals now put forward in Council are obviously based upon a misapprehension of the real state of things, and I trust that the explanation which I have given to Hon'ble Members will satisfy them that the Resolution as put forward cannot be accepted. I might mention that out of the portion which is earmarked for technological education, we have given a sum of Rs. 77 thousand to the Benares Hindu University for mechanical engineering; and this will further elucidate the real state of things to Hon'ble Members. I trust that, after this explanation, my friend the Hon'ble Mr. Sarma will see that there is really no sum of rupees 30 lakhs, 72 thousand which can be distributed in the manner in which he suggests."

11-37 A.M. **The Hon'ble Mr. Srinivasa Sastri** :—"Sir, I must confess I do not understand the Hon'ble the Education Member's explanation. At page 47 I read 'the budget estimate for 1920-21 exceeds the revised for the current year by 33·97 lakhs, the increase being mainly due to a reserve provision of 30·72 lakhs representing the portion of the recurring appropriation of 2 crores 14 lakhs that has not been allotted to definite objects.' Then follows a detailed statement in the next paragraph where a sum of 30·72 lakhs is shown as a reserve that is not yet appropriated to definite objects. It must have been appropriated to certain definite objects, as the Hon'ble the Education Member says, after the statement was prepared. Then the Hon'ble Mr. Sarma is perfectly right in asking for a definite appropriation. If the appropriation has been made since then, that, I think, is responsible for it. The Hon'ble Members have been misled by the statement."

11-38 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Well, Sir, it is unnecessary to state that the wording of paragraphs 102 and 103 gave us the impression that there is still in the hands of the Government this 30 lakhs 72 thousand available for this year. But if I understood my Hon'ble friend the Member for Education aright, he did say that this 30 lakhs was in one sense no doubt under the control of the Government of India, inasmuch as they could, if they liked, after this year, say that these 30 lakhs shall be employed not for technological or agricultural education, but for some other items, but that during this year the amount has been already appropriated. Reading the explanation and the wording of paragraph 102, I understand that, though 30 lakhs is taken out of the control of the Government of India this year, because they have finally appropriated that sum to technological or agricultural education, it is still open to them to withdraw from those two and give it to somebody else if they like to do so hereafter. Still, as a matter of fact, it is not available now, because they have appropriated it or promised it for technological or agricultural education.

"Well, Sir, under these circumstances I may, I think, still put in a plea for the new Universities. Technological and agricultural education might well be accommodated under Agriculture and Industrial Education, for which there are large grants, and education proper be granted this sum of 30 lakhs. What I am most anxious about is this, if the Government of India are going to base their future contribution of six crores from the various provinces on the total of Imperial expenditure, including this 30 lakhs at the end of this year, these 30 lakhs will be available to them. If so, why cannot they promise it to University education on the lines I have mentioned ? Of course if I am told that it is absolutely impossible, I shall not press this resolution."

11-41 A.M. **The Hon'ble Mr. Shafi** :—"Sir, may I venture to remove one misapprehension which exists apparently in the mind of my friend, the Hon'ble

Mr. Sastri He quoted from page 47, paragraph 102, the following words :— The budget estimate for 1920-21 exceeds the revised for the current year by 3·97 lakhs, the increase being mainly due to a reserve provision of Rs. 30·72 lakhs representing a portion of the recurring appropriation of Rs. 214 lakhs that has not been allotted to definite objects.' This expression 'has not been allotted to definite objects' only means that this sum has not been allotted to definite objects in this budget statement; that is all. It does not mean that this sum is a sum lying in the hands of the Government of India as a sort of reserve which can be disposed of at any time when a particular call may arise. As a matter of fact, the major portion of this sum, following the example of last year, is intended, as I pointed out, for technological and agricultural education, and I am sure my friend, the Hon'ble Mr. Sarma knows full well the great cry in the country for encouragement of these two branches of education. The need for technological and agricultural education is so widely recognised by all sincere well-wishers of the country, that I am perfectly certain public opinion would support the Government of India in their intention of spending this portion of the sum on the encouragement of those two branches of education That exactly is the position, and I trust that that position being fully understood, my friend, the Hon'ble Mr. Sarma, will withdraw his resolution."

The Hon'ble Rao Bahadur B. N. Sarma:—"May I ask for an explanation, Sir? Is this 30 lakhs or 27 lakhs of recurring grant finally appropriated to technological and agricultural education? If so, I have nothing more to ask." 11-44 A.M.

The Hon'ble Mr. Shafi:—"It has not yet been given to the provinces, but it is earmarked for these purposes and we intend to give it."

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, I beg to withdraw the resolution."

The Vice-President:—"I understand the Hon'ble Member asks for leave of the Council to withdraw his resolution?"

The Hon'ble Rao Bahadur B. N. Sarma:—"Yes, Sir."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* SCHOLARSHIPS FOR DEPRESSED CLASSES.

The Hon'ble Mr. K. V. Reddi:—"Sir, the resolution I have to move runs as follows :— 11-45 A.M.

> 'This Council recommends to the Governor General in Council that in the Budget Estimate for 1920-21, the Reserve of 30·72 lakhs shown in paragraph 103 (iii) of the Explanatory Memorandum be reduced by 15 lakhs to be granted to the provinces and earmarked for scholarships to deserving pupils of the depressed classes.'

"The fate of this resolution is more or less sealed by the answer just given by the Hon'ble Education Member. But, Sir, there is always hope when there is life, and it is customary with all people to bring in the biggest doctor even when life is almost going out of the body. It is in that light that I once more make an appeal to the Hon'ble Member in charge of Education to see if it be not possible to include this item in the term 'agricultural expenditure' for which we are told this reserve of 30·72 lakhs is intended. The depressed classes, it is well-known, are mostly agricultural labourers in this country, and if agriculture can be improved by the education that could be given to landlords, it is my humble submission that it could be as well improved to a certain extent by education being given to the agricultural labourers; and in that light I would earnestly appeal to the Education Member to see that at least a portion of this is given to these agricultural labourers who are the depressed classes. I thought I could place the necessary statistics before the Government, but I feel almost disheartened and I am not at present inclined to go into the whole question; but, Sir, I would just bring to the notice of Government what is being done in the premier Native State of Mysore, where two years ago the system of scholarships to the depressed classes was introduced, and my friend Mr. C. R. Reddy, the Inspector General of Education in Mysore, was telling me that it was a very good success during the short time it was in operation. It will be seen, Sir, that there are various causes why scholarships should be given to these poor unfortunate beings. I know Government has been doing their best for the elementary education of all classes in this country, and also to some extent of these Panchamas; but economic causes prevent these depressed classes from taking advantage of the benefits that are shown to them by the Government. Schools are no doubt established, but it is the experience of those that have occasion to go into the schools and see them that at least six months in the year these schools are practically empty. During certain seasons, such as the harvest season and the transplanting season, one would only see empty benches in these Panchama elementary schools. The reason is simple. A child of 10 or 12 years will perhaps earn a rupee or two for the parents, or it may be that the child has to take food to his father in the field, or it may be that an elderly child will have to take care of the baby leaving the mother to go and work in the field. Education would, therefore, be impossible to be imparted to these unfortunate beings, unless some encouragement is given to them; and it is in that light I have pressed for this resolution. I know that hereafter the education of these classes will be in the hands of the Provincial Governments. All that I expect and pray for here is, that the principle may be recognised, so that, in the future, ministers may not find reasons to deny this kind of relief, this kind of benefit, to the depressed classes, so that you may here establish a precedent which no minister can afford hereafter not to follow. It is only for that purpose that I move this resolution. I do not mind what the amount may be; it may be a very small amount; but I only request Government to accept the principle and to do what little they can in the matter of bringing it into the expression 'agricultural education'."

11-50 A.M. **The Hon'ble Mr. Shafi:**—"Sir, I have already explained to Hon'ble Members the exact position with regard to this sum of Rs. 30·72 lakhs; but perhaps it will interest Hon'ble Members if I were to read to them certain passages out of the publication called 'Progress of Education in India' for the years 1912-17, issued by our Bureau of Education. At page 208, paragraph 510 runs as follows:—

> 'The special measures adopted for bringing aboriginals and the depressed classes to school are (*a*) scholarships and fee exemptions, (*b*) the special hostel system, (*c*) instruction in industries, (*d*) special training facilities, and (*e*) special inspection.'

"Hon'ble Members will notice that one of the measures adopted is scholarships and fee exemptions. Paragraph 511 deals with this particular head. This is how the paragraph runs:—

> 'Generally speaking, these classes read free and are encouraged by scholarships and rewards. In Bombay, books and slates are supplied free of charge and clothing is distributed, after the examinations. In Bihar and Orissa, scholarships are offered including college scholarships, and two scholarships in the Kalimpong lace school for Arboriculture, and one more for the Veterinary College. In the Central Provinces and Assam, 30 and 37 scholarships, respectively, are reserved for aboriginal and depressed classes; five of the former and 21 of the latter are college scholarships.'

"After describing the various other methods adopted for the encouragement of education among the depressed classes, the net result is summed up in paragraph 516:—

> 'When it is considered that only 3·22 per cent. of the total population is at school, a percentage of 2·13 among the depressed classes in Madras is in comparison not altogether unsatisfactory.'

"It will thus be seen that the various Provincial Governments are already adopting measures for the encouragement of education amongst the depressed classes, and I am sure my Hon'ble friend Mr. Reddi will be gratified if I say to him that educational progress amongst the depressed classes has the entire sympathy of the Government of India."

11-53 A.M. **The Hon'ble Mr. K. V. Reddi**:—Sir, I think that my only alternative is to beg leave to withdraw this resolution. But before doing so, I may be permitted to make one or two observations. I have examined the figures given in the Report on the Progress of Education in India for the years 1912-1917 and the remarks appearing at page 209 in it. The figures given there are no doubt correct, but in my humble opinion they are somewhat misleading. 3·22 per cent. of the population is no doubt all that is at school, but that is, when taking the whole population into account including not merely the higher classes but also the depressed classes, the aboriginals and the criminal tribes. The population of these three classes, namely, aboriginals, depressed classes and the criminal tribes is something like 45,721,924 as appears from the Report. Of these, there are at school 4,82,244. If we take a percentage of these, it will be found that only ·94 are at school. On the other hand, if we take the other or higher classes alone into account, we find their population is 198,299,176, of whom, 7,369,697 are at school, working out a percentage of 3·9. By pointing out this discrepancy it is not my desire to say that the Government has not been sympathising with the education of these lower classes. I fully appreciate, if I may say so, and I am thankful to the Government for, the great sympathy they have shown. But, Sir, the impetus given is not enough. Being a product of a University myself, it cannot for a moment be said that I depreciate University education. But, Sir, it looks to me that there is in our educational system something, as has rightly been described, top heavy. Perhaps this top-heavy nature is to be found in some other departments also, but there is a class of people who honestly believe that Government may devote more attention and more money to elementary education than to higher education comparatively speaking. With these submissions I beg leave to withdraw my resolution."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* GRANTS TO PROVINCIAL GOVERNMENTS FOR COMPULSORY PRIMARY EDUCATION.

11-55 A.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer**:—"Sir, I beg to move that—

> 'This Council recommeds to the Governor General in Council that the surplus of two million provided in next year's budget be reduced by £500,000, and this latter amount be set aside for being utilized in grants to Provincial Governments to enable them to assist municipalities in financing schemes of compulsory primary education.'

"Sir it has been the practice of Finance Members to provide a considerable surplus in the budget, and that procedure has been defended on the ground that a surplus is necessary to enable Government to meet unforeseen financial liabilities.

[At this stage the Hon'ble the Vice-President vacated the chair and the Hon'ble Sir Claude Hill took it.]

"Without entering upon a discussion of the disputed question of surpluses, which has been a subject of repeated criticism in this Council, I may be permitted to observe that the reduction of our contemplated surplus next year by half a million, which I propose will not create an embarrassing situation for the Finance Member, and yet will place at his disposal a sum of money which is urgently called for for the expansion of elementary education in the country. Members of the Council are aware how keen the people are on this question and how, in spite of the burdens they are willing to impose upon themselves the financing of schemes of compulsory primary education in several municipal areas in proving utterly beyond their capacity. With the full knowledge that the proposition will be challenged, I venture to make the statement that the financial responsibility of the expansion of elementary education among the mass of the people must be shouldered to a great extent by the National Government. The resources of Provincial Governments are not likely to be equal to the strain that will be put upon them by the demand of municipalities and local bodies for assistance in spreading mass education, and financial autonomy in provinces will not increase their resources to necessary extent. I want the Government of India to assume the responsibility of the extension of elementary education. Mass elevation and Mass education, on which depends the future of the country, are matters of national importance, which should be recognized by the Government of India. I am aware the objection will be raised that the system of doles to be given by the Central Government to the Provinces has been discredited, and that Provincial Governments must in the near future be left to solve their own problems without either patronage or control proceeding from Delhi. There is also the imminent separation of Imperial and Provincial Finance which may be pleaded in opposition to the arrangements I am proposing.

"I contend with reference to these objections that if we grant the urgency and the vital importance of mass education, we have to admit the necessity of providing liberal finance for the purpose. Provincial Governments and municipal and local bodies will, of course, bear their proper share of the expenditure. But their resources will have to be materially strengthened if they are to undertake schemes of compulsory education in the immediate or near future. It is here that the National Government must play its part and be prepared to shoulder its responsibility. If Government set aside, from year to year a definite sum for being devoted to the partial financing of elementary education, they will facilitate and encourage the educational progress which every one has at heart as being the very foundation of all advancement. To begin with I propose that half a million should next year be set aside and be made the nucleus of an educational fund which will grow as we proceed and which may be made available to municipalities and local bodies which undertake schemes of compulsory education, but which without some help are not in a position to put the projects into operation. The Central Government alone with its long and elastic resources can render assistance in this way and hence my proposal. With these words, I move the resolution."

12-1 P.M. **The Hon'ble Mr. W. M. Hailey:**—"Sir, it has frequently been the custom in the past for Finance Members when rising to oppose a resolution, to begin by expressing their sympathy with it. Now the cause of Primary Education needs no perfunctory expression of sympathy from me; and I shall deal with this question frankly and simply as a financial matter. What is the claim that the Hon'ble Member seeks to establish now? It is this, that the Imperial Government shall make itself responsible for Primary Education. It will at once occur to every member of this Council that that claim strikes at the root of our Reforms policy. If Local Governments are to become more effectively autonomous, if they are to provide their own resources for those subjects over which they will have complete administrative control, then the proposition put forward by the Hon'ble Member must at once fall to the ground. I have said, however, that I shall treat this purely as a financial matter. Now Hon'ble Members have taken so much interest in the details of the Budget,—an interest, which has been kindly on the part of some members, though less kindly on the part of others,—that it will perhaps be unnecessary for me to dilate here as to the manner in which ~~one~~ our expected surplus is made up. Our surplus cannot be realised unless we succeed in making good our gains by Exchange; and it is therefore necessary to keep in our minds a very clear idea of how this surplus, if realised, must be spent. It must be spent not on grants for expenditure such as the Hon'ble Member desires to see, nor on forming the nucleus of a permanent fund such as his proposal would commit us to; it must, as I have tried to plead to the Council before, be devoted entirely to putting ourselves straight in regard to what I may (using the language which we use every day in private life) describe as our overdraft at the Bank. This is one point. The second point is this, that Local Governments themselves will in future, if our anticipations are realised, have far larger resources for meeting the cost of Primary education than they have at present. This, I think, should give the Hon'ble Member some consolation, and should give him the guarantee that the cause he is pleading for need not, want that financial support which he desires. The provinces, putting the matter roughly, will have some eleven crores a year more than they have now, and I think it is reasonable on my part that I should refer the Hon'ble Member to the Provincial Councils themselves, and ask him to establish in those Councils his claim that a larger share of their resources should be devoted to Primary education. I have a final point to make in this connection. At the end of the current year the provinces will still have one crore and seventy-eight lakhs of unexpended Imperial Grants which have been earmarked for expenditure on Education. I imagine therefore that there are substantial reasons why they have not included larger sums in their Budgets for Primary education, reasons which are best known to the Local Governments themselves. I put to the Hon'ble Member therefore that any immediate pressure he wishes to apply should be applied in the Local Councils, and not here".

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 12-7 P.M.
"Sir, I am sorry the Hon'ble the Finance Member cannot see his way to accept my Resolution, and, in view of the observations that have fallen from him in this matter, I think I have no other alternative than to ask your permission to withdraw it".

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* WITHDRAWAL OF FINANCIAL ASSISTANCE TO MILITARY FORCES.

The Hon'ble Mr. V. J. Patel:—"Sir, I beg to move that the 12-8 P.M.
Rules of Business be suspended to admit of my resolution number 5 being discussed."

The Hon'ble Sir Claude Hill (*presiding*):—"I suspend the Rules of Business".

The Hon'ble Mr. V. J. Patel:—"Sir, I beg to move the Resolution that stands in my name that—

> 'This Council recommends to the Governor General in Council that the provisional allotment made in the revised estimates, 1919-20, and the Budget estimates, 1920-21, towards contributions from India to the United Kingdom under the Resolution passed by this Council on the 9th September 1918 *re* financial assistance in respect of the cost of the military forces raised or to be raised in India be omitted, and that no further payments be made thereunder.'

"Sir, this is not strictly a Budget resolution and at my request you have been good enough to suspend the Rules of Business in order to enable me to put the resolution before this Council. The Council is aware that when the people of India made the contribution of one hundred millions towards the expenses of the War they were told that that would be the last contribution. However in September 1918, the Hon'ble Sir William Meyer, the then Finance Member, moved a resolution in this Council that a further contribution should be made by India, and he left the decision of the resolution to the non-official Members of the Council. My Hon'ble friend Mr. Sastri then moved an amendment to the resolution of Sir William Meyer. That amendment proposed the addition of the following words—'and recognise that such larger share be to the extent and under the conditions and safeguards indicated in the speech of the Hon'ble Finance Member in moving this resolution.' That is to say, he wanted that the further contribution should be made only to the extent and under the conditions mentioned in the speech of the Hon'ble Sir William Meyer in moving that resolution. That amendment was accepted by the Hon'ble Sir William Meyer, and ultimately the resolution as amended was carried by a majority vote of the non-official Members. Now the significance of the words 'the extent' used by my Hon'ble friend Mr. Sastri was that the Council committed the country to a contribution of 45 millions only, and the significance of another part of the amendment relating to conditions was that the non-official members accepted that resolution under three conditions mentioned in Sir William Meyer's speech. If any of those conditions did operate, then the question of payment of the contribution was to be re-considered. What were those conditions? The conditions were (1) if the agricultural conditions became worse than they were then, (2) if exchange should be affected adversely, and (3) if we should have to fight on our own frontiers on our own account. If any of these three conditions happened, then our liability to pay the proposed additional charge would be re-considered. Now what I want the Council to remember in the first place, before we go into the question whether any of these conditions have operated, is that the resolution was passed by the Council in September 1918 on the supposition that the war would last till the end of 1919. That was the supposition underlying the whole resolution. If we had known that the war would come to an end in November 1918 or about that time, there would have been no occasion for the passing of that resolution at all. As a matter of fact, if there was no Council meeting in September, if the meeting were, say, in November, then there would have been no resolution at all for further contribution. It was passed on the supposition, as I said, that the war would last till the end of 1919. But the war came to an end earlier. And therefore my submission in the first place is that that resolution does not hold good at all. Then, again, I submit that the conditions mentioned in the resolution itself have operated, at any rate two important conditions have been satisfied. The agricultural conditions were worse in subsequent months than in the month in which the resolution was passed; we had to fight our own battles on our own frontier on our own account. It is an admitted fact, Sir, that in 1918 there was a failure of rain, and famine had to be declared in several parts of India in 1918, as well as in some months of 1919. It was a widespread scarcity in the whole of India and famine in several parts of India. Of course when the resolution was passed it was already known that the agricultural conditions were bad, but there was expectation that the late rains might save the situation. But unfortunately it happened otherwise. We did not get rains and there was consequent scarcity and famine. So that the first condition at once operated, and there arose therefore the ground for the re-consideration of the whole question. In fact several public bodies and associations in India passed resolutions asking the Government of India to reconsider the resolution and requesting the Secretary of State not to take any action on that resolution. In Bombay, for instance, the Bombay Presidency Association, of which my Hon'ble friend Sir Dinshaw is the President . . .

The Hon'ble Sir Dinshaw Wacha:—"Not now."

The Hon'ble Mr. V. J. Patel :—"Now he is the Vice-President."

The Hon'ble Sir Dinshaw Wacha :—"I have no connection with it now."

The Hon'ble Mr. V. J. Patel :—"passed a resolution appealing to the Government of India, in view of the agricultural conditions in India, to re-consider the resolution. However somehow or other Government did not do anything of the kind then, and I do not know whether any action was taken by the Secretary of State on the resolutions passed by these public bodies and associations. Nor do I know whether the matter was placed before the two Houses of Parliament, whose sanction is necessary before any contribution could be taken from India. Even up to now I do not know whether the contribution has been sanctioned by the two Houses of Parliament. But what I wanted to point out, Sir, was this that, in spite of the fact that the agricultural conditions grew worse, and therefore the first condition operated at once, the Government of India did not take any action by way of re-considering the resolution. My Hon'ble friend the Finance Member has now suggested in his narrative that the matter is open to re-consideration. That gives us some hope and therefore I have ventured to bring this resolution before this Council. If my Hon'ble friend the Finance Member had not mentioned it, probably we would never have brought this resolution and the question would not have been the subject-matter of any discussion in the Council. It was because the Government thought it proper to tell this Council and the public that this was a matter which required re-consideration or which could be re-considered, that this resolution comes. Of course we made attempts in the past to get the Government and the Secretary of State to re-consider this question, but they did not do so then. Now Government comes forward—it is very good of them—and tells us 'you can re-consider the matter and we shall leave the decision of it to the non-official members.' Of course the decision of the non-official members you can very well understand in a matter of this kind.

"The ground on which according to my Hon'ble friend the Finance Member the matter is open to re-consideration is that the third condition, namely, that if we should have to fight on our own account on our own frontier, the question of further contribution would be re-considered, has been satisfied. That condition, Sir, was fulfilled long before even the last September Session. Why were we not asked to re-consider the question then? However, I do not complain; better late than never. The question now is how far this matter is open to re-consideration. The position is this. Under the Resolution, if the war lasted till the end of 1919, we were bound, the country was bound—because after all the decision of the non-official members was taken as representing the views of the country—to pay 45 millions. Very well. The war ended early and we expected that no contribution would be taken, but the Government of India, after some correspondence with the Secretary of State and the Home Government, came to some settlement, and they said that 31 millions and not 45 millions would be taken. So, according to the decision of the Government of India, arrived at after consultation and settlement, with the Home Government, we were bound to pay 31 millions. 13 millions have already been paid, so there remain 18 millions to be paid. This 18 millions will consist of effective as well as non-effective charges—I will not go into the question as to how much would be on account of effective and how much on account of non-effective charges. If the question is not re-considered, we will have to pay 18 millions We had to undergo an expenditure of 14¾ millions on the Afghan war according to the revised estimates of 1919. Now, Sir, I must make it quite clear that, as the Resolution stands, I do not touch the question of the amount already paid. I do not say that we should ask that it should be refunded, nor do I say that we should not ask, I leave that question open in fact for another occasion should any one be disposed to re-open it. My resolution does not commit the non-official members of this Council one way or the other on that question which will remain open.

thought mine was a Budget Resolution and that I could not include in it the question of amounts which had been dealt with in the previous budgets, and therefore I restricted it to the figures of the revised budget estimates of 1919 and to the budget estimates for 1920. Therefore, as I say, my Resolution leaves that question of the 13 millions already paid quite open to be discussed on some future occasion, if some one so desires. The sole question at present is, whether we should pay the 18 millions which remain to be paid or not.

"Now in the last paragraph, paragraph 8, of Appendix II of the Financial Statement, the *pros* and *cons* of the question have been stated by the Finance Member. He says:

> 'One of the conditions attached to the guarantee having become operative, namely, the occurrence of war on the frontier, it might on the one hand be justly urged that the cost of the frontier operations (£14¾ million) should be deducted from the contribution promised.'

"I do not understand why the proposed contribution should be reduced by that amount only. If one of the conditions has been fulfilled, then the whole question is open to re-consideration, and you cannot say therefore that so much only should be deducted; you cannot with any reason urge that only to that extent should the contribution be reduced.

"The Hon'ble the Finance Member goes on to say:—

> 'On the other hand, it might be pointed out that, even if the cost of the Afghan war be added to the cost of the further contribution as now estimated, the net result would exceed by very little the original estimate of £45 million framed by Sir William Meyer in 1918, which was accepted by India as the amount of her liability.'

"Now, Sir, that liability was accepted by the non-official members of this Council on behalf of India on the supposition that the war would last till the end of 1919. The argument that, because India had accepted a liability of £45 million, therefore, even if the Afghan war expenditure were added to the present liability of 31 millions, it would not exceed very much the £45 million promised, will, I hope, not appeal to this Council. Circumstances are quite different. The war ended early, and, in view of the fact that we passed the Resolution on the supposition that the war would last till the end of 1919, we are not bound to pay that amount, other considerations apart.

"The Finance Member goes on—

> 'Secondly, there is the important consideration that the excess profits duty, which is expected to bring in 9 crores, was specially imposed to pay for the portion of the contribution falling due in 1919-20.'

"That is true. But we want money for various purposes. Sir, because a particular contribution was levied for a particular purpose, and it is found that contribution is not necessary for that purpose, it is absurd to suggest that the contribution should still be utilized for that purpose.

"The last point that the Hon'ble the Finance Member has raised is one which it is very difficult for me to understand, and I do not know whether there are any other friends of mine who understand it fully. He says:

> 'Finally, there are strong grounds for holding that any re-consideration of the case should not in any case extend to the non-effective charges in view of the nature of the settlement referred to in paragraph 5 above, since to do so might involve India in liabilities which cannot now be definitely stated.'

"We do not know what those liabilities will be. It is stated in paragraph 5 that—

> 'It has been a long-standing practice, dating from 1870, for India to bear the Indian service share, if any, of *all* pensions of British troops employed in British campaigns, while His Majesty's Government do the same in the case of Indian campaigns.'

"And on account of that practice claims may be preferred by the Home Government. That is the suggestion, if I understand it aright. When we passed the resolution regarding the £45 millions it was definitely stated by the then Finance Member himself in his speech 'we consider that, in present circumstances, we might offer to bear the extraordinary pension charges on account of Indian troops and followers, and British officers of the Indian Army; and the 'service share' of similar charges relating to British troops including both those who belonged to the Indian establishment at the outbreak of the war and those who have at some previous time served in India' If we were really bound to pay or if the Home Government could as of right make us pay the expenditure regarding certain service share charges, where was the justification for Sir William Meyer to include those charges in the resolution of September 1918? As a matter of fact, Sir William Meyer and the Government of India were of opinion that we were not liable for those charges, and therefore it was necessary to include them in the resolution so as to make it clear that we undertook to bear them by that resolution. I do not think I need. . . .

The Hon'ble Sir Claude Hill (*presiding*) :—"The Hon'ble Member still has a few minutes; but I think the Council would like me to draw his attention to the fact that there is a great deal of work and a great many resolutions before the Council, and perhaps he will endeavour to bring his remarks to a close within the period allotted to him."

The Hon'ble Mr. V. J. Patel:—"Even if I had not been asked to finish I had not in fact to say anything more. I hope the non-official members of this Council will favourably receive this resolution, and in fact welcome it, and as it is based on a suggestion of the Government I do not suppose there will be any difficulty in the way of its being accepted."

The Hon'ble Sir Dinshaw Wacha :—"Sir, I beg to move the following amendment to the Hon'ble Mr. Patel's resolution :—

> 'That for the words 'the provisional allotment . . . be made thereunder' the following words be substituted, *viz.*, . . .'

I regret that I am not able to read out the whole amendment as my eyes are rather bad. I hope the Council will take it as read."

The Hon'ble Sir Claude Hill (*presiding*) :—"I think perhaps it may be convenient if I read out the amendment. The Hon'ble Member's motion is—

> 'That for the words 'the provisional allotment . . be made thereunder' the following words be substituted, namely :—
>
> 'The sum shown in paragraph 7, Appendix II, Financial Statement, as still payable for effective and non-effective charges under the Resolution passed by this Council on the 10th September 1918, on Sir William Meyer's motion, be paid to His Majesty's Government, after deducting therefrom the expenditure on the Afghan War and the Frontier Tribes Expedition.'

The Hon'ble Sir Dinshaw Wacha:—"Thank you, Sir. Two reasons have prompted me to bring forward this amendment. Firstly, there prevails a general feeling amongst my non-official Indian colleagues in this Council in reference to this particular contribution. Secondly, there is evident equity and justice to have this contribution waived now. My friend, Mr. Patel, has already in a preliminary way cleared the ground for me, and I do not want, therefore, to travel over it again. The reasons and the conditions which were operative before are no longer operative now. But I may say this, that all through the debate which took place in September 1918, both at the informal committee and afterwards in the open Council, most non-official members very willingly, and with the greatest alacrity, agreed to the further contribution of £45 millions as proposed by Sir William Meyer. India had up to that time rendered every possible service to England to enable her to win the war. She assisted the Government at Home with men, money and other services in all sorts of ways. In fact, we may justly say that India is very proud of the share she had in enabling England to win the war. That being so, the contribution was at that time ungrudgingly granted, specially as she was threatened on her North-West Frontier by the enemies of the Allies. Mr. Lloyd George in his memorable speech of March the 4th of that year had observed that the Eastern menace was so great that India would do well to take care of herself; and we all thought that it was necessary not only for India's safety, but also in view of the great danger to which the Allies might be exposed on the Western front of the War. They therefore cheerfully agreed to the contribution of £45 millions. Well, Sir, events turned out very differently from what was anticipated. Happily for us and the world the war did end soon after the September resolution: the armistice was signed sometime in November 1918. I think my friend, Mr. Patel, was right in observing that had that resolution been brought forward two months later, in all probability it would not have been necessary at all. That being the case, it stands to reason, that we ought now to re-consider the position. In re-considering it I beg to refer to one point in connection with the third Afghan war. That war has cost us £14¾ millions. I intended speaking on the subject yesterday, whilst the debate was going on on the budget; but it became very late and as I could not attend the Council at the later hour in the evening, I now take this opportunity of referring to the important matter. It is, in my opinion, greatly relevant to my amendment, and I should like to say a few words on the subject. It has astonished me, as I think it has astonished a great many of my Indian friends, that this little war of six months should have cost as much as £14¾ millions! It is an appalling sum, even after making every possible allowance about the variety of objects to which the Finance Member referred very freely, frankly and unreservedly in his speech, namely, as to the equipment of the forces, medical and other necessities, and the modern materials and resources of warfare which had to be introduced in this war. Even after making a most general allowance for these things, I do say, Sir, that the amount expended on this Afghan War is to me most extraordinary. I cannot understand it; there must be some great leakage somewhere, some great wastage of expenditure which cannot be accounted for. There is no mistake about this waste. I may here bring to the notice of the Council one pertinent fact. Sir, the second Afghan war lasted for nearly three years, from 1877 till the end of 1879. The total cost of that war amounted to only £20 million sterling. There were many disagreeable military incidents in that war. Many of my friends here, perhaps, may not recollect them. Many must have been very young then; but there is my old friend there, Mr. Banerjea, who would probably have been 32 or 31 then, and he, I doubt not, recollects what that war cost and what were those disagreeable incidents of that campaign . . .

The Hon'ble Sir Claude Hill (*presiding*):—"May I ask the Hon'ble Sir Dinshaw Wacha whether this really has any reference to the question of his amendment?"

The Hon'ble Sir Dinshaw Wacha:—"I do submit, Sir, that it does in one way bear upon it, because I want to point out why we should forego this contribution of £14¾ million. I will say a few words only on the point and no more. Two distinguished Generals were there; one marched from Kabul to Kandahar, and another marched from Kandahar to Kabul, in order to retrieve the situation on both directions. There was a great reverse of British arms at Maiwand. But I will refrain from saying more on the subject. Apart from that, there was the severe famine of 1877-78 in the whole of India, and especially in the Madras Presidency. The famine was so very great that the Government reduced the usual famine rations from 2-lb. to 1½-lb. per head. On this unwise reduction there was very severe criticism in the whole of the Indian Press. Whatever money was wanted for that war was of course freely spent, but at the expense of the famine conditions. Millions of people died because of that reduction in the famine rations of the starving and the hungry. Then the Liberal Government came into power in 1880, with Mr Gladstone at the head of it, soon after his memorable success in the Midlothian Election campaign. The late Duke of Devonshire was the Secretary of State for India. The hue and cry raised in the House of Commons was very great. The war was taken on hand in the Imperial interests of England and not in the interests of India, and that a contribution should in justice be made to India. The House resolved to contribute five millions towards the cost of the war. The actual cost of the war, therefore, to India was fifteen millions. Thus, the Second Afghan War which was waged for three years cost India only 15 millions, while this little war of six months has cost us 14¾ millions! Just contrast the difference. I say that I cannot understand why there should have been this extraordinary expenditure; of course it is an accomplished fact and I only refer to it in order that my Honourable friends, particularly the non-officials, may be enabled to come to a right understanding why I wish this amendment should be passed. I think it is only fair to India that this cost should not be borne by her. India has never grudged any voluntary contribution that was needed to win the war. In fact, from the Secretary of State, downwards, every one has acknowledged that India has splendidly assisted England and the Allies and fulfilled all her obligations; aye, even more than she undertook and demanded by her ability. That is a fact; and, therefore, I say that having regard to that fact and having regard to this question that the third Afghan war could not entirely be said to be on account of India, my amendment should easily find acceptance. It was partly undertaken in Imperial interests. There was the preservation of the independence and integrity of Persia. and there was the consolidation of Mesopotamia to be safeguarded. Both were objects of grave Imperial interests, interests in which England and India were equally involved. My amendment on these grounds ought to be accepted therefore. Under the circumstances, it cannot be alleged or urged that the third Afghan war was simply waged to expel external aggression and nothing beyond it. It was something more than expelling external aggression It was also for the purpose of securing the integrity of Persia and the safety of Mesopotamia. Those, I repeat, being the several reasons, Sir, I consider that in fairness and equity, that from the balance of 18 millions which have still to be paid, it will be wise on the part of the Government to accept this amendment. And it will be wise also on the part of my non-official friends who, I believe, are more or less in harmony with me to agree to the cost of the third Afghan war being deducted from the balance we have to pay. With these words I commend this amendment to the Council for acceptance."

The Hon'ble Mr. W. M. Hailey:—"Sir, if I rise to speak on this motion, it is simply in order, in the first place, to emphasise the fact that it has been decided that the voting on this question should be left entirely to the non-official members of this Council. I have a further object, and that is, to endeavour to supply one or two figures which will make clearer the exact effect both of the resolution and of the amendment, and I hope, Sir, that I am not out of order in the circumstances in giving this information to the Council. The effect of the Hon'ble Mr. Patel's motion would be that we should of course pay no more on account of the 'further contribution' than the 13·6 millions that we have already paid. The effect of the Hon'ble Sir Dinshaw Wacha's amendment would be, that as we now calculate, we should have to pay possibly about £850,000 more. That is to say, that we should, if Sir Dinshaw Wacha's amendment is accepted, probably have to include the sum of one million which is referred to in paragraph 8 of my Appendix, and possibly a further sum of one million which may still have to be incurred in connection with the operations of 1920-21. The net effect of that—I will not trouble the Council with the calculation which is somewhat complicated—would be that we should still have to pay £850,000. That is my contribution for the information of the Council. 12-42 P.M.

"But I have a further object, and that is to ask that it should be made perfectly clear by the Hon'ble Members of this Council for the information of Government what is their intention in another respect, if Sir Dinshaw Wacha's amendment is accepted. Are we to understand by this amendment that it is the sense of this Council that we should deduct not only the expenditure on the Afghan War, the active operations of which are happily closed, but the whole of the expenditure which may be incurred in the future on the frontier tribes expedition? Are we to deduct from the 'further contribution' not only what we have already spent and what forms part of our Budget for the current year, but any future expenditure on these operations in the next year? . . . . '

The Hon'ble Sir Dinshaw Wacha:—"May I say one word, Sir?"

The Hon'ble Mr. W. M. Hailey:—"I beg your pardon. I only ask this question with a view to put the matter on a clear footing so that when we make up our accounts and communicate with the Secretary of State any decision to which this Council may come, there may be no mistake whatever about the figures."

The Hon'ble Sir Claude Hill (presiding):—"I will ask the Hon'ble Sir Dinshaw Wacha to explain"

12-45 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"This frontier expedition is simply a corollary of the Afghan War, and nothing else. It is part and parcel of it, although you may make a distinction. The Afghan War was entirely for the benefit of India and of England. That being the case I do include the cost of that expedition in the 14¾ millions. That is all I have to say."

12-46 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"Sir, I took part in the debate on this Resolution when it came on at Simla, and there I stated that my heart inclined me to pay but my head declined to sanction the expenditure. That was the difficulty then. After two years, I find that the same difficulty endures unfortunately to-day. If there was the great war which was spoken of the other day, there is also a frontier war on our hands to-day and something very troublesome because these little tribes are difficult to control. You cannot employ all your forces against them. They are like flies, and you cannot follow a fly with a gun, nor can you run after a fly with a sword, and these small tribes appear, disappear and re-appear. So we have that trouble on our hands. So those conditions still exist, I mean those conditions under which we agreed to pay this money or rather those conditions which would prevent us from giving that money still endure and exist. So I personally support the original proposition. We have a large number of objects on which we have to spend money, and people have been asking for grants for education, sanitation and for various other purposes which appear to be very necessary. In view of this, I think we better not pay anything at all. England is a rich country; she has got any amount of money and she can afford to pay. What is more, it is a matter which has some relevance to the present question. England has got some ships and some goods from Germans and she has also realised some money. Probably a portion of that money we shall get, and I agree that the portion of our share which we shall so receive may be devoted for the purposes of this frontier war or whatever that may be. But as the position stands at present, I still adhere to the original proposition not to give anything at all."

12-49 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, I support the amendment of my Hon'ble friend, Sir Dinshaw Wacha, and for this reason.

Of course, it may appear that there is not much difference in effect betwee the results of Mr. Patel's motion and that of Sir Dinshaw Wacha. But think, Sir, there is a great deal of principle involved. We do not know exactl what the figures when worked out will come to. Rightly or wrongly we cam to a decision in 1918-19. The 45 million was the outside limit which wa arrived at on certain calculations. Well, we did not agree to pay as much a 45 millions if it was not necessary, such as, for example, if the war terminate earlier. We had to be prepared to pay more if the war lasted longer tha those three or four years for which it lasted. There was a proviso, namely, tha we would be entitled to re-consider the whole matter in case there was war pestilence or famine in our own country. That contingency has arrived. Now if we are to re-consider the matter and say that we are not bound to pay anything at all as suggested, then it would logically follow that not only shall we pay nothing, but we would be entitled to the re-payment of the 13 millions also which we had paid. Therefore, I think, inasmuch as nobody will argue or rather is prepared to argue that India should obtain a refund of the sum of £13 millions which has been paid on the strength of that resolution, the question is to what extent we should respect that resolution. Once the principle is conceded effect ought to be given to it, and it seems to me that we would be within our rights if we say that we require the whole amount for our own purposes on account of the frontier troubles. Now the Afghan and frontier war has cost us 14¾ million pounds or 15 million pounds and whatever it may be, we ask that it should be excused. We deeply regret that any necessity should have arisen that this country should go forward and say 'please let us off that amount'. Of course, I was one of those who opposed the original motion as it at first stood. I said that whatever could be spared from the finances of the country and whatever could be got by means of excess profits taxation might be paid but nothing further. I suppose the result under my amendment would have been nearly the same as has been arrived at now. But by a decision of the majority we arrived at a different conclusion, and we must respect that resolution. There is no use now trying to whittle it down in so far as we may not be absolutely obliged to do so.

"Well, Sir, I hope those who are watching us will take it that the Council is extremely reluctant to go back in any way whatsoever upon the resolution passed in 1918. Whether the war lasted two months or four years, we made a promise; a promise is a promise, but we are not deviating from it. We do submit that, having regard to the extreme poverty of the country, to the fact that we had to undergo great privations in 1919 owing to high prices from which even now people are suffering, and the extremely unsatisfactory state of our finances, having regard to all these circumstances, Sir, we ask that we should not be uncharitably judged when we ask that the expenditure on the war should be deducted from the amount which might otherwise have been payable."

The Hon'ble Mr. Kamini Kumar Chanda:—"I should like to say one or two words, Sir, as I do not wish to give a silent vote on this amendment. Sir, I was one of those who thought it my duty to support the Resolution in 1918, for the grant of this additional sum of 45 millions, but, Sir, the gift was a conditional one, that is to say, that we did not agree to pay as much as 45 millions if the war terminated earlier or if we had to pay for any Frontier war. Though fortunately the war terminated earlier, we have to pay for the Afghan war and Frontier expedition, and I think it naturally follows that we should act according to the terms of the resolution and deduct the amount that we have had to pay for the Afghan war. 12-54 P.M.

"With these few words, Sir, I associate myself with the amendment of Sir Dinshaw Wacha."

The Hon'ble Mr. Srinivasa Sastri:—"I also associate myself with the amendment of Sir Dinshaw Wacha."

12-55 P.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"Sir, I should like to associate myself with this amendment. We do not want to construe the conditions in a petty-fogging spirit, but, having regard to the circumstances in which we find ourselves, we should treat it in a generous spirit, and I therefore think that we are bound to accept the amendment of Sir Dinshaw Wacha."

The Hon'ble Raja Sir Rampal Singh:—"I, too, Sir, would like to associate myself with the amendment which Sir Dinshaw Wacha has moved."

12-56 P.M. **The Hon'ble Mr. V. J. Patel**:—"Well, Sir, from the statement of my Hon'ble friend, Mr. Hailey, it is quite clear that there is really no difference between what appears at first sight to be a very moderate amendment and my own Resolution. I thought at first that my Hon'ble friend, Sir Dinshaw Wacha, really wanted something materially different from what I demand, but, after all said and done, the difference comes to not even a million pounds. We have to pay 18 millions if we stand by the 1918 resolution, and if no other conditions have to be considered, I say, 'Do not pay anything'; my Hon'ble friend says, 'No, you pay 850 thousand pounds'. That is the only difference, and yet you never know whether even 850 thousand pounds will have to be paid. What further expenditure will yet have to be incurred we do not know; it may even go over 18 millions. I am not sure whether the amendment of my Hon'ble friend, Sir Dinshaw Wacha would not in effect carry us much farther than my own Resolution. If you accept the amendment of Sir Dinshaw Wacha, you are not sure where you are, but if you accept my Resolution you know exactly where you are.

"However, as there is not much difference, and perhaps the amendment goes even further than my Resolution, I do not mind giving my vote in support of it though I do not propose to withdraw my own Resolution."

12-58 P.M. **The Hon'ble Mr. W. M. Hailey**:—"Sir, I am, I hope, not out of order, but I am only acting in the capacity and with the intention I have already described. If I understood correctly what Sir Dinshaw Wacha intends I think it would be of advantage if the amendment were made clear by the addition of a few words which I hope he will accept; as I have explained before I have suggested this insertion so that there should be no subsequent doubt whatever on the subject. It would be clearer if the following words were added after the word expedition 'as shown in the accounts of the current year and including the sum of one million pounds referred to in paragraph 8 of Appendix II to the Financial Statement and any expenditure incurred during the coming year on the Frontier Tribes Expedition subject to there being no recovery of sums already paid on account of the contribution.' That, I think, expresses what Sir Dinshaw Wacha had in his mind, and I hope he will agree to these additions."

The following amended Resolution was then put to the Council and adopted:—

> 'This Council recommends to the Governor General in Council that the sum shown in paragraph 7, Appendix II, Financial Statement, as still payable for effective and non-effective charges under the Resolution passed by this Council on the 10th September, 1918, on Sir William Meyer's motion, be paid to His Majesty's Government, after deducting therefrom the expenditure on the Afghan War and the Frontier Tribes Expeditions, as shown in the accounts of the current year, and including the sum of one million pounds referred to in paragraph 8 of Appendix II of the Financial Statement, and any expenditure incurred during the coming year on the Frontier Tribes Expedition subject to there being no recovery of sums already paid on account of the contribution.'

The Hon'ble Mr. Nigel F. Paton:—"Sir, might I ask it to be recorded that I did not vote?"

The Hon'ble Mr. A. P. Muddiman :—"It will not be recorded unless the Hon'ble Member calls for a division."

The Hon'ble Sir Claude Hill (*presiding*) :—"Does the Hon'ble Member call for a division?"

The Hon'ble Mr. Nigel F. Paton :—"No, Sir, I do not wish to put the Council to that trouble."

[At this stage the Council adjourned for Lunch.]

FINANCIAL STATEMENT FOR 1920-21.

THIRD STAGE.

The Vice-President :—"The Council will now proceed to the third stage of the discussion."

The Hon'ble Sir Claude Hill :—'Sir, I beg to introduce the heads which stand in my name :— 2-34 P

Revenue.	*Expenditure.*
Land Revenue.	Land Revenue.
Provincial Rates.	Provincial Rates.
Forest.	Forest.
Agriculture.	Agriculture.
Scientific and Miscellaneous Departments.	Scientific and Miscellaneous Departments.
Irrigation.	Famine Relief
Civil Works.	Protective Works, Irrigation.
	Irrigation.
	Civil Works.
	Capital outlay on Irrigation.

"Last year, in dealing with those heads I dealt rather briefly with the Public Works side of my responsibilities because it is exceedingly difficult, in a speech in this Council, to dilate at great length upon the technical matters connected with the Public Works Department, and especially irrigation. But I have thought that this year I might supplement what is usually done by laying on the table for the information of Council a note by the Inspector General of Irrigation on the progress and condition of Irrigation Works in India during the year 1919, and I hope that this departure from precedent will be appreciated by the Council.

"Before I proceed to deal with some of the specific items in the irrigation programme, I should like, if I may, to refer to certain observations which fell from my Hon'ble friend Mr. Sastri and also to a prospective Resolution by the Hon'ble Mr. Sarma on the subject of irrigation. The Hon'ble Mr. Sastri asked certain questions, and the intention of the Hon'ble Mr. Sarma to move an increased vote to the irrigation budget shows a misapprehension of the situation in regard to irrigation which, I think, it would be well, if I can, to dispel. A comparison has been drawn between the irrigation budget and the railway budget, as though the two things were in any way parallel, and it has been suggested that railways are being pampered at the expense of irrigation. Now a little reflection will, I think, show Hon'ble Members that there is no possible comparison between the development of irrigation and the development of railways. In the case of railways, which are more or less standardised now, it is purely a question of construction upon recognised lines and railway extension is merely an enlargement of an existing great scheme of communications presenting no new problems and no specific difficulties which are not thoroughly well known. Now, in the case of irrigation, it is a totally different proposition. In the case of irrigation a project may perhaps be one costing, we will say, 10 millions : that is well within the mark In many cases it possibly contemplates the irrigation of an area of 2 million acres, and in each single case it deals with waters differing in character, volume, and so forth, so that there are no two projects for irrigation which stand upon the same footing or which are a direct guide to one another. Consequently, when a project for irrigation is mooted, it is necessary, first of all, to see the engineering possibilities of the thing, then to investigate over a very wide area of country, the possibilities of irrigation with reference to class of soil, and so forth, and thirdly, but by no means less important, to investigate the human nature side of the problem.

"Well, I am not surprised that Hon'ble Members have somewhat misapprehended the difficulties which stand in the way of irrigation and have supposed that less provision was made for it than should have been made, because, as I have often had occasion to say in this Council, Governments, and specially the Government of India, are extremely bad advertisers. I have seen it stated that the Government of India go on toiling in a vacuum of good intentions and forget that there is such a thing as human nature. Well, human nature is very inquisitive, and bureaucratic Governments are singularly secretive ; and those being the circumstances we have gone on assuming that everybody knew what we have laboriously ascertained in the way of information, and we have not taken either the Council or the public into our confidence in reference to this particular problem nearly so much as we should have done. But I can illustrate what I was saying just now about the complexities of irrigation problems and their elaboration and the time which it takes to work them out by a concrete instance.

"I will take the case of the Sarda Kichha project That originally was designed to supply canal irrigation to the Province of Oudh. From its geographical situation that was clearly the best objective to have in mind. After a considerable period of investigation—because it is a very big scheme—the project was more or less mooted, and then we were up against human nature ; the Taluqdars of Oudh, of whom one at all events is present here to-day, objected to the scheme altogether. They said : 'We have our wells they are quite adequate for our needs ; we do not want to pay water rate—we will not have this scheme.' As a result of that attitude—that is where human nature comes in—it was necessary to see whether the waters of this Oudh river could not be utilised to greater advantage elsewhere. Consequently, a most elaborate scheme was eventually got out to take the waters of the Sarda river along the foot-hills of the Himalayas right along to the Ganges and across it, for the purpose of supplementing the deficiency in the waters of the Ganges and Jumna. It will be realised that carrying the waters of the Sarda river many hundred miles along the foot of the Himalayas was a project taking several years to investigate only. Well, when the stage was reached of elaborating that scheme, and when two and a half years had elapsed and it was announced that the project would be further considered, the Taluqdars of Oudh began to re-consider matters. In the meantime it had become apparent to them that their wells were not always full of water ; also there happened to be a bad year, and it was brought home to them in fact that it might be well worth their while to utilise their own waters. Consequently, the three years which had elapsed in investigating the alternative project were wasted. We were willing to meet the Taluqdars, and now the situation is that the Sarda Kichha and the Oudh Canal projects hold the field. The Council will therefore understand why a period of eight or nine years have elapsed investigating that particular project, and why it is nobody's fault that it is not ready to be carried into completion at once. I could illustrate this by another case, namely, the Sutlej Valley project. In that instance also human nature has operated as a bar to progress. The Sutlej Valley water which was to be impounded could clearly most advantageously be used for the benefit of the Bikanir State, but the Bikanir State is not a riparian

State; the Bhawalpore State, a little lower down, is and the Bahawalpore State took up an attitude which, I regret, I can only characterise as that of a 'dog in the manger' and asked that the scheme should be stopped It was only last year that we were able to get a kind of understanding between the two States, and it is only this year that we have reached a more or less technical agreement on the subject. There again a scheme, which might have been carried out already, has been deferred for several years through the instrumentality of, and jealousies incidental to, human nature.

"I only illustrate my statement by these two illustrations, though there are many others which I could cite; but, I think, Council will agree that in the case of these enormous irrigation projects in regard to which India has no model to go upon, and in which India leads the way, it is, in view of the engineering difficulties and problems to be solved, differing in each case, unreasonable to expect, as it will be very foolish to insist, that the Irrigation Department should push on with undue haste in the preparation of schemes.

"Well, as a result of the facts I have mentioned, it has happened that during the past two or three years we have had none of the major Irrigation projects actually ready to be carried into being. To refer again to the instances I have mentioned; had it not been for the peculiarities of human nature we should very easily have been able this year to spend the crore of rupees to which the Hon'ble Mr. Sarma has referred in his resolution. As things are we are not in a position to spend that crore of rupees. But I should like to make this further point clear, that during my tenure of office at all events not on a single occasion when I went up to the Finance Deparment with a request for money to carry out an irrigation project was I refused. It is simply that we have not been ready, owing to the exigencies of the particular problems which have had to be solved.

"In regard to one point made by my Hon'ble friend, Mr. Sastri, one inquiry rather as to what schemes have been proposed by the Irrigation Commission and what has been done about them. Without wearying the Council with details I may mention that they put forward, I think it was, 61 schemes of which 52 have been taken up, investigated and in the majority of cases carried out.

"The major schemes which are still outstanding I shall now describe to the Council as briefly as I can. But I hope that it will be understood from what I have said that there has been no withholding of money on the part of the Finance Department, from irrigation, and that every demand which has been made to the Finance Department, at all events in my time, has been met and that if I were able to ask for a crore of rupees this year I am certain the Hon'ble Mr. Hailey would have admitted it.

"The following important estimates for irrigation schemes have during the past year been sanctioned by the Secretary of State:—

The Sarda Kichha Feeder Canal in the United Provinces (which I have just mentioned)	Two crores.
The Revised estimate for the Wainganga canal in the Central Provinces	48 Lakhs.
The scheme for widening the Madaripur Bhil route, Bengal	Rs. 16,80,000

I need not refer to the Sarda Kichha project further since I have already related its history briefly; but I may mention that the difficult diversion scheme of the Sarda for the improvement of the supplies in the Ganges and Jumna canals is no longer necessary for another reason, apart from the waiving by the Taluqdars of their objections. The supply in the Ganges canal, which was short, has been greatly improved by the construction of permanent headworks for the Upper Ganges Canal, while the deficiencies on the Jumna will, it is hoped, be made good by the construction of the Bhakra dam project now under investigation

"The widening of the Madaripur Bhil Route was proposed in order to permit of steamers towing three or four flats abreast, to facilitate vessels passing one another and to allow of the removal of restrictions which have at present to be imposed, owing to the narrowness of the channel, on certain classes of traffic during the dry season. The widening was not provided for in the original project, but has been rendered necessary by the fact that the traffic using the route has far exceeded what was anticipated when the project was originally framed.

"The project for the Grand Trunk Canal in Bengal, which has been long under consideration, has now been worked out in detail and the estimate, which amounts to Rs. 309 lakhs, has been forwarded to the Secretary of State for sanction. The scheme is designed to provide direct routes for steamer navigation between Calcutta and (*a*) the Ganges, (*b*) Assam, Cachar and Sylhet, and (*c*) Barisal. The canal is eventually to have a width of 400 feet, though in the first instance its width will be 250 feet, with widenings at intervals for crossings. The canal will form a most important link in the chain of waterways in Bengal and will be an asset of the greatest value to Calcutta and those districts of the Presidency which depend upon waterways as an outlet for their trade.

"The Sutlej Valley scheme I have already referred to, but the details of the estimates are the following :—The cost will approximately be Rs 1,200 lakhs, to secure 2,400,000 acres of new irrigation and to improve 1,600,000 acres of old irrigation. So it will be seen that I was guilty of no exaggeration in referring to some of these schemes as costing 10 million pounds.

"Then the Sind Sagar Canal project, which is estimated to cost about 10 crores and to irrigate about 1,800,000 acres, is now under consideration. The investigation of the Bhakra Dam project, which will irrigate some 1,400,000 acres at a cost of about Rs. 14 crores is delayed pending the preparation of the final project for the Sutlej Valley Scheme.

"The Sukkur Barrage project is still under preparation by the Government of Bombay, but we hope very soon to have proposals from them. The Sukkur Barrage project is an admirable illustration of what I said in regard to the unique character of practically every big project for irrigation in India. It will be the largest work of its kind in the world.

"The project for the Cauvery Reservoir Scheme in Madras is still with the Government of India. I referred to this matter last year when I pointed out that it could not be proceeded with until a settlement had been arrived at between the Governments of Madras and Mysore in the dispute regarding the Kannambadi Reservoir. Unfortunately no agreement has been come to yet between the Governments of Mysore and Madras and matters are still held up.

"I do not propose to weary the Council with details of actual construction since I have laid the Inspector General's Memorandum on the table. But I should like to refer to three matters.

"The first is the Hydro-Electric-Survey which Council will remember, I referred to last year, and mentioned that we had appointed Messrs. Barlow and Meares to make a preliminary survey of India, to see what openings there were for projects of this character. The Council will be sorry to learn that Mr. Barlow died last April and Mr. Meares had to write the Report alone. He produced a very admirable document which some members interested in the matter may have read, and this year we have appointed another officer who will, in association with Mr. Meares, get out a great deal more of valuable information on the subject.

"As regards New Delhi, I do not propose to say much since the matter has been indirectly under discussion. But we hope to be able now, by speeding up, to secure that the new site will be ready for occupation by the winter of 1924-1925.

"The last matter to which I should like to refer is the provision of Council Chambers in the Provinces for the new Legislatures. We have asked Provincial Governments to take this matter under consideration at the earliest possible moment, because it is important that the new Legislatures should have a habitat when they come into being. For the Imperial Councils, as some members of this Council are aware, designs are in preparation for a building in the New Capital of dignified proportions and impressive style on a site conveniently adjacent to the central buildings and easily accessible. It is proposed that this block shall embrace three Chambers, namely, the Legislative Assembly, the Council of State, and the Princes' Chamber, with the necessary attached offices and so on. The problem of providing accommodation at Simla is an exceedingly difficult one, which is still engaging the attention of the Government of India.

"Turning now to the Revenue and Agricultural Departments; fortunately, this year, I am being spared the necessity for dilating on the agricultural situation as I had to last year. The monsoon has all round been an excellent one. If only it had followed upon normal conditions we would have had very little to say indeed. Things, however, are still abnormal, and the situation is complicated by the facts not only that the monsoon of 1918 was an unprecedented failure, but that special efforts had to be made till nearly the end of 1918 to supply the allied belligerents with food-stuffs; while there is now the further factor of high world-prices, with their re-action upon internal prices in India. In the result there has been a depletion of India's reserve stocks which have still to be built up to their normal level. It is for these reasons that we have had to take special steps for the control of Burma rice—a measure which has brought us into conflict with the Government of Ceylon. I do not propose to weary the Council with a detailed narrative of the methods of control adopted, since *Communiqués* have been published which have made that clear to anybody who cared to read them. Nor do I propose to enter in detail into the contentions between the Ceylon Government and the Government of India, since His Excellency the Viceroy in his reply to the deputation from Ceylon, which was published, has made the position perfectly clear, but I should like to say definitely here that we hold, as indeed His Excellency the Viceroy told the deputation, that our rice control, under which we give both a quantitative and price preference to Ceylon has benefited that Colony by reducing the price below the level it would otherwise have had to pay. There is a limit below which it would be unfair to the Burma producer to go; since any further concession to Ceylon or elsewhere, is, under our scheme, directly at the cost of Burma producers.

"I would, however, urge those Hon'ble Members who are interested in the food situation in India to study the very able report of Mr Innes, who was lately Foodstuffs Controller and to whom I am very glad to take this opportunity of paying a tribute for the admirable work he did on behalf of India when he was Foodstuffs Controller. Incidentally to that report, Hon'ble Members will remember that, during the year 1919, until about August last, we were importing wheat from Australia; and it may interest the Council to be reminded that we imported altogether from Australia nearly 201,000 tons We controlled the disposal of that wheat in the interests generally of India with a view to keeping prices at a reasonable level. The profits on the whole transaction are estimated to amount to 23 lakhs of rupees.

"As a remnant of the conditions which came into being on account of the failure of the 1918 monsoon, I may mention that the inter-provincial control of the movements of food-grains still obtains in the case of rice throughout India, wheat and gram from the Punjab and the United Provinces and of all food-grains to and from the two frontier provinces, but we hope to remove these restrictions as soon as practicable having regard to economic and political conditions. The policy of tightening control over the exports of food-grains is being continued, and the reason why such control is necessary is, as will have been clear to those who have studied Mr. Innes' Report and the various *Communiqués* which we have issued, the need for keeping internal prices within reasonable limits and for building up stocks of food-stuffs in India. There is the further need, of course, so long as we control the exports of Burma rice, to see that the exports of rice from India are also restricted within the narrowest possible compass; since otherwise there would be no guarantee that the purpose for which we reserve some 800,000 tons of Burma rice will be fulfilled, There would in fact be no certainty that the speculators in India, with a view to reaping the large profits which would be open to them by re-exporting the Burma rice and getting for such exports extraordinarily high prices, would not thus defeat the whole object of the policy. I should like to add here a warning. I believe it to be the case, certainly we have information which points to that that rice and other food-grains in India are being hoarded and kept back from the public by speculators who hope that the restrictions on exports of grain from India will be removed and that they will then be able to reap the benefit of enhanced prices. I should like to state here that the Government of India propose to maintain a careful watch upon that matter, and that the exports of food-stuffs will not be permitted in such a manner, so far as Government can prevent it, as to enable those profiteers to reap the benefit which they hope to at the expense of the producer and consumer.

"Certain questions have been asked in this Council bearing upon the net exports of grain, pulse and flour from India, and it may interest the Council if I lay on the table a short statement showing the figures of net exports of grain, pulse and flour from India, excluding Burma, in tons. The interest of the figures lies in the fact that it is shown that we have already succeeded by our policy in accumulating stocks of food-stuffs to the extent of some 4 million tons.

"Other questions have been asked with a view to eliciting comparative figures of average prices of food-grains for India as a whole. I think it is extraordinarily difficult to furnish reliable figures on that head, partly owing to the control, and partly owing to the shortage of rolling-stock which has obtained in some places; also where you have, as you had until a few days ago, inter-district control. In Madras, we have such extraordinary variations of prices within the same province, that no average can possibly be struck which would be of any value.

"I will now turn to other matters. In the first place, I think it will interest the Council to know that the Secretary of State has recently sanctioned a Cattle Breeding and Dairying scheme which we laid before him a year ago, and that we have addressed Local Governments on it, and we hope they will take steps to give effect to it. I will not attempt to describe the scheme in detail, but it has been the subject of close examination by the Board of Agriculture and is based on a memorandum which was drawn up originally by Mr. Coventry, who was formerly Agricultural Adviser. It is proposed under the scheme to create a post of Imperial Dairy Expert and to engage a Physiological Chemist, while provinces under the scheme will, we hope, co-operate in an organised manner to improve cattle breeding with a view to the development and improvement of the milk supply throughout India.

"I think the Council will learn, with satisfaction, that the Government of Bengal have at last decided to establish an agricultural institute at Dacca. Hitherto, the Bengal Government have been content to rely, for their agricultural development, upon the College at Sabour in the province of Bihar and Orissa. We have long felt that a large and important province like Bengal should have an institution of its own (in this, I am sure, my Hon'ble friend Mr. Banerjea will agree), and it is a subject for congratulation that they should have taken the present opportunity for inaugurating that institute, because it synchronises with the bringing into being of the University of Dacca, and it is, therefore, possible to hope that not only will the institute subserve the functions of a College for tuition and so forth, but that it will eventually follow the example of Bombay and the Punjab, and be affiliated to the Dacca University.

"It has been clear to anyone reading the papers that great interest has been aroused recently in the matter of fodder storage. This extraordinarily difficult question has been under the consideration of the Bombay Government since before I left that Government, and great assistance has been given by a Member of the Bombay Legislative Council, namely, the Hon'ble Purshotamdas Thakordas. Thanks to his efforts, backed by those of the Bombay Agricultural Department, a scheme has now been brought partially into being under which they have established two stores of fodder reserves, both of grass and kadbi; and the last annual Report of the Agricultural Department from Bombay has a peculiarly interesting section dealing with this subject of fodder reserves. It is very instructive, and I propose to draw the special attention of every province to what is being done in Bombay. It may also interest the Council to know that we have arranged to hold a conference on fodder storage during the ensuing Simla Season.

"Hon'ble Members may also be interested to hear that we have considered a proposal which has been made for inaugurating an Indian Agricultural Society on the lines of the Royal Agricultural Society in England. Local Governments have been consulted in the matter, and, although their reports are in many instances critical, on the whole they afford room for encouragement, and it is hoped that eventually such a Society will come into being, and that it will be a valuable stimulus to Provincial Governments in the matter of agricultural development. Conditions, of course, are quite different in India from what they are in England, still more so from what they were in England when the Royal Agricultural Society came into existence some eighty years ago; but to my mind the difference is in favour rather than against the establishment of such a Society in India. In England, at the time the Royal Agricultural Society came into existence, there was no agricultural service, there was no organisation for research in agriculture of any kind, and all these things have been developed by the stimulus given by the Royal Agricultural Society. Certain Local Governments have pointed out the difficulties that may arise from the establishment of a corresponding body out here, side by side with the existing agricultural staff. I myself do not share the view that these difficulties are insurmountable, or that it will be less useful to have a stimulating non-official body, such as an influential Agricultural Society, such a Society might keep Provincial Governments and the Government of India up to the mark in the matter of the improvement of agriculture, and I hope that soon that development will be possible.

"Reverting for a moment to the question of high prices of food-stuffs, this Council is aware that the Select Committee on High Prices has already held one meeting and hopes very shortly to meet again. I think the briefest way of dealing with this question will be to lay on the table a copy of the proceedings of the meeting of the Select Committee which was held on the 17th February last.

"Before I leave the subject of agriculture and its development I should like once more, and for the last time, to refer to the subject of agricultural education.

"This Council will be glad to learn that the inauguration of agricultural middle schools, to which I referred last year, is showing signs of developing, and Local Governments are now displaying an active interest which I felt sure we could count upon when once the necessary initiative was applied. I feel that, if nothing else has resulted during the last five years, a very useful start has been made in this matter by getting people to realise that, in agriculture, just as in every other industry and department of life, it is sound education and training that is necessary if progress is to be achieved.

"I am still hoping that it will be a very short time before every province has an agricultural college or institute affiliated to the Provincial University. The opposition to this idea has been strenuous, but I think there are signs of this breaking down, when once agricultural education makes good from top to bottom, and when middle agricultural schools multiply. I think India may regard herself as being on the high road towards securing that her rich inheritance in agricultural land shall be exploited to its fullest capacity, which is very, very far from being the case at present.

"I now turn to forest matters. Owing to the great depletion of our cadres we have been handicapped in developing forestry as rapidly as we should wish. In spite of the handicap of shortage of staff, however, there has been progress, and the work of preparation for the fuller utilisation of our forest resources is proceeding. The services of two Consulting Forest Engineers have been obtained from America—one is already working in Burma, and the other, who is to be employed in the Andamans and India, is expected to arrive shortly. Further, and the Council will, I know, approve of our action taken in this matter. We have been encouraging to the utmost the deputation of the forest officers on leave to study various special branches of forestry both at Home and in America The Secretary of State, moreover, has now sanctioned the creation of a regular service of Forest Engineers, the officers of which will undergo a course of training in America before taking up their duties.

"The most important matter, however, in connection with forestry is perhaps that we have just received the sanction of the Secretary of State to a scheme, recently submitted, for the expansion of the Forest Research Institute at Dehra Dun. This expansion is necessitated by the realisation that if our forests are to be exploited on scientific lines, we must enlarge greatly both the laboratory and establishment sides of our research institute and instal plant for the testing and artificial seasoning of timber for the production of paper pulp and so forth. It is also possible that tuition in the higher branches may have to be given at Dehra Dun, and this can more easily be arranged if we have a thoroughly up-to-date institute and an up-to-date staff.

"But of course the increased provision of timber is at the root of all forest policy and the importance of a scientific development of sylviculture cannot be over-estimated. India is going to take part in the Timber Exhibition which is to be held in England this year, and we have endeavoured to arrange that she shall be adequately represented. I confidently hope that, with the realisation of India's resources in this respect, there will be an ever-growing demand for Indian timber, and it will be up to the Forest service to maintain the high standard of technical efficiency which it has maintained hitherto.

"That, Sir, completes all I have to say in detail on the heads which stand in my name, but as this is the last opportunity I shall have of referring to these subjects, I should like, if the Council will tolerate me for a moment longer, to discharge my feeling of obligation to those with whom I have been associated by referring, as briefly as I can, to some, though not nearly all, of those to whom India, and the Department for which I have been responsible during the last five years, owe so much. We have lost in Sir Sidney Burrard a very distinguished survey officer, who was well known in the scientific world, and who stayed on most patriotically, after his period of service was over, during the war. In Sir George Hart, India has had an Inspector General of Forests of pre-eminent ability, and Mr. McKenna as an agricultural officer has been well known to every Member of this Council on various occasions, and has himself been a Member of this Council. His conduct of the work of the Cotton Committee has been endorsed at Home as being of the utmost possible value, and I think India will find that she owes a great debt of gratitude to him. Of Mr. Rose, who recently left India to take up an appointment in China, I can only say that I experienced in his departure a very serious loss, though it has been made good as far as was possible by Sir Sidney Crookshank. And I should like in conclusion to convey my cordial personal thanks to the Hon'ble Mr. Mant for his long and very valuable assistance to me in all the work that has fallen to our joint lot."

RESOLUTION *RE* REDUCTION OF ALLOTMENT FOR CAPITAL EXPENDITURE ON DELHI.

3-13 P. M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I beg to move the following Resolution:—

> "This Council recommends to the Governor General in Council that the allotment for capital expenditure on Delhi works be reduced by fifty thousand rupees."

"I will not detain the Council for more than a minute. My point shortly is this, that in view of the last debate on the question of the location of the headquarters of the Government of India, we are not justified in spending such a large sum of money on Delhi. The allotment is Rs. 1,10,00,000 and I should mention to the Council that my Resolution should have been worded, that the amount should be reduced by 50 lakhs, not 50,000. Sir, it will be remembered by the Council that Sir William Vincent, in reply to my motion that Calcutta be made the headquarters of the Government of India, again said that he had no time to investigate the question as the notice received was too short. I referred to this yesterday and I now put it more formally. And, in the second place, he said that the reformed Council, which would come into being next year, would be a better judge, and that he would place the papers before His Excellency the Viceroy to decide what to do. In view of this, Sir, I submit it cannot possibly be right that we should be spending such a large amount. If the answer was that the decision of Government that Delhi would be the headquarters of the Government of India was final and irrevocable, one could not find fault with this process of spending such a large amount on Delhi; but you do not say that. What Sir William Vincent said amounted to this: 'Wait and see what happens next year when the new Council comes into being' That being so, my submission is that you ought not to spend such a big amount, but simply carry on as you have been doing during the last four or five years. Sir Claude Hill said just now that he expected that many buildings would be ready by the cold weather of 1924, not the whole city—the architects do not certify that—but in five years only a portion of the city will be ready. In these circumstances, I do not think there is any particular hurry for going on spending money like this. Why not wait for another year? That is my ground for bringing this matter up again formally. I think the Council probably will join me in asking the Hon'ble Home Member to tell us what decision has been arrived at after the papers were placed before His Excellency as he promised to do.

"With these words I place this Resolution before the Council."

The Hon'ble Sir Claude Hill:—"The Hon'ble Mr. Chanda is apparently engaged in the unfruitful occupation of flogging a dead horse, but I am not quite clear as to whether he is flogging it with a 50,000 whip or a 50 lakh whip. His motion as it stands, and which I understand I am dealing with, is that the Delhi estimate should be reduced by Rs. 50,000. If that is so, I can only regard the motion as, so to speak, a qualified vote of censure, but with no particular definite objective, since it is not suggested where those Rs. 50,000 should be devoted instead of to the construction of Delhi. Well, Sir, if I may suggest it, I will ask this Council not to accept the Hon'ble Mr. Chanda's Resolution. I am reluctant to detain the Council by going again into the details of the arguments relating to abandoning New Delhi, which were so thoroughly threshed out the other day, and in regard to which, in connection with the Hon'ble Mr. Sarma's Resolution, little support of a definite and constructive character was secured. It seems to me that I should be doing what this Council would hardly approve if I detained it any longer on that subject, which, quite frankly, I cannot myself help regarding, in view of that discussion, and of all that has occurred, as *chose jugée*. I still venture to hope that the Hon'ble Mr. Chanda will not press this Resolution to a division." 3-17 P.M.

The Hon'ble Rao Bahadur B. N. Sarma:—"Sir, I have not given notice of any similar resolution because I knew there would not be much use in it, but I may state that the horse is not dead, it has simply fainted for the time being, and it all depends on the 200 members who may come here next year whether they will put life into it, or whether they are going to leave it for dead. The only point in urging any motion of this description is that 3-19 P.M.

it may not be said against the members of this Council that they were ready to agree to heavy expenditure of this kind when they could have stayed it by a motion of this character. I think there is no need to detain the Council any further."

3-20 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I submit with all respect to my Hon'ble friend, Sir Claude Hill, that he has avoided the issue which I raised. I asked what was the decision come to by Government on this question. I wanted to know what was the decision come to by the Government on this debate. The Hon'ble Sir William Vincent told us that he would place the papers before His Excellency to decide what should be done. I should like to know what has been done, whether the papers have been sent Home, or whether it has been decided irrevocably that Delhi is to be the capital. If it is not, then, I submit, there is no justification for spending such a large amount of money on it, which would be a waste after all. With these remarks, I beg to press my Resolution."

The Vice-President:—"I did not quite catch what the Hon'ble Member has decided to do."

The Hon'ble Mr. Kamini Kumar Chanda:—"I press the Resolution before the Council; I do not withdraw it."

The Resolution was put and rejected.

RESOLUTION *RE* INCREASE OF EXPENDITURE ON IRRIGATION AND DRAINAGE BY ONE CRORE OF RUPEES.

3-21 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, I would like to have information on one or two points, as the Hon'ble Member said there was no use in pressing my Resolution and I do not wish to waste the time of the Council. The Hon'ble Member for Agriculture said . . .

The Vice-President:—"I must ask the Hon'ble Member to mov his Resolution or to withdraw it. He knows the rule quite well. He mus not make a speech first."

The Hon'ble Rao Bahadur B. N. Sarma:—"I was asking fo information."

The Vice-President:—"That can be done by a question."

The Hon'ble Rao Bahadur B. N. Sarma:—"It was question I was putting."

The Vice-President:—"This is not question time."

The Hon'ble Rao Bahadur B. N. Sarma:—"Are there n projects on which any money can be spent?"

The Vice-President:—"I must call upon the Hon'ble Member t move his Resolution; he must either move it or withdraw it."

The Hon'ble Rao Bahadur B. N. Sarma :—" Well, Sir, there is plenty of time to withdraw a Resolution. I beg to move the Resolution standing against my name :—

> 'This Council recommends to the Governor General in Council that the expenditure on Irrigation and Drainage be increased by one crore of rupees.'

" We listened, Sir, with very great interest and attention to the very lucid exposition of the policy of Government with regard to irrigation and their difficulties. I may state at once that the outside public are not altogether so ignorant of the difficulties of the Government as perhaps the Government think they are. We know that there is a wide difference between irrigation projects and railway projects. The matter has been clearly set forth in the Irrigation Commission's Report itself. Nor are we complaining of the relative expenditure on railways and irrigation or asking that because large sums of money are being spent on railways that, therefore, large sums ought to be spent on irrigation. There is a feeling, however, that the Government of India—I am not saying the present Government of India—have not hitherto shown very great alacrity in pushing forward irrigation schemes so as to rapidly increase the productivity of the soil in India, which they might have been expected to do from the recommendations of the Irrigation Commission.

" The Hon'ble Sir Claude Hill has told us that most of the projects, 51, I think, out of the 62, have been sanctioned, and many of them completed. That is a very gratifying feature, but the public would like to have some detailed information as to the extent of extra acreage which has been brought under cultivation since 1903-04, and as to whether more irrigation projects could not have been undertaken during this period of 17 years since the Report of the Irrigation Commission was published. I believe they recommended a programme of about 44 crores of rupees, and the sum which has been so far expended does not seem to exceed about £19·6 million. The progress in irrigation during the period of the war was necessarily handicapped by reason of the absence of Public Works officers on military duty. I think nobody can hold the Government of India responsible for their inability to push on irrigation programmes when their principal officers were unavoidably absent on military duty. But, Sir, the public are somewhat impatient, and have been, I think, not unreasonably so, especially since last year, because the causes of obstruction have been removed and the Government of India themselves have published reports which show that the margin between famine, destitution and bare sustenance is very, very narrow. I need hardly allude to the fact that the report of Mr. Innes, to whom we are glad to acknowledge our indebtedness, shows that the exports of foodstuffs from India, when analysed, are largely from Burma and the margin of production in British India itself is extremely low. I believe 2½ million tons out of 57 million tons, the average before 1913-14, and consequently, in a bad year, when there is a deficiency of 14 or 18 million tons, as there was in 1918-19, the fate of the people was nearly sealed. It is in these circumstances, Sir, that the people appeal to the Government of India not to blame them if they are a little impatient in urging the Government of India to endeavour to the best of their ability to meet them by showing greater progress, in spite of the manifold difficulties which the Hon'ble Sir Claude Hill had urged in his admirable address to us. That is the real point. His memorandum shows that the Government of India have projects under consideration, some of which have been sanctioned, some of which are under sanction, aggregating 60 crores of rupees. So it is not that money cannot be spent. In answer to a question of mine last year it was stated that two important projects costing a good deal of money have been sent up to the Secretary of State for consideration and sanction, and I take it, Sir, that, if the Government of India has not received his sanction already, they will receive it in the not distant future. May I ask, therefore, whether there are absolutely no projects ready on which they could not spend an additional sum of one crore of rupees provided the human material is forthcoming? I think the difficulties of the Government really are, first, the labour problem, secondly, the officer problem. I have not heard that th labour problem is so very difficult and that a crore of rupees cannot be spent o masonry and earthwork provided the officers are ready and the schemes ar ready. I hope that there would be a possibility of getting men from the tract where very low wages prevail. It will be possible to attract them to the tract where these irrigation works may have to be started. It will be possible t bring them to the tracts where irrigation works may be started.

"Then the real problem seems to be, as has been hinted clearly, th human material, the personnel of officers. Here I can sympathise with th difficulties of the Government of India and of the officers. It would be crue on the part of the people to ask these officers who did such hard work to remai another year. But some of them at least should remain another year in orde to push some of these schemes through. Taking the poverty of the country the poor margin of subsistence of the people, and the fact that for the las few years practically very little has been spent upon new schemes (I thin the total amounts for four years to three crores including next year) ma I ask if it is too much to request some of these officers to remain on dut although they are legitimately entitled to furlough, if that is the real difficulty

"This would necessarily bring us to another question, as to whether i would be right in the interests of India to rely entirely upon the European element in the higher personnel of the Public Works Department and the Irrigation Department having regard to these extreme inconveniences? My ow opinion is that there are enough talented Indian Engineers in India whose services would be highly useful in pushing these projects through unde perhaps one or two expert European Engineers. All I ask is for information on these points, firstly, as to whether there are no projects ready on which money could be spent, secondly, as to whether labour is not forthcoming, and thirdly, as to whether the material as regards officers is absolutely out of the question. If I am told that the money cannot be spent, I shall most reluctantly withdraw the Resolution."

2-52 P.M. **The Hon'ble Mr. K. V. Reddi**:—"Sir, there is one aspect in connection with the irrigation policy of the Government of India which deserves to be placed before them. As my Hon'ble friend just now stated, the Irrigation Commission reported nearly twenty years ago on projects which would cost 44 crores of rupees. This was distributed among the various provinces, and Madras was allotted something like 15 crores and a half. I was examining the figures of the sums that were spent in the provinces from the year 1908 to the year 1917; and taking the major provinces of the Punjab, the United Provinces and Madras, I find that whereas in the United Provinces something like £536,981 were spent on capital outlay on productive works, in Madras only £349,178 were spent, while in the Punjab I find that £5,324,000 were spent. That would work out, Sir, in this proportion, whereas the Irrigation Commission expected that one-third of the expenditure would be in the Madras Presidency, we find that, as a matter of fact, it is only one-eighteenth, based on these figures. In Madras, very important works were suggested; there was the storage work on the Cauvery, there was the Tungabhadra project and there was the Krishna storage works in my own district of Krishna. None of these works would seem to have been commenced, though I know that so far as the Cauvery work is concerned, a genuine attempt was made by the Government to see its way to commence the work. Unfortunately as has been shown, no agreement could be come to between the Mysore Government and the Madras Government; but, Sir, no such difficulty exists so far as the Krishna storage work is concerned, and if that work had been taken up and completed, I am perfectly certain that trouble from Burma for having controlled rice would have been easily avoided. So far as the Krishna district is concerned, it has been able to supply rice not only to the whole of Madras Presidency, but to a great portion of the Bombay Presidency also; and if only this work had been completed, India need not have gone to Burma for rice. I would, therefore, support this resolution in the hope that something might be done for the province of Madras and some work would be undertaken. I know the difficulties of the Government. I know it is not merely their intention to start these works; but there are the engineer's difficulties and the human factor to which Sir Claude Hill so ably referred."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"Sir, for the last four years I have been urging the Government to take up the question of the Cauvery Reservoir Project. In the report submitted to the Government of India by Mr. T. R. J. Ward it is stated that the Cauvery Reservoir Scheme was estimated to cost about four crores and that the project is still with the Government of India and cannot be proceeded with pending settlement of the question of the distribution of the Cauvery water between Mysore and Madras The only question I want to put is, even supposing that the arbitration award should be in favour of the Mysore Government, is it not the intention of the Government to proceed with the project? . . . 3-36 P.M.

The Hon'ble Sir Claude Hill:—"Sir, I rise to a point of order. Has it any relevance to the present motion?"

The Vice-President:—"I suppose the Hon'ble Member is coming to it. I gather that all Hon'ble Members are proposing that these various schemes should be financed out of this additional one crore."

The Hon'ble Mr. K. V. Rangaswamy Ayyangar:—"A beginning may be made just now, even if the whole amount cannot be spent in the course of the year. What I want to say is that even if the award should go against the Government of Madras, we could begin on a small scale with this project. Why not make a beginning now? We have been suffering very much and the Government have been put to a very great loss on account of not beginning this project long before. As to labour difficulties, I do not think there will be much in that way. We have heard only this morning that the conditions in Southern India and Bihar are very bad and that some project or other should be taken in hand to relieve the situation by providing labour for them. I beg to bring before the notice of the Government the urgency of this matter, that this Cauvery Reservoir scheme may be begun this year. If it is begun on a small scale it can be expanded if the award should be in favour of the Madras Government."

The Hon'ble Sir Dinshaw Wacha:—"I am afraid, Sir, that the policy on which the Government is proceeding in reference to the irrigation works in the country is not quite a practical policy, in one respect only. The Government do everything through the Public Works Department; even large irrigation works of the character which the Hon'ble Sir Claude Hill just mentioned in his speech are done entirely by the Public Works Department. Now, if instead of the Public Works Department undertaking the construction of such works they were entrusted to large contractors of recognised ability and great reputation, men like Messrs. Bird and Company, who built the Assouan Dam, which cost 10 crores of rupees and more, I think the progress would be rather speedier and more satisfactory, and the Government would not be worried in this matter as it has been in the past. That is the change that is required in the policy of the Government as regards the construction of large irrigation works. That should be the right procedure. Even on the Continent, big railways were built by big firms of the financial ability and resources of Messrs. Brassey. They built most satisfactorily railways in Austria and in other parts of Europe. Why should not the Government of India entrust works to the large contractors of the ability and reputation I have named who are perfectly 3-39 P.M.

solvent, who have got large organisations at their command, who employ any number of labourers and who can also finance these projects ? If those were invited to carry out the projects sanctioned by the Government of India, I think the progress would be quicker and more satisfactory. The whole mistake lies in never going outside the Public Works Department for colossal works."

3-40 P.M. **The Hon'ble Sir Claude Hill**:—"Sir, I charged the Hon'ble Mr. Chanda with beating a dead horse ; I must now charge my Hon'ble friend Mr. Sarma, with flogging a willing one I am perfectly willing, if I can only see my way to it, to ask the Hon'ble Mr. Hailey for a crore of rupees, but I had already indicated, I hoped more or less lucidly to the Council, that it is impossible to spend that sum, much to my regret.

"But I see that I have not been altogether plain. It has been assumed that it is a question only of being able to provide *personnel* and labour. That is very far indeed from being the case. It is not merely a question of *personnel* and labour, though that is a very important factor, and we have great deficiencies in our staff. This happens to be one of those periods when we are not ready to spend a great deal of money on any of the vaster schemes. In other words, the three schemes which are sanctioned, to which I referred in my speech and which the Hon'ble Member referred to, are not in a condition to be the subject of expenditure. There is a great deal of lay-out work to be done before the solid work of construction can be commenced.

"Then, again, my Hon'ble friend Sir Dinshaw Wacha referred to the question of employing big contractors. That, if I may say so, subject to correction if I mistook his meaning, is not a question of policy, but a question of method of execution; and the question of the method of execution has not been reached at the present time because we are not in a position at present to give any of these large works out on contract. The stage has not yet been reached when contracts could be invited for those particular works. That is the situation so far as I understand it.

"Well, I need only refer, I think, to one other point, and that is the circumstance that my Hon'ble friend Mr. Sarma has secured support from two compatriots from Madras to his motion. But I should like to point out, in reference to the particular work—the Cauvery Reservoir—which has been referred to, that I explained how it was that progress was not made. It is not the fault of the Government of India that the progress has been slow.

"Since the Hon'ble Mr. Reddi has drawn attention to what he regards as a grievance on the part of Madras based on the assumption that the amount of expenditure in Madras bears a somewhat meagre proportion to the value of the works recommended by the Irrigation Commission, it may be relevant merely to mention that of the few works recommended by the Irrigation Commission which have been abandoned, two are in Madras and they happen to be the two largest. It has been necessary to abandon the Tungabhadra scheme, while the Krishna Reservoir Scheme had to be held in abeyance pending the completion of the Cauvery Reservoir. The Tungabhadra project was estimated to cost nearly 12 crores and the Krishna Reservoir project about 8 crores ; so that if one eliminates those two from the programme, it will be seen that the expenditure in Madras has not been so deficient as has been suggested.

"In the circumstances, I suggest that as I am unable, much as I should like, to back my Hon'ble Friend Mr. Sarma in asking for this one crore of rupees, it will perhaps not be worth while to press the resolution"

3-45 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Sir, I do not see any object in further pressing this resolution."

The Resolution was, by leave of the Council, withdrawn.

FINANCIAL STATEMENT FOR 1920-21.

The Hon'ble Mr. Shafi :—" Sir, I have the honour to introduce the heads of Sanitation and Education (Revenue and Expenditure), of the Financial Statement for 1920-21. 3-46 P.M.

" To deal with the subject of Education first.

(*a*) EDUCATION.

" The year which is about to close has been eventful particularly in two respects. It saw the conclusion of the labours of the Calcutta University Commission and the commencement, on the part of the Government of India, of action on its recommendations. Hon'ble Members will agree that perhaps the most important of the Commission's proposals is the prolongation of the school life and the curtailment of the period of college study It has long been generally recognised that the lower classes in our colleges cannot be regarded as classes for university teaching at all, and that instruction in those classes on lines which are suitable to a university student is altogether unsound. The Commission have now formulated a definite scheme for severance of intermediate education from university education proper. The change is undoubtedly very great and, like all wholesome changes, is certain to involve heavy expenditure. But if the task of placing our educational system on a proper basis is to be earnestly taken into hand, we shall have to face the expenditure involved. The introduction of the new system recommended by the Commission will result in the extension of our secondary education over a longer period than is the case at present, and with its adoption will result in considerable improvement in its quality and standard. Perhaps it is not fully realised that during the last 12 years or so almost every province in India has been adopting measures calculated to bring about improvements in our system of secondary education along a programme definitely laid down in each province. During the past year the scheme of improvement in Bengal, where secondary schools are most numerous and their condition, as the Commission has pointed out, is anything but satisfactory, has been partially completed by the sanction of considerable expenditure both on Government and on privately managed schools

" Another important proposal of the Commission is the establishment of unitary universities It is unnecessary for me to dilate on this portion of its recommendation as a great deal has already been said and written in this connection, and I expect we shall hear a lot more about the subject during the remainder of this Session. The fact that the Government of India have promptly taken up this idea in connection with the proposed establishment of the Dacca University is indicative of their earnestness in carrying into effect this portion of the Commission's proposals. Hon'ble Members will be interested to learn that action is also being taken in other provinces in this respect. Schemes are afoot in the United Provinces for establishing teaching universities at Allahabad and Lucknow, while our Muhammadan friends are again bringing forward the scheme of a university at Aligarh. Moreover, schemes for the establishment of a university at Rangoon and another at Nagpur are also likely to reach a definite stage at an early date. The coming year, therefore, bids fair to be one of great activity in the sphere of university education in the country.

" Another important event of the year under review has been the reorganisation of our Educational Services. Hon'ble Members will remember that, owing to the outbreak of the World War, decision on the various recommendations of the Public Services Commission had remained in abeyance. On the conclusion of the war the Government of India, fully recognising their duty to the Indian public in this respect, turned their attention to the work of re-organisation. It will be remembered that the Commission proposed the transfer of certain posts from the Provincial to the Indian Educational Service, recommended that 25 per cent. of the resultant aggregate number of posts in the Indian Educational Service should go to Indians, and that 50 per cent of whatever posts may hereafter be created should be filled up by the appointment of Indians. The Government of India went a step further and recommended the adoption of 50 per cent. Indianisation of the Indian Educational Service, old and new, as the goal to be aimed at. The orders of the Secretary of State were received at the close of 1919 sanctioning the recommendations made by the Government of India. The Government of India have further decided that, in order to accelerate the realisation of the ultimate goal, all vacancies in the posts to be transferred from the Provincial to Indian Educational Service and 50 per cent. of the vacancies occurring in the existing Indian Educational Service shall be filled up by the appointment of Indians until the goal of 50 per cent. Indianisation in the entire cadre of the Indian Educational Service is reached. It is clear, therefore, that the system now adopted, on the initiative of the Government of India, is one which marks a decided and a highly satisfactory advance in the existing conditions in the matter of Indianisation of our higher Educational Service. The earnestness with which the Government of India are carrying out this scheme of Indianisation will be clear from the fact that during the year under review as many as 25 Indians have already been appointed to the Indian Educational Service

"Similarly, the conditions of the Provincial Educational Services are also about to undergo considerable improvement. From some questions which have been asked in this Council, I gather that there is, in the minds of Hon'ble Members, some doubt about the terms for those services. To my mind the matter is simple enough. Between a minimum of Rs. 250 and a maximum of Rs. 800, a Local Government may frame its scale as it thinks fit. This appears to be a much better scheme than that put forward by the Commission; for being elastic it will allow of variation in provinces according to the ease or difficulty with which suitable candidates may be forthcoming and commensurate with the cost of living, etc. It has, further, this advantage that the transformation of the existing varied services into a single rigid mould would be a matter of enormous difficulty. In the system which has been adopted, this difficulty will not arise.

"Nor have our service improvements stopped here. In recent years various Local Governments have taken up the case of the Subordinate Educational Service and a steady improvement has been going on in the pay of elementary teachers, whether employed in Board or aided schools. The Educational Commissioner will lay his annual Narrative on the table for the information of Hon'ble Members and, read together with those which have gone before, this year's Narrative will show that a steady improvement is being effected along these lines. The increase of pay in the case of individual primary teachers may not be very great. But when we think of the vast number of primary teachers and figure out the enormous cost which these small changes involve, the significance of these improvements becomes self-evident.

"Another reform, which we have carried out in the year under review, is likely to grow into one of very great importance. I refer to the scheme which after long and careful consideration in consultation with the Local Governments and obtaining the sanction of the Secretary of State, has been promulgated for the creation of the provident fund for teachers in non-pensionable services. I can think of few conditions more fully calculated to render our teachers more contented, to attract better men, to keep them in the service and gradually to bring about the formation of a regular profession of teaching than this scheme of provident funds. Its benefits will extend to a very large number of persons who, in the existing conditions, are not in a position to make provision for themselves and their families calculated to keep them in comfort in their old age.

"I now pass on to primary education. The Government of India have declared their policy in a letter which was published at the time and which I laid on the table again the other day. In the meanwhile, in province after province Acts have been placed on the Provincial Statute-books permitting the adoption of compulsion in local areas for the expansion of elementary education. In Bengal, Bihar and Orissa, the United Provinces and the Punjab such Acts were passed during the year under review and received the assent of His Excellency the Viceroy and Governor General.

"But it is self-evident that schools cannot be carried on with material addition to the cost of education without a sufficiency of trained teachers, and I regard this as a subject of the highest moment to the cause of educational advancement in this country. In the year 1919 we had 21,527 teachers under training for all sorts of institutions. But, though the number sounds large, it is, in my judgment, by no means enough. The Secretary of State sanctioned a scheme for Bengal which is calculated to bring about a vast improvement in the system of training of elementary teachers in that Presidency. Similarly, an important scheme of expansion has been sanctioned for the Bombay Presidency. Hon'ble Members will appreciate the magnitude of these schemes when I say that taken together the capital expenditure thereon will exceed 13 lakhs, and the ultimate additional recurring expenditure will be about 5½ lakhs.

"Hon'ble Members will ask where the money for all these schemes is to come from. It will be provided largely by the Local Governments but, as the Council is aware, assignments have been made, during the last two years, from Imperial funds of 30 lakhs recurring for primary education and 30 lakhs recurring for technological, commercial and agricultural education. The first of these two assignments is proving a source of great help to Local Governments and local bodies, the latter during the year just ending was equally divided between technological and agricultural education. We are using the technological grant to assist Local Governments in promising schemes which seem to fit in with the general recommendations of the Indian Industrial Commission. As Hon'ble Members are aware, the bulk of the expenditure on education, so far as public funds are concerned, comes from provincial revenues, to which local and municipal funds also contribute, as well as fees, private contributions, etc. But it will, I have no doubt, interest Hon'ble Members to know that, since the creation of this Department in the Government of India, Imperial grants have been disbursed which up to the end of 1918-19 amount to no less than over 14 crores and that the recurring grants from Imperial sources, which are now annually disbursed, total 214 lakhs per annum. Critics have sometimes complained that Government in this country has cut down its educational expenditure during the war. Such criticism is neither well-informed nor has it any foundation in fact. On the contrary, the expenditure from public funds in 1913-14, before the commencement of the World War, was 5¾ crores; in 1918-19 it rose to 717 lakhs. During that year, the last for which we have figures available, expenditure from public and private sources increased by over 116½ lakhs and now stands at the large figure of nearly 13 crores. And it is significant to note that the Budget for the ensuing year 1920-21 exceeds the revised estimates for 1919-20 by nearly 34 lakhs and the total Budget estimate for the forthcoming year is 836½ lakhs as against 468¾ lakhs in 1916-17. Private generosity has also been in evidence. We have recently heard with pleasure of Sir Rash Bihari Ghosh's second generous donation to the University of Calcutta and a European citizen of Calcutta has given 10 lakhs partly for the creation of scholarships for Europeans and Anglo-Indians, and partly for the education of Indians.

"Turning now to that all-important subject, *i.e.*, the education of our girls. In October last we issued a resolution in this connection laying down the lines along which activities should be directed. But the notable feature of the year 1918-19 is that, while owing to the adverse circumstances produced by war, as well as post-war conditions, failure of crops and the influenza epidemic, the number of boys in our educational institutions has shown no improvement, the number of girls has increased by 48,215. This is a matter of the happiest augury and with the return of normal conditions, one hopes that this improvement will go on steadily increasing from year to year.

"Some Hon'ble Members may feel disappointed that the increase in the number of scholars taken as a whole has not been commensurate with the enormous increase in the expenditure from all sources during the year under review. But had this period been one of normal conditions, I entertain no doubt whatever that we would have had a corresponding increase in the number of pupils. Moreover, it is to be remembered that the cost of everything and everybody has been steadily rising for some time past, not only in India but all over the world. We have, for instance, had to increase the rate of our scholarships for Indian students in the United Kingdom The figures of boys and girls at school for the year which is now closing are of course not yet available. But I have every hope that the increased expenditure of 1918-19 will show its beneficial effect in the figures for the year which will end on the 31st of this month. Moreover, it should be remembered that the comparatively slight decrease in the number of boys reading in our schools during the year 1918-19 took place in private institutions; public institutions, on the contrary, showed an increase of pupils. In that year no less than 2,820 new public institutions were opened in India. Nor, if we take the war period as a whole, have we any great reason for dissatisfaction. Between the years 1913-14 and 1918-19 the number of pupils in all institutions rose from 7½ to nearly 8 millions.

"In conclusion, there is one thing which I must mention in connection with our educational activities. Government have undertaken to educate the children of Indian soldiers who have fallen or have been incapacitated during the terrible war which has now happily ended. This concession covers the cases of children of non-combatants as well as of combatants. It is, of course, impossible for us to educate these children up to the highest standard, but the Silver Wedding Fund instituted by Her Excellency Lady Chelmsford will, I understand, be quite sufficient to give higher education to those boys of this class who desire it. There are many other matters on which I should like to speak, such as the schemes for school hygiene, boy-scouts, the various enterprises for which our technological grant is being given to various institutions, courses in elementary, hydro-electric engineering, etc. But the time at our disposal being short, I do not propose to detain the Council with a narrative of our activities in these spheres of progress.

(b) PUBLIC HEALTH.

"I now turn to sanitary matters and consider first the steps which have been taken or initiated during the past year for the prevention of disease The terrible scourge of influenza which swept over the country at the close of 1918, remained clearly present to our minds. Early this year symptoms were not wanting of a possible recrudescence. The measures for combating the epidemic naturally rest with the Local Governments. But in this connection Government of India have certain functions to perform. In the first place, we increased our stocks, which we had already accumulated, of anti-influenza vaccine. At the same time, we increased the number of stations at which this vaccine can be produced and which now number four. We distributed the vaccine at a low price throughout British India and the Indian States and urged Local Governments to take over consignments and have them ready on the spot, to be kept, where necessary, in cold storage. We issued instructions for the use of vaccine Further, we warned Local Governments to make ready their organisation for coping with a possible epidemic, and we urged that local bodies should be encouraged to do the same. The Sanitary Commissioner issued a note upon the methods to be adopted in case of illness. We deputed two officers to carry out special investigations so that we may be in a better position to combat the disease. Finally, where necessary, we gave the necessary powers under the law to the Local Governments to take all requisite measures. Fortunately we have, not had to make use of the full preparations which had been made. No doubt there has been a good deal of influenza again this year in certain centres; but it has not indicated; save here and there, the virulence of last year's attack, nor has it assumed the same pandemic form. The precautions thus taken in advance assisted, we may hope, in restricting the effect of this third epidemic.

"Another disease, which has recently been engaging our serious attention, is yellow fever. When the Panama Canal was opened, the possibility of danger to India was realised and certain rules were issued with regard to the precautionary measures which should be taken at our ports. The arrangements, however, which would enable those rules adequately to be carried out are costly and must necessarily take time in their realisation. The Government of India were of opinion that the preparations against the possibility of an inroad of this disease must be expedited. At the same time, they were aware that the general position throughout the world as regards yellow fever was changing. Last month, after addressing the Secretary of State exhaustively upon the whole subject, we summoned a committee of experts to meet in Calcutta, and Council may rest assured that their report will be considered with all possible speed.

"I now turn to medical research. I hope that Major-General Edwards will speak on this subject out of the fulness of his knowledge. All I need say here is that very successful pieces of isolated research are going on at various places in India, and that it is possible that certain important developments for the better organisation of this research will now be made.

"Altogether the year has been a very busy one from the public health point of view A great deal of work has been put through We have addressed the Secretary of State regarding the re-organisation of the Bacteriological Service and we are dealing with the Sanitary Service as expeditiously as possible. We have also called together two conferences of medical experts, and we have had an informal conference of Sanitary Commissioners. One of the most important points discussed at this conference was the future organisation of public health work in India. Hon'ble Members will recollect that in answer to a resolution put forward by the Hon'ble Mr. Sarma in March 1919 a grant of 5 lakhs from Imperial funds was announced to form a nucleus of a public health fund. This is a most important matter and before a move is made in this direction, we have to consider very carefully how the money may be most economically expended to the best advantage. The proposals are still under consideration. But I can assure Hon'ble Members that we propose a scheme which is not going to increase very largely the headquarters staff. Though the bulk of the expenditure, as we are at present advised, will be carried out under what will indeed be a central agency, it will be capable of doing practical work all over India.

"We have continued our attempts to ameliorate the conditions of pilgrims, whether Hindus or Muhammadans. A large grant has been provided from Imperial funds for improving the water-supply of Puri—a scheme which will benefit pilgrims from all over India and which, I am sure, will be fully appreciated. As regards Muhammadans, every one here is well aware of the immense difficulties which, as a result of the great war, had been placed not only on the performance of the Haj, but also with reference to the position of the Government in relation to this important matter during that catastrophic period. This year, the war being at an end, we decided that all who desired to perform the pilgrimage to Mecca and Medina should have every facility for doing so. But, owing to the dislocation of trade and commerce and the paucity of ships, we were held up at every point by unanticipated difficulties. At the last moment it seemed as though no ships would be available which would take the pilgrims to Jedda at a reasonable rate since freights have so enormously increased. But, after a few days' discussion with the local authorities and the representatives of Companies, we reached a satisfactory arrangement which it is not too much to say, made the performance of the Haj a possibility, was enormously appreciated by the Muhammadan public and has not proved unduly expensive. We have also, so far as is possible among the many difficulties of the post-war period, improved the conditions of quarantine and medical inspection, and we anticipate still further improvement in that connection.

"I cannot close my remark on public health without paying a tribute to the splendid services performed during the war by the staff of the Central Research Institute, Kasauli. I hope that Major-General Edwards will inform

Council of the work which has been done and which, I have no hesitation in saying, must have saved an incalculable amount of sickness among our soldiers in many areas of the great war.

"Passing on to local self-government: there has been a certain amount of legislation with which I need not deal save to congratulate the Government of Bengal and the Legislative Council of the Governor of that presidency on the passage of the Bengal Village Self-Government Act which will, so to speak, bring the problems and powers of local self-government to the very doors of the villagers in their own villages. Legislation with somewhat similar objects is also proceeding in Bombay and the United Provinces.

"While dealing with the administrative side of local self-government, I should mention that we have just had a small committee in England consisting of officers who were on leave and my esteemed friend the Hon'ble Mr. Surendranath Banerjea, who made a study of the system of local self-government in England. The other day I laid their report upon the table and I venture to think that its contents are deserving of careful study by advocates of complete autonomy in local bodies. Hon'ble Members have all read our Resolution of the 16th May 1918 and are, therefore, aware that the Government of India is in favour of every reasonable measure which can increase the autonomy of those bodies. But this report will show how largely, even in a country where local self-government is of long standing and firmly rooted, the State exercises a vigilant control over the activities of local bodies. Last year my friend, Sir Dinshaw Wacha, asked us questions about the housing of industrial labour and I may say, if he has no objection, that a good deal of correspondence of a private nature has passed between him and my predecessor and Secretary. I admire Sir Dinshaw's unswerving attitude in this matter and can assure him that the Government of India have not been unmindful of their duties in this matter, and during the past year have had various large questions regarding this problem under consideration. I believe my Hon'ble friend himself realises the immensity of the problem in the City of Bombay. It is a problem of enormous magnitude, and I can only hope and trust that my Hon'ble friend will not be disappointed with the result of the schemes which are now on the anvil.

"There are many minor matters which are dealt with in this Department. The year before last a conference was held to encourage the enlargement and organisation of libraries. It has not been without results in stimulating public interest in this matter, and Local Governments have been addressed regarding the possibilities of some widespread organisation.

"The Government of India have also taken in hand the question of record offices. They issued a resolution and appointed an Indian Historical Records Commission, the principal functions of which will be to give expert advice regarding records and records offices and to make proposals for the wider use by scholars and students of our historical data The Commission has already held two meetings, the second one which was held only the other day in Lahore appears to have been a marked success and afforded an opportunity for public meetings and the reading of interesting papers, etc.

"With these remarks, I beg to introduce the heads of the Financial Statement for 1920-21 relating to Sanitation and Education, Revenue and Expenditure."

4-16 P.M. **The Hon'ble Mr. H. Sharp**:—"Sir, I beg to lay on the table the annual narrative called 'Indian Education' and also the statement dealing with Education generally known as 'Salient Features.' These are always laid on the table at the time of introducing these heads."

4-17 P.M. **The Hon'ble Major-General W. R. Edwards**:—"Sir, when I addressed the Council a year ago, I described briefly our activities in the direction of medical research, and preventive medicine, and the assistance we were able to give to the military authorities in supplying vaccines and sera, "Military operations on the Frontier and the necessity for maintaining garrisons in Mesopotamia and Egypt have demanded the continued employment of the staff at the Research and Pasteur Institutes and have absorbed much of our time and energy.

"The demands of the civil population in India have, however, also been met. This civil demand is quite new, and it is a very significant and noteworthy development. Except for the issue of plague vaccine from the Parel Laboratory, Bombay, the civil population used to make few claims on our resources. For example, no cholera vaccine was issued from the Central Research Institute in pre-war days—in 1918, 7,000 doses were issued, in 1919, a quarter of a million doses were issued on demands from civil institutions alone. During 1917-18 and 1919, 10½ million cubic centimetres of typhoid and cholera vaccines were produced at the Karachi Institute, the value of which was £530,000. This is an enormous increase over pre-war days. In the year before the war only 15,000 cubic centimetres of typhoid vaccine were produced.

"The Council well remembers the appalling pandemic of Influenza which ravaged India in the autumn of 1918. We have watched with anxiety the course of this dread epidemic, as it has waxed and waned, in epidemic form over the whole world.

"Active steps were taken by the Government of India to advise provincial administrations as to the prophylactic and remedial measures to be taken in case of further outbreaks, which at one time appeared probable.

"Arrangements were made for the various Central Research Institutes and Bacteriological Laboratories to manufacture anti-influenza vaccine, and from the Central Research Institute alone over a million cubic centimetres were issued. The efficacy of this vaccine is still the subject of investigation, but opinion in England corroborates our Indian experience, that the vaccine has, at least, an influence in preventing the pneumonic complications which are the dread sequelae of this disease.

"The Bacteriology of this disease is being prosecuted by Captain. Malone who commenced his research in 1918, and his very detailed investigations appear to confirm the constant rôle of Pfeiffers bacillus in Influenza.

"The epidemiological aspect of the disease is being investigated by Major Morison, whose object is to collect and analyse reliable figures of the commencement, manner of spread and termination of localised epidemics, in order to determine the relative virulence of different epidemics and the causation of differences in virulence. The investigation is difficult, but in collaboration with Major McKendrick of the Pasteur Institute, useful and valuable results are being obtained.

"I very much regret that we have not more officers available for investigating the problems of this disease. But we should not complain when we remember that in England and Scotland some 15 to 20,000 medical practitioners were called to the war out of a total of some 40,000, and in India we are still at war.

"We have however made very substantial progress in certain directions.

"Lieutenant-Colonel McCarrison continued his inquiry into *Deficiency Diseases* and has published papers which have roused the greatest interest in scientific circles in England and abroad. His discoveries in this connexion have evoked world-wide comment, and it is not too much to say that they are fraught with consequences of the utmost importance

"The inquiries into Hookworm have been continued in the Madras Presidency by Dr. Mhaskar who, in conjunction with Father Caius, is investigating, among other matters, the chemical composition and efficiency of various drugs used for the treatment of this disease.

"Kala Azar is being investigated by Major Knowles and Mrs. Adie at the Pasteur Institute, Shillong, and discoveries as to the life history of the parasite, which causes this disease, seem to be imminent. Excellent results have been obtained in the treatment of this disease by Dr. Brahmachari of Calcutta. Sir L. Rogers, whose services are, I regret to say, lost to India, for a time, owing to ill-health, has worked throughout the year, with his customary energy, on leprosy and tuberculosis. Some very remarkable and encouraging results have been obtained in the treatment of these diseases by various remedial substances obtained under his direction by Dr. Sademoy Ghosh from certain fatty acids of chalmoogra and cod liver oils, and latterly from the oil of soya beans which Sir L. Rogers considers the most effective of all.

"Other investigations financed by the Governing Body of Research Fund were those by Lieutenant-Colonel Donovan, I.M.S., into the possibilities of monkeys acting as carriers of malarial organisms; the continuance of the investigation into the value of the ground-nut as a food-stuff, and into the sterilization of water by various chlorogens by Dr. Mackenzie Wallis. This work is being carried out in St. Bartholomew's Hospital, London.

"Dr. Annandale, of the Zoological Department, is directing the survey of the distribution and types of molluscs in India, the direct importance of which is the possible introduction of Bilharziosis from Egypt, Mesopotamia and China and its spread in India.

"Dr. Chitre has completed his experimental inquiry into the baits and traps best suited for dealing with the rat pest. A field campaign in selected plague districts, based on the results obtained, has been sanctioned by the Bombay Government and will be carried out on a large scale. Another inquiry, the results of which have proved of immediate practical utility, is that completed by Mrs. Norris, formerly chemist at the Central Research Institute. She has been very successful in preparing a purely vegetable medium suitable for the growth of organisms from which the vast quantities of prophylactic vaccines are prepared. Dr. Karuna Chatterji has been working on a drug, margosic acid, produced from Neem tree oil; used this drug in the treatment of syphilis and other diseases with very marked success. I am waiting for a further report from him.

"With this brief reference to the results of the past year's work in Medical Research, I will now speak of the prevention of avoidable diseases. The efficient application of the limited knowledge at our disposal is capable of saving a vast number of lives every year. Such application is unquestionably the function of local authorities, but local authorities require help from the central Government of their country. In all countries the central Government *must* be vitally interested in the efficiency of this work and in securing, as far as possible, not only uniformity of method, but also the education of public opinion without which but little advance can be made. In the first place, therefore, it is the duty of every central Government to foster, and even inaugurate, measures for educating the public; it is also their duty to prevent the introduction of infection from other countries and to limit its spread from Province to Province. The Hon'ble Member for Education has spoken of the Medical Committees, which have met within the last few months and whose recommendations are under the consideration of Government, and I can assure this Council that, if circumstances permit the adoption of these recommendations, the Government of India will have taken a great step towards coping with epidemics, with a view to their limitation, eradication or, best of all, their prevention.

"The last of these Committees met in Calcutta to consider the vexed question of port quarantine, with special reference to the possible introduction of yellow fever. Its resolutions are of far-reaching importance to India and, indeed, to the world at large. India, it is true, is unfortunately the home of many serious diseases; but diseases also exist in other countries which, so far as is known, do not exist in India and which must be kept out of India. Special attention has been focussed on yellow fever. As with malaria, this disease is transmitted by a certain species of mosquito. After sucking the blood of a yellow fever patient, a period of twelve days elapses before the mosquito is capable of infecting another patient, but after that the mosquito continues to be a source of infection as long as it lives.

"It is obvious then that, in order to protect an uninfected country, the mosquitoes on a 'suspected' ship must be destroyed by efficient fumigation, *before* the ship is allowed into dock. At present facilities for such fumigatio do not exist. Colonel Glen Liston of the Parel Laboratory, Bombay, has bee experimenting with hydrocyanic acid gas, money for this purpose having bee provided by the Indian Research Fund Association. He has recently devise a machine which promises to render the fumigation of loaded ships possibl and effectual. Ten such machines have now been ordered for experimenta work, and paid for from the Government of India sanitary grant.

"This gas destroys not only mosquitoes and small vermin, such as flea and bugs, but also rats; the latter is of course a most important matter. A very great point in favour of this gas is that it does no damage to an merchandise, even fruit and vegetables are not injured. If these experiment prove a success, and it is reasonable to expect that they will, a very grea advance will have been made in the disinfection of ships, an advance whic will not only tend to protect India from yellow fever, but one which wil benefit the whole world.

"The question of education in our medical colleges and schools is unde my consideration. It is very important at the present time, when our college and schools have arrived at a very considerable stage of excellence, that du consideration should be given to the selection of specialised personnel for th development of new departments. The selection of this specialised personnel is of the greatest importance as here the man is everything.

"Professor Starling from England is arriving this month to advise the Government of India with regard to the founding of a Central Medical Research Institute for India. He will visit Bombay, Poona, Bangalore, Calcutta, Delhi and Kasauli, and will be accompanied by Lieutenant-Colonel Greig, C.I.E., of the Indian Medical Service, who has just completed a tour of the world. Colonel Greig had been placed on deputation at the expense of the Indian Research Fund Association, in order that he might collect information concerning the principal Medical Research Institutions of the world. He has now returned, having visited Great Britain, France, the United States, Canada, Japan, Manilla and Hong Kong. I trust that the result will be that before long we shall possess, in addition to our Tropical Schools and numerous laboratories, an Imperial Central Research Institute with its combined hospital and library of which India may be proud. Lastly, I wish to say a few words concerning the Indian Medical Service.

"This service until recent years has never contained more than 7 per cent. of Indians, and has been regarded by Indians as an alien service. The Secretary of State for India not long ago decided that one-third of the new recruits should be Indians, and this number may be still further increased. More than this, there is a proposal that in order to facilitate the entry of Indians, scholarships or nominations shall be given to the most promising Indian medical students who wish to enter this service. In the former case they would proceed to England to complete their curriculum and then compete for the Indian Medical Service; in the latter case they would proceed to England for a further course of instruction only.

"I trust then that Indians may, in future, no longer regard this service as one in which they have no personal interest, but as a service they may be proud of and one that will shed a lustre on the name of India.

"All countries sooner or later come before the judgment bar of the world. The verdict depends not on the size and greatness of the country, nor on the territories it has conquered and the riches it has acquired. It does not depend on the number of great Kings, Generals, politicians and millionaires that the country has produced, but it does depend on those greater men who by their life's work have tended to improve and ameliorate the conditions of the peoples of the world in general. Such men are those who have left their mark on literature and the fine arts, great philanthropists, explorers, inventors, mathematicians, and, above all, great thinkers and men who have made a name for themselves in original research.

"Now a great change is coming over the destinies of India. It is at such a crisis in the history of a nation that we may look for the birth of men great in the highest sense of the word. It is natural that I personally should be intensely interested in the medical aspects of this question.

"I earnestly desire to see Indians coming to the front in the medical scientific world. America has recently produced many great medical scientists, and so has Japan; why should India not do so?

"This service has been a great asset to India in the past, and has attracted the best intellects from the British medical schools; let it now attract the best from the schools of India as well. I would further call attention to the fact that the greatest intellects cannot achieve complete success unless they have leisure and opportunity to take up the particular work for which they are fitted. How can a man, who has to support himself and his family by the ordinary routine of private practice, find time to really specialise or find time to study in great European centres? These priceless facilities are offered by the Indian Medical Service, and I want to see them taken advantage of by the doctors of India. If they come forward and succeed, as I hope they may, it will be a great thing for India as well as for the Indian Medical Service."

RESOLUTION *RE* PROVISION IN THE BUDGET FOR 1920-21 OF ONE LAKH TO THE BENARES HINDU UNIVERSITY.

4-35 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, notice of this *resolution was sent up under a mistake arising from the omission of the entry of one lakh on page 98 of the Financial Statement and the matter having been explained, I do not propose to move the resolution."

The Council then adjourned till Wednesday, the 10th March 1920, at 11 o'clock.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

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The 23rd March, 1920.

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* "This Council recommends to the Governor General in Council that a provision of one lakh may be made in the budget allotment for 1920-21 to the Hindu University, Benares, and the necessary transfer be made between Imperial and Provincial."

SGPI Delhi—457 L D—27-3-20—750.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 10th March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 60 Members, of whom 53 were Additional Members.

FINANCIAL STATEMENT FOR 1920-21.

THIRD STAGE.

The Hon'ble Sir George Barnes:—" Sir, I beg to introduce the following heads of the Financial Statement for 1920-21:— 11-3 A.M.

REVENUE.	EXPENDITURE.
Salt.	Salt.
Excise.	Excise.
Posts and Telegraphs.	Customs.
Stationery and Printing.	Posts and Telegraphs.
State Railways.	Stationery and Printing.
Subsidised Companies.	Protective Works, Railways.
	Subsidised Companies.
	Miscellaneous Railway Expenditure.
	Capital Outlay on State Railways.

" I shall adopt the procedure, which has been usually followed, of leaving it to the President of the Railway Board to deal with the subject of Railways. I must, however, add a word of explanation with regard to two of the subjects in the list I have just read out. I notice, in reading through the proceedings of last year, that my Hon'ble friend Sir Thomas Holland said that the only serious difference of opinion that ever occurred between us arose regarding our competing claims for relief from work, in which competition he said that he mourned my success. In one respect he has this year succeeded in turning the tables upon me, for, as you will see, he has used his well-known powers of persuasion to induce me to introduce two heads of the Financial Statement, *viz.*, Salt and Stationery and Printing, for which he has just become responsible as part of the new Department of Industries. He would, I know, be able to place the case before you with more lucid and picturesque power of expression than I am able to command. Hon'ble Members will, I am sure, look forward to hearing him on the subject next year.

"I will turn first to the head of Posts and Telegraphs. The estimated revenue for next year in pounds sterling converted at Rs. 15 for the pound is £6,050,300 and the estimated expenditure £5,665,900, leaving a surplus of only £384,400. This compares with the estimated surplus of £1,210,500 for the current year. The great reduction in the surplus is largely due to the increases which have been given, and I think rightly given, to the staff of the Post and Telegraph Service.

"We are still working under difficulties. We are short of skilled men and short of material. Many of the officers and men deputed to overseas expeditionary forces returned to India during the year, but we had again to lend a considerable number of them for field service on the North-West Frontier. We are also still short of material, for the supply of stores from abroad has not kept pace with the high requirements of the Department which are necessarily abnormal after several years of the strictest economy. We are, however, hopeful of making up part of our deficiency in this country. Attempts are being made to manufacture telegraph material as quickly as possible in the departmental workshop at Alipore, and orders are being placed with the firms in India wherever there is a power to manufacture.

"As you are aware, the inland telegraph rates had to be increased in 1918 in order to relieve the congestion of traffic. This increase was made with great regret, but there was no other course open to us. As soon however as it becomes possible, there is every intention of reducing the telegraph rates. We are still suffering from the effects of the war, and are unable to get all the apparatus that we need, and the efficiency of the high speed telegraph instruments has steadily deteriorated during the last few years owing to the lack of renewals and spares. The position, however, is improving and I hope that very soon the improvement will become more rapid. As soon as we can get supplies of copper wire, there is without doubt a great field in this country for long distance telephones. We have made a substantial beginning with entire success. The Delhi-Lahore trunk telephone has been extended to Rawalpindi and Peshawar, and speech from Simla to Rawalpindi has proved to be as clear on the telephone as from one part of Simla to another. A new trunk line has been erected between Lucknow and Allahabad, and two trunk lines have been erected between Bombay and Poona. We have other long distance telephones under construction, and provision has been made in the budget for the coming year for considerable expenditure in this respect.

"With the object of further increasing our means of communication, the development of wireless telegraphy on a commercial basis has now been seriously taken in hand. A special branch with a Director in charge is being organised for wireless work, and experts have arrived from England to study the conditions of India with a view to solving the problem of atmospheric disturbances which are the chief cause in this country of interruptions in wireless communications.

"Mr. Crum mentioned in his speech the question of the charges on foreign telegrams. The Government realise to the full the great importance to Indian trade of a reduction in telegraph rates to foreign countries, and as from March 1st the rate to Europe has been reduced from Rs. 1-4-0 to Re 1-0-0 per word. This is the result of the rise in exchange In some respects India gains by the rise in exchange and in other respects she loses, but she gains more than she loses, and hence a reduction has become possible. At the end of three months, under Article 27 of the International Telegraph Convention. the rate of Re. 1 will be again revised in the light of the rates of exchange ruling during the three months, and a further reduction may then be possible. It is obvious of course that I cannot prophesy as to this.

"I cannot leave the subject of the Posts and Telegraph Department without some words about the pay of the subordinate staff. In order to meet the increased cost of living, very substantial revisions of pay have been made during the current year. The most important of these took effect on the 1st of February last, and involves an annual recurring cost of about Rs. 20 lakhs in improving the pay of the subordinate clerical staff. At the present moment, a Committee is sitting, composed of officials and non-officials and members of the staff, to examine the question of the pay and conditions of service of the staff in departmental telegraph offices.

"A general scheme of time-scale of pay for all other classes of the subordinate staff is being prepared by the Director General, and you will hear the figures in greater detail from him at a later stage. While, on the one hand, Government are bound to exercise economy in the interests of the general taxpayer, it is, on the other hand, obviously the duty of Government to be a good employer and to pay wages to the persons in its service sufficient to maintain an adequate standard of comfort, and our efforts will always be directed to this end.

"In passing from the subject of Posts and Telegraphs, I should like to say just a word on a somewhat kindred subject, *viz.*, Aviation. A short time ago, as you all know, we organised a mail service by aeroplane between Bombay and Karachi in connection with the incoming and outgoing mail steamers at Bombay. Many people may smile at this experiment when they read the accounts in the press of the weight of mails carried. I fully admit that financially the experiment has not been successful. Nobody ever expected it would be. I wish to say, however, that the object of this experiment was by no means merely to test the amount of support which the public are likely to give to an aerial mail service. Probably an experiment between other centres, if it could have been arranged, would have been more useful from this point of view. But the service was established partly also as an experiment to test the reliability of the aeroplane for the carriage of mails, and still more to gain accurate knowledge as to the cost of maintaining such a service. Instructions were given to keep detailed accounts of the cost, and when these are available the experiment will have proved of some importance and value. Many of us may possibly have doubts whether commercial aviation will for some time be a paying proposition. I am inclined myself to the view, that as far as the carriage of mails is concerned, this will probably be unremunerative until at any rate we have a through connection by air with the United Kingdom. Possibly such a scheme is nearer realisation than many of us anticipate. I do not want to trench upon what is perhaps technically the domain of my Hon'ble friend Sir Claude Hill, but you will notice that a provision of Rs. 5 lakhs has been made under 'Scientific and Miscellaneous Departments' for the development of Civil Aviation, and I should like just to say a word on what we are doing. We are at present carrying out, through the medium of Royal Air Force officers, a survey of the primary air routes between important commercial centres. These officers will report on the provision required in the way of aerodromes and emergency landing grounds to serve these routes. Meanwhile we are taking steps to establish permanent Government aerodromes at Calcutta and Rangoon, and others no doubt will follow. I hope that before long we may be able to obtain from England an experienced officer as Director of Civil Aviation to organise and direct the machinery necessary for the control and development of Civil Aviation in this country.

"Turning to Excise, there is very little to be said. The receipts from Excise again show an increase, due, as the explanatory memorandun points out, to the result of higher wages earned by the labouring population, speculative biddings at auction sales, and to a minor degree to enhancement of duties.

"With regard to Customs, there is little to be said except to give you the figures, which, I think, you will consider to be quite satisfactory. Our import duties for the year 1917-18 brought in a revenue of just under 12 crores of rupees. For 1918-19 the revenue was 12½ crores of rupees. The revised estimate for 1919-20 is 15¼ crores of rupees, and the budget estimate for 1920-21 is nearly 16¼ crores.

"Turning to export duties, the revenue was in round figures Rs. 3,32,00,000 for the year 1917-18 and Rs. 3,69,00,000 for the year 1918-19. The revised estimate for 1919-20 is Rs. 5 crores and the budget estimate for 1920-21 is Rs. 6,88,00,000. This progressive rise in the Customs revenue, both with regard to import and export duties, is of course largely due to the great increase in prices, and the present budget estimate of export duties is swollen by the expected revenue from the export duty on hides and skins. The values of exports of Indian merchandise for the calendar year 1919 compared with the previous year for the most part show large increases both with regard to raw materials and manufactured articles. In the latter case, cotton twist and yarn exported show an increase of nearly £7 million. Tanned hides show an increase of £2 million in value, and tanned skins an increase of £3,900,000. In order to arrive at these figures rupees have been converted into sterling at the old ratio of Rs. 15 to the pound.

"Now I turn to Stationery and Printing. The control of Stationery and Printing will, as I have said, in future rest with the new Board of Industries and Munitions, and I only wish to say that, as in the case of other Departments, we are faced with growing expenditure in increased pay to the staff The pay of the establishment employed in Government Printing Presses will come under examination by the Controller of Printing, and in the meanwhile, temporary allowances to the lower paid employés, which were given during the war, have been increased all round. The work of Government printing is carried on under very great stress, and I think the good work done, so far as Delhi and Simla are concerned, is apparent to every Member of this Council. I think we may all acknowledge that the printing of papers relevant to the business of this Council is done with commendable despatch and accuracy. The heavy work which is done at the Central establishment at Calcutta also deserves commendation. I only wish to conclude my remarks under this head, as this is the last occasion on which I shall have the opportunity of dealing with the subject, by saying that I fully recognise the greatly-increased burden of work and responsibilities which the war has thrown upon the Department, and have been much impressed by the zeal and energy with which the Controller and his Department have surmounted the difficulties with which they have been faced.

"I might well repeat these remarks with regard to the Commissioner, Northern India Salt Revenue, and the Department under his charge.

"The problems to which the supplies of salt during the war have given rise have been of an anxious and difficult nature. We were faced throughout with the deficiency of supplies of imported salt, and, to meet this, every possible effort has been made to stimulate local production at the Khewra mines, at Sambhar and elsewhere. These efforts have never been relaxed, and India is now in a greater measure self-supporting with regard to salt than she was before the war. I may give the Council a few figures, I will not weary them with many. The output of salt in India during the year 1915-16 amounted to 361 lakhs of maunds, and the output of salt during the year 1918-19 amounted to 520 lakhs of maunds. And if we turn to the figures relating to imports, we find that—

in 1914 the amount imported was 562,000 tons.
„ 1915 it was 519,000 tons.
„ 1916 „ 446,000 „
„ 1917 „ 341,000 „
„ 1918 „ 388,000 „
„ 1919 „ 481,000 „

So that in the last year we have imported substantially less than we did before the war, and in the meanwhile the internal production has gone up.

"Although it is true that the record figures of output from the Northern India Salt sources, which were reached in 1918-19, as a result mainly of the copious supply of brine available in the Sambhar Lake after the excessive rains of 1917, will not be approached in the current year, the results have nevertheless been good. The output up to the 31st January, which is the latest date up to which I have complete figures, was 91 lakhs of maunds, and another 20 lakhs may be expected during February and March. I only wish to conclude by saying that the work of the Department has been exceptionally heavy and difficult during all these last few years, and I wish now, that I am handing over charge of the Department to Sir Thomas Holland, to give ungrudging praise to the way in which all ranks from the Commissioner downwards have laboured, sometimes at the sacrifice of health, to meet their responsibilities.

"Now, Sir, I have finished, for I propose to ask Sir Arthur Anderson to deal with the heads relating to Railways, but before I sit down I must remind Members of this Council that when we meet in Simla we shall no longer count among our number Sir Arthur Anderson and Mr. Ley. Sir Arthur Anderson, I am sorry to say, leaves India for good. The Railway Board will be poorer by his departure, and I shall lose a very steady and wise adviser. Mr. Ley and I have worked together the whole time that I have been in India, and it is difficult to tell you how much I owe to him. I can, however, say with truth that it is largely due to his industry, skill and good counsel that we have come through the troubled waters of the last few years."

The Hon'ble Sir Arthur Anderson:—"In the statement which I made just a year ago I referred to the difficulties which railways had been labouring under during the war years. These difficulties have not materially lessened in the interval which has since elapsed. Owing to the transition from war to peace work, and to the unrestful condition of labour in England, we have been disappointed in the delivery of many of the orders placed there, and though materials and equipment have been arriving in this country, they have not done so to the extent anticipated. Railways have therefore continued to work under great disabilities, and it must of necessity be some little time yet before much of the new equipment can be brought into use and make itself felt. Deliveries will probably be freely made in the early months of the new financial year, and these supplemented by the new orders which we have been enabled to place against the provision which the Hon'ble the Finance Member has found himself in a position to make for the coming year, will, it is hoped, prevent any interruption occurring in the work of restoration. A marked improvement in the services which railways render should therefore be evident in the near future. 11-28 A.M.

"It will perhaps be of interest to the Council if I give a few figures based on the latest information available to show the present position in regard to the vital matter of rolling stock.

"First as regards engines.—We had under order for this year a total of 619 engines broad and metre gauge Of these, we anticipate that only 158 will arrive and the balance of 461 will therefore form a liability against next year. In addition to this we are placing orders for 262 more, so that we shall have 723 under order with a reasonable expectation of receiving the large majority during the year.

"In regard to goods stock we had 17,023 wagons under order in this year of which we expect to receive the materials for 11,753. The balance of 5270 supplemented by 8,376 further orders make our provision for next year 13,646. These further orders include 3,000 wagons to be built in this country. If deliveries in this respect come up to expectations, a very sensible relief in the present difficult position should be secured.

"In regard to coaching vehicles the figures are naturally more modest. We had under order 1,167, of which only 303 are expected to be delivered, and we have ordered a further 594 against next year. Taking into account the balance of the current year we shall therefore have a total of 1,458 under supply next year.

"In regard to this question of rolling stock the fact must not be lost sight of that until India has reached the stage of manufacturing wheels, axles, brake-gear and other component parts, our efforts at improvement are dependent upon

English supplies, and while the present world demand lasts and labour troubles continue, this is, as shown by this year's experience, a very uncertain factor.

"The unexpected failure of English supplies has had the effect of heavily increasing our net Indian Capital liabilities by the reduction in credits for issues of revenue stores. After allowing for expenditure on special works necessitated by the movement of troops on the frontier, the Indian expenditure (excluding credits obtained for the sale of stores to the Military Department which amounted to 68·03 lakhs) was higher by 342 89 lakhs, and a transfer of grant to this extent from England to India was in consequence effected.

"The value of local purchases is estimated at 1725·31 lakhs which is nearly 7¼ crores greater than the purchases in the last year before the war.

"Our Revenue Budget estimate of traffic receipts for the current year provided for an increase of Rs. 3,77·39 lakhs compared with 1918-19 actuals. It was based on the assumption that consequent on the termination of hostilities the trade of the country would greatly expand. According to the latest estimate the earnings will exceed those of 1918-19 by Rs 3,02 39 lakhs. The comparatively small decrease of Rs. 75 lakhs as compared with the budget estimate, is in a large measure due to the disturbances in the Punjab and consequent restrictions imposed on traffic.

"The saving in working expenses, which amounted to Rs. 1,20 lakhs is mainly attributable to gain by exchange on English stores issued on revenue account.

"The funds allotted for railway purposes in the coming year, *viz.*, Rs. 21,97·64 which would have been equivalent to Rs. 31,72·13 had the old rate of exchange continued, are again record figures, and I congratulate the Hon'ble Mr. Hailey on the effort he has made. The demands made upon railways are ever increasing, and so long as the scarcity of shipping between local ports continues, congestion is bound to occur. Inconvenience will still therefore require to be put up with, but with the increased provision of funds at our disposal the capacity of the Railways will steadily increase and the worst may, I hope, be regarded as over.

"The large English grant provided for next year is in some degree the result of the failure of supplies in 1919-20, provision being necessary to meet liabilities thrown forward. Apart from this special feature our budget has been designed in the first place to provide, as far as possible, for the improvement of traffic facilities, such as the doubling of main tracks, extensions of yards, sidings, station accommodation, etc., which have been unavoidably deferred during the war, and are now urgently required to meet a rapidly expanding trade.

"The figures adopted for receipts are Rs. 4,75 lakhs more than the revised estimate of 1919-20. It is expected that the traffic will show considerable expansion next year owing to the favourable agri cultural prospect and to the development of the trade of the country.

"The budget of working expenses shows an increase of Rs. 4,86 lakhs over the current year's revised estimate due mainly to a larger programme of renewals of Permanent-way and rolling stock, to additional expenditure to meet the increased traffic, and for increased establishment charges. The increase would have been greater but for the fact that the value of English stores issued to revenue is taken at a higher rate of exchange than in the current year.

"The provision for programme revenue during the next year is placed at Rs. 10,75 lakhs against Rs. 9,75 lakhs in the current year's budget estimate.

"It will help the Council to some realisation of the increasing demands made on railways if I quote a few figures. In the pre-war year 1913-14 the freight ton mileage of goods traffic was approximately 15,623 millions. In 1918-19 the figure was 22,140 millions, an increase of 42 per cent For coal alone the ton mileage increased during the same period from 5,203 millions to 9,987 millions or by 92 per cent. When it is remembered that these enormous increases had to be dealt with by a depleted staff and a rapidly deteriorating stock, and that additions and replacements were impossible, railways may, I consider, justly congratulate themselves on the manner in which they have met the call made on them.

"The increasing consumption of coal and its continued dependence on rail carriage is one of the chief difficulties presenting itself at the present time. The development of the principal coal carrying lines to meet this evergrowing trade is receiving the closest attention, and, in addition, Government have taken steps to open out the Sor coal-field near Quetta with a view to meeting requirements of the North-Western Railway as far as possible from that source.

"In common with other local industries, railways have not been free from labour troubles during the year which has passed, but though there have been partial interruptions of work occasioning a certain amount of dislocation, railway men generally may be congratulated on the sound common sense they have shown in representing in a regular manner the economic disabilities they regard themselves to be labouring under. Railway administrations have in their turn recognised legitimate claims by the revision of scales of pay from time to time as occasion arose. The enhanced cost resulting therefrom has increased the wages bill by nearly 4 crores of rupees per annum over what it would have stood at had the old scales of pay remained in force. The Hon'ble Mr. Crum during the earlier stage of this debate said he would like to be informed as to the percentages of increase in working costs. For his information I may say that, assuming his inquiry relates to the current year, ordinary expenses are estimated to cost about 17 per cent., Fuel 11½ per cent. and Renewals and replacements about 150 per cent. over those of 1918-19. These substantial increases in the cost of working our railways have compelled us reluctantly to slightly revise some of our rates on commodities which can best bear an increase. The most important change is in coal freights which are being enhanced by from 5 per cent. to 7½ per cent. This may be compared with the increase of coal rates in England where they have gone up by 25 per cent., while other merchandise traffic there has had freights enhanced practically all round by from 50 per cent. to 60 per cent. Generally speaking, railway administrations are averse to raising rates and fares, but with the constant and growing increase in operating expenses, there has been no option left to them but to follow in a modified form the lead set by every other industry in the country.

"During the discussion which took place two days ago Hon'ble Members laid stress on the shortcomings both in the accommodation provided in passenger trains and in their number. As they are aware a very considerable curtailment of passenger services occurred during the war, but I stated last year that Government would use their best endeavours to restore the services to their former level at the earliest possible date. I am pleased to be able to say that considerable progress has been made in this direction, as during the past year the passenger train mileage has increased by over 36,000 miles daily.

"Steps are also being taken to improve the type of 3rd class carriages on long distance trains. In the improved type already introduced on one of the principal railways considerably more room is provided for passengers than is the case in the existing type, while improvements in other directions have also been effected.

"Hon'ble Members are aware that of recent years new construction has practically been at a standstill. It will be a satisfaction to them to learn that we can look forward to making a beginning during the coming year with some lines which have for long had to be held in abeyance. It will not be possible even now to secure a full measure of materials required to push work forward in an energetic manner, and in any case our first concern must be to bring existing lines to a satisfactory standard before hampering them with new traffic arising from an increased open mileage. In our Budget for the coming year we have provided a sum of 94·50 lakhs for new projects and 84·75 lakhs for the purpose of carrying to completion works already in progress. In this connection we have not been blind to the urgent calls which have come from Bombay and from Calcutta for the improvement of suburban train services arising out of housing difficulties. A committee representing local interests presided over by a Member of the Railway Board is now inquiring as to the best means of meeting Calcutta's requirements, while in Bombay where increased facilities are even more urgently required, considerable progress has been made towards bringing the electrification of local railways serving suburban areas into being. Sufficient funds to secure a good start being made with the work have been arranged for.

"Another class of work which invites early attention is that of the restoration of lines dismantled in order to transfer the materials obtained from them to war areas. Funds have been provided for this work being taken up during the coming year, and it will be pushed forward as quickly as materials are obtainable. The lines which it is proposed to take in hand are the Guntur-Tenali, the Bhagalpur-Bausi, the Hyderabad-Badin and the Dhakia-Sambhal.

"The Hon'ble Mr. Crum has expressed himself as not quite satisfied with the reply I gave to his question relating to the proposed new bridge over the Hooghly. It is manifestly impossible for me to give an undertaking that a work for which the preliminary investigations are not yet complete, will be put in hand at once. The original designs did not prove acceptable to all interests concerned in that the technical officers of the Port Commissioners recommended modification with a view to reducing obstruction to the waterway. These are now under consideration by the Bengal Government All I can therefore say is that the work has been accepted in principle, and that, though I shall not be here to take a hand in it, I hope no time will be lost in making a start as soon as the necessary preliminaries have been completed."

RESOLUTIONS *RE* PAY AND PROSPECTS OF THE POSTAL DEPARTMENT AND APPOINTMENT OF COMMITTEE TO INQUIRE INTO GRIEVANCES.

11-46 A.M. **The Hon'ble Mr. G. S. Khaparde**:—"I ask your permission, Sir to move resolution No. 13, before moving resolution No. 12, on the list. My remarks will apply to both resolutions, and I beg you will put No. 13 firs and No. 12 next."

The Hon'ble Mr. V. J. Patel:—"Will it not be convenient, Sir, i we take Nos. 12, 13 and 14 all together, because they relate to the sam subject?"

The Vice-President:—"As the Hon'ble Members like. Mr Khaparde will speak once and Mr. Patel will speak once, but both will hav the right of reply. Is that satisfactory?"

The Hon'ble Mr. G. S. Khaparde:—"Quite, Sir. The resolutio which I have to move runs as follows:—

> *"This Council recommends to the Governor General in Council that the grant under th head 'Posts and Telegraphs' in the budget estimates for 1920-21 be increased by twenty-fi lakhs of rupees to provide for the betterment of the pay and prospects of the clerical ar telephone establishments of the Postal Department."

"The next resolution I have to move reads as follows:—

> †"This Council recommends to the Governor General in Council that the gra under the sub-head 'Special Commissions of Enquiry' of the major head 'Miscellaneous' increased by ₨25,000 to meet the expenses of a committee to inquire into the grievances of t clerical and telephone establishments of the Postal Department."

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*No. 13. †No. 12.

As a preliminary to the observations which I wish to make, I request that I may be believed when I say that my object in moving these resolutions is not really to say that the people in other departments get more than they ought to. They probably get what they deserve. My position is that the postal subordinates really ought to get more. It is not that I want others to get less, but I want the Postal Department to get more and possibly get as much as the other departments do, and that is my position. So in instituting comparisons which are always rather unpleasant, but all the same they have to be brought in if the position is to be established, I hope I may not be misunderstood Now, that there are grievances under which postal subordinates labour I believe there is no doubt. Many Hon'ble Members here have received numerous telegrams, and I have received so many of them that for two nights I could not sleep; every few minutes a telegraph man would be at the door knocking to wake me up to receive a telegram; and I have brought them all here. I could make quite a good show as if I were a very busy man indeed, because I think they would easily go beyond a few hundreds. But, these telegraphic messages are genuine. That is why I say that these grievances of these postal subordinates are real and very real as I shall presently explain. Council will remember that the present department, Posts and Telegraphs, was formerly two different departments, namely, Posts under a separate Director General and Telegraphs under a seperate Director General. In the year 1913 they were brought under one administration, and one Director General of Posts and Telegraphs has the whole department under him. That department is like this. There is first the Telegraph Department. There are the telegraph people, that is the operators on the telegraph machines Then there are what are called signal room clerks, that is people who take your money and who take down messages and deal generally with the public, and there is also a class of people called telephone operators attached to the same line. Whereas in the Postal Department there are three branches; in fact it might be called tri-partite There is a purely postal branch, then there is a subordinate service called the Railway Mail Service. Then there is a combined branch, that is a branch which does postal as well as telegraphic work. If you put them together, the whole department now administered by my Hon'ble friend Mr. Clarke is something partly telephonic, partly telegraphic, and partly postal, and this mixed department which partly deals with telegraphic work and partly with the postal. I dwell upon this difference to some extent because I hope to show that the telegraphic part of this department has been very very fortunate. I do not grudge them their good fortune—I really wish they had more if possible, but they have been very fortunate indeed.

"There are two scales in this department, one is called the general scale and the other is called the local scale. The general scale means that the servants of that department are likely to be transferred from any place to almost any other place in British India, and therefore they get a little more than the local people who are supposed to be confined to their province or to the particular part where they are serving. The general scale people begin with Rs. 75 and can go to Rs 200, whereas local scale people begin with Rs. 50 and can go to Rs. 130 or Rs. 150. In the case of the postal people, however, before the 18th February, there was what I would call real confusion in different circles because they began with different pay A circle is a term more or less technical in this department, and roughly corresponds to the different provinces. The Punjab is the Punjab circle, Bengal is the Bengal circle, and so on. It is not quite accurate but it will do for general purposes. So people begin in some circles or some provinces with Rs. 15, in others they begin with Rs. 20 and in some cases they begin with Rs. 30. Now that was a difficult thing with people of the same department, because they served in different provinces they began with this small pay. Then there is no general or local scale as there is in the telegraphic department. Further difficulties arose in that respect when the pay of these postal people were very

"I must also mention another very important matter in which the new Bank will differ from the existing Banks. I refer to the establishment of a London office. This matter has a long history behind it, with which, however, I do not think I need trouble the Council, except to say that it is common knowledge that the Presidency Banks have for many years desired access to London and have hitherto been refused it, for reasons which seemed good to previous Secretaries of State and former Governments of India. In our despatch to the Secretary of State of 25th June, 1919, which Hon'ble Members have seen, we stated that in our opinion the grounds for accepting the proposal for a London office were irresistible, and we added 'we feel confident that you will agree that in the case of a national institution like the Imperial Bank of India the denial of a London office, which would be represented as dictated by excessive care for the interests of non-Indian concerns cannot be contemplated.' The Council will probably join with me in a feeling of satisfaction that the present Secretary of State has agreed to the new Bank being represented in London. My Hon'ble friends, when they next visit London either for their own purposes, or as many of them have done lately in the cause of India, and when they go down Fleet Street or the Strand, will not only see the board of the Union Bank of South Africa, or the Commonwealth Bank of Australia, or the Dominion Bank of Canada, but the board of the Imperial Bank of India.

"I now turn to those provisions of the Bill which are likely to be of special interest to the general public. The first of these is clause 10, which declares that it shall be lawful for the Bank to enter into an agreement with the Government to act as Government's banker and to undertake any other business which Government may from time to time entrust with the Bank. That clause goes on to lay down that the Governor General in Council shall have power to issue instructions to the Bank in respect of any matter which in his opinion vitally affects the financial policy of the Government or the safety of the public funds, and that, in the event of the Bank disregarding such instructions, such agreement may be declared void. Further, it requires that within five years from the commencement of this Act the Bank shall establish and maintain not less than 100 new branches, the location of at least one-fourth of which shall be decided by Government. I think the Council will agree that they are very important provisions. They enable us, through our representative on the Central Board, to ensure that the Bank's business is not conducted in such a way as to be injurious to the public interests. They further ensure an immediate progress in the matter of increasing banking facilities. I need not dilate on this point; all I would add is that the mere starting and manning of a minimum number of 100 new branches within five years must necessarily of itself lead to a very large increase in the employment of Indians, and I foresee that one of the first tasks which the Central Board of the Bank will have to undertake, when it is constituted, is to take immediate steps for the training of young Indians in banking business; I do not know how otherwise they will be able to recruit the required staff.

"My Lord, the other important point is the constitution of the governing body of the Bank. The Council will recollect what I said on this matter on March 1st. The Central Board is to consist of 14 members, of whom 4, namely, the Controller of Currency and the Secretaries of the three local Boards, will have no vote, the remaining 10 will be the presidents and vice-presidents of the local Boards, two managing governors, and two non-officials to be nominated by Government. I explained in my introductory speech why we have provided for these two non-official governors, and if the Council will allow me I will read what I said on that occassion:—'We have been told by certain critics that if the governing body is limited to the constitution I have described this institution will have what the writers are pleased to call an entirely European character. I must delay the Council while I examine this objection. In one of the constituent Banks, the Bank of Bombay—Indian shareholders are already in a majority, and 3 out of the 6 Directors of that Bank are Indians, one of whom, besides being one of the leaders of industry in this country, is a prominent Member of this Council. I am again glad to hear increment. Then this mode of introducing it is harmful in another direction and that is that it is made applicable to people who join the department now. But what about the case of people who have served for 20 and 25 years? All this time they have been kept out of their dues. How is their case to be met? Are they to retire on the old scale of pay with no increment at all? To my mind, it does not appear that this circular meets the case of these people.

"Then, again, it was announced yesterday by the Hon'ble Mr. Hailey, that 23 lakhs of rupees have been provided for the revision of the salaries of these people. If I heard it rightly, Sir, I do not quite understand whether that sum of R23 lakhs has already been provided for in the Budget, or that a grant of 23 lakhs of rupees has been made in excess of what is provided for in the Budget. If it is the former, that is to say, if it is included in the Budget, then my resolution is safe, because I ask the Government to increase the grant that has been made under that head. If it is extra, that is to say, if it is beyond the Budget, still I say it is merely a palliative, and it does not really remove the grievance root and branch and the palliative may be good for the time being, but in order to have an element of finality in the matter or almost an element of fixity in the matter, we will have to put them on a proper and satisfactory footing by which these people may be contented. A large service and a discontented service is not a blessing. I should prefer to make them feel that they are fairly treated, and so whether that amount of 23 lakhs of rupees is already included or it is made in excess of the Budget, is immaterial, and I submit that my resolution stands by itself and requires inquiring into.

"I made a calculation roughly, because generally I make mistakes in my calculations, and arrived at the figure of 80 lakhs, but I thought that if I mentioned 80 lakhs nobody would care to look at my proposition, so I reduced the figure to 25 thousand rupees, but here I would ask the Council not to think that it is a figure which was arrived at as a result of careful calculation. It is the result of a little bit of timidity on my part and also a little bit of prudence, because being a smaller figure you may care to notice it and if it was a large figure you may be scared away and not care to take notice of it. But to put the postal subordinates on the same level in their own department as the telegraph staff in the same department, it would require, according to my calculation, about 80 lakhs of rupees. My calculation would be admittedly very rough, and being a bad calculator, it is likely to be wrong, but anyhow it is somewhere near the figure that I have suggested that would have to be provided for. Why do I refer to the Telegraph Department and to the Postal Department in the way I do? First because I feel they are part of the same department; next because, as I shall show presently, the educational qualifications required of these people are very nearly the same; only in the case of telegraph people they have to study signalling or telegraphy, while, in the case of the postal establishment, they are expected to deal with a large number of branches. So I believe while there is need for special training on the one side there is necessity for the postal staff to get acquainted with the work of various branches. That balances the whole thing, and therefore, I think, both the Telegraph as well as the Postal establishments should start on the same pay and be eligible for the same promotions. For that purpose I have compiled a table to see how things go on. In the case of telegraphists, as I explained, there is a general and a local branch. The general scale man begins with R75, whereas even with the improved conditions under the circular No. 83 of 1920, the postal clerks start only on R30, and this is the difference about which I shall speak presently. I will first of all compare their pay. In the case of the telegraphists they start on R50 or R75; then they get annual increments and also over-time allowance, that is to say, if they work beyond the 8 hours fixed for them in the ordinary course they get something extra. Then they also get what is called pie-money. That is a technical term, and pie-money is given as a sort of reward for superior efficiency. They are supposed to send a certain number of telegrams within a specified time, and if they manage to send more within that time, then they get a certain percentage seen the Bill. The public must have reasonable time to express their views on the various clauses contained in this Bill. There are a good many points involved in the Bill; in the first place, there is the question regarding the constitution of a Central Board on which there should be at least half the number of Indian representatives. I understand the Indian commercial community of Bombay has already kicked up a row in the matter. Then, again, there is the similar question as to the constitution of local boards. In Madras, there is no Indian as director, nor in Bengal, though as my Hon'ble friend, Mr. Hailey, says there are three Indian gentlemen as directors in the Bombay Bank . . . .

The Hon'ble Mir Asad Ali, Khan Bahadur:—"In Madras one director has been appointed."

The Hon'ble Mr. V. J. Patel:—"Then, again, there is the question as to whether there should be a separate gradation at all for the European and Indian staff. Then there is the further question that there should be no importation of Englishmen till a larger element of Indians has been trained up for the higher administrative posts in the service of the new Bank. There is also the question whether the new hundred branches proposed to be opened should not be manned by Indians alone, and again whether any restrictions should be put upon the right of shareholders for the inspection of the Bank's registers. We had recently had some trouble in Bombay over this question, and therefore the matter requires to be made quite clear. Then, again, there is an important question whether the Imperial Bank should be allowed to do exchange business or not, and that is really a very difficult question. As I say, my Lord, this Bill which is of such magnitude and of such far-reaching consequences has hardly been before the public for a week. My Hon'ble friend, Mr. Hailey, has referred in his speech to the criticisms that he has received in connection with this Bill. I do not know from whom he has received criticisms. The Bill has hardly been before the public, except perhaps the Delhi public, who might have had copies of the Bill a couple of days earlier than people in Bombay, Bengal or Madras. However that may be, I have ventured to bring forward this amendment, because I know there is a strong feeling in Bombay that this Bill should for the present be deferred, and that the opinions of the public be invited. Very recently, your Excellency, the Industrial Conference met in Bomb y under the presidency of my Hon'ble friend, Sir Fazulbhoy Currimbhoy, at which the following resolution was unanimously adopted :—

> 'This Conference considers that the Bill dealing with the proposed Imperial Bank should be published in full detail and criticisms invited from the public before any definite action is taken.'

This resolution was moved by a friend of mine, Mr. S. R. Bomanjee, and unanimously adopted by the Industrial Conference. I do not know what view my Hon'ble friend, Sir Fazulbhoy, takes on this question now, but that was the view he took only a month ago when he presided over the Conference. And of course I shall not blame the Government if they do not take the resolutions of the Congresses and Conferences very seriously when their own Presidents choose to repudiate them. This is, however, by the way, but the fact remains that the people in Bombay do demand that this Bill ought to be published and criticisms invited.

"Then, again, in the three Presidency Banks which it is proposed to amalgamate into one Imperial Bank represent a capital of 15 crores of rupees. My Hon'ble friend has just stated that so far as the Bombay Bank is concerned, the majority of the shareholders are Indians, and I cannot understand why a scheme affecting the whole commercial community, the shareholders, customers, and also I venture to say, the general tax-payer, should be given legislative sanction so hurriedly and without giving the people concerned ample opportunity to place their views before this Council and the Select Committee. I should very much like that a measure of this kind should be left over to be considered by a somewhat more representative Council such as we are going to have shortly. But as that cannot be, my Lord, I want the to work between one station and another, often they have no proper conveniences on the way ; many of those people do not eat the food cooked by other people, and so they often have to go without food And yet, they get no travelling allowance at all. Their pay is fixed according to the scale, whatever that may be and that is all. They have often to work against time between one station and another. I think that is a very great hardship. Everybody who has got to work outside his own station gets a travelling allowance. The Superintendent of the department gets his travelling allowance, but these railway mail service people do not get anything. Of course, they have no over-time. " They do not have any regular hours either, their hours have to be regulated not by a certain number, but in accordance with where the train will stop and where it will be possible to relieve them. Sometimes I have seen some of the clerks accompanying the train from Bombay to the Punjab, and the same clerk goes on sorting letters, etc., and staying up all night. But whichever way we look at it their lot is not at all an enviable one from any point of view. There is a great deal in these grievances and I have received such a large number of them that if I went on detailing them, I would detain the Council here very long. Anyhow I think I have said enough to show that there is a real grievance behind them. What is more important is that the Telegraph people in 1919 had their pays revised and adjusted, and two days ago there was a Commission sitting to inquire into their grievances and revise their pays and do something, whereas nothing up to this time has been done about these postal subordinates. No commission has inquired into their grievances, no endeavour has been made to adjust their pay to their work, and in fact no trouble has been taken about it, and that is what has led me to frame my second resolution in this Council. If the Government see their way to put these people on an equality with the Telegraph Department there is nothing more to urge, but in case Government do not see their way to do this, and it may be that I have not supplied enough data—I think I have given enough to show that there is a real grievance—if this data is not enough I propose that a small committee may be appointed and this matter of their grievances may be gone into. In order to put my resolutions into the form of budget resolutions I have to say that the grant should be increased by R25,000, and this committee will sit and inquire into all these things, and there are numerous other things which I am afraid I do not understand That is to say in the Telegraph Department, if there is a rush of work and many telegrams are received, they are able to hand some over to a neighbouring office to distribute. Often they send them by post. Whereas if there is a rush in the Post Office they have no such means of transferring work from one office to another where there is less work. What is called hand to hand delivery I have not yet quite understood. I believe it means that the man takes a number of telegrams which cannot be dealt with and carries them to a neighbouring office and says 'we have too much to do, you have some time, dispose of them.' Nothing of this sort happens in the Postal Department. There are a number of other grievances which, not understanding them myself, I do not like to put forward, but I believe I have made out a case to show that they have great grievances. Their beginning is very poor; their annual increments are very poor and there are large numbers who have been serving on low pay for 20 and 25 years. So I submit I have made a case for this grant being given to them, not 25 lakhs as I have said, but the necessary amount after proper calculation. If that cannot be given, at least an inquiry may be made. I hope I have not overstayed my time ; I have tried to be as brief as I can. With these words I move this Resolution."

The Hon'ble Mr. V. J. Patel :—" Sir, I beg to move the following resolution :— 12-15 P.M.

'This Council recommends to the Governor General in Council that a provision of rupees ten thousand be made under the appropriate head in the Budget in order to meet the expenses of a Committee of officials and non-officials to be appointed to inquire into the grievances of the clerical establishments of the Postal Department.', "Sir, in moving this resolution, I should make my position with regard to the resolution moved by my Hon'ble friend Mr. Khaparde perfectly clear. I am entirely at one with him in the demand that he makes for the betterment of the pay and prospects of the clerical establishment of the Postal Department, but I must say at once that his resolution as it stands is very moderate and will not meet the requirements of the situation. What are the demands of the Postal clerks? Their demands are that they should be placed on a footing of equality with their brethren, the Telegraphists. In fact they say that they should have time-scale pay, not the time-scale pay as ordinarily understood, but what they really want is the retrospective time-scale pay. We are told that something has been done to ameliorate the condition and better the pay and prospects of these people. Well, I quite agree that something has been done, but that something is not what they ask for. Among the numerous telegrams that I have received, as other Hon'ble friends of mine must have received, I will only read one just to show what the Postal clerks think about the revised scheme which has been recently announced:—

> 'Revised scheme just published extremely disappointing, mere promises time-scale pay unsoothing starvation leading to extremes, pray merciful interference immediate grant retrospective time-scale pay like telegraphists. Nothing short will satisfy. Addressed Viceroy, repeated Director General, Posts—Postal Association.'

"I have received numerous telegrams and communications to the same effect. What they really want is retrospective time-scale and not progressive time-scale. Let us now see what the effect of the grant of such scale would be on our budget? If retrospective time-scale pay were granted to the Postal clerks as they demand, the effect of it would be that we would have to make provision of something like 80 lakhs of rupees in our budget Well, that being so, as I have already said, my Hon'ble friend Mr. Khaparde's resolution will not meet the requirements of the situation. He merely demands that the provision of 25 lakhs of rupees be made in the budget. This certainly cannot satisfy the Postal clerks. Now let us for a moment examine the claims of the clerical establishment of the Postal Department to be placed on a footing of equality with the Telegraphists. I have taken some trouble, as my Hon'ble friend Mr. Khaparde has done, to put two and two together and make a sort of a comparative statement of the respective duties, responsibilities, pay and prospects of our telegraphists and postal clerks. Of course the statement is neither long nor exhaustive, but I have just jotted down a few points which will give clearly some idea to this Hon'ble Council as to the respective duties and responsibilities and the pay and prospects of those two classes of employees. No educational qualifications are required of a telegraphist before he enters the service. A postal clerk, on the other hand, must have passed either the school final or the matriculation. If I am wrong I shall be glad to be corrected. The telegraphist has to learn telegraphy only; the postal clerk has to learn telegraphy as well as several branches of post office work. The telegraphist starts on Rs 50 local scale and Rs. 75 general scale, while a postal clerk starts on Rs. 25 and under the new revision will start on Rs. 30. The telegraphist gets yearly increments and rises to Rs. 150 and 200 in 16 years; in the case of the postal clerk there is no yearly increment. Promotion is given only when a vacancy occurs; he hardly gets Rs. 50 after 16 years. There will be some improvement here under the revised scheme. The telegraphist has to attend to his duty for a period of 8 hours only, while a postal clerk has fixed periods but has to attend for at least 10 hours and complete the work assigned to his branch. The telegraphist is paid extra allowances for overtime and gets the benefit of late fees and the pie money referred to by my Hon'ble friend Mr. Khaparde, while for the postal clerk there is no extra allowance even though he may have worked overtime. A telegraphist is not transferred for a number of years from one place to another, while there are frequent transfers in the postal department, and a clerk is shifted from place to place. The maximum work for a telegraphist is a limit of 150 messages, while in the case of a postal clerk there is no limit of work. The work assigned to his branch must be completed before leaving office, and thus he is always overburdened. The telegraphist has to attend office once or at the most twice a day, while a postal clerk has to attend office, once, twice, thrice and even four times a day. There are one or two more points of difference in my notes. The duties of a telegraphist entail no pecuniary responsibility and hence he has no anxiety while on duty and can rest at ease after office hours, while in the case of a postal clerk his duties entail pecuniary responsibilities and, consequently, his mind is always heavy with anxiety, both while on duty and afterwards. Thus he gets no mental rest and suffers from physical dullness which shortens his life, and so he becomes unfit for any other profession or work after retirement. There is only one more point, Sir, in my notes, and that is that the telegraphist has never to make good any pecuniary loss while a postal clerk has to undergo pecuniary loss in his transactions with the public, while sending money orders.

"Well, Sir, if the statement that I have made to this Council is correct or substantially correct, I certainly say that the Council should favourably consider the case of the clerical establishment to be placed on the same footing as the telegraphists. As my Hon'ble friend Mr. Khaparde very rightly stated, it is not our case that the telegraphist gets more than he deserves; perhaps he gets less. But in any case there is no reason why a postal clerk whose duties and responsibilities are equally heavy, if not heavier, should not be paid equally with the telegraphists.

"Well, Sir, I know something about the Bombay postal clerks and their condition. They tried their best to induce the Director General to grant them the retrospective time-scale. In fact since the beginning of 1918 they have been appealing to the authorities for redress. They made an application in the year 1918 pointing out to the Director General the desirability of introducing the time-scale in their case. What was the reply? The Director General said 'Whatever may be the advantages of time-scale pay, its introduction in the case of postal clerks is out of the question.' That was the reply that they got in, I think, June 1918, six months after their application. The postal clerks were naturally not satisfied and they again appealed to the Director General. I think that was somewhere in February 1919 and they were then assured that a big scheme of revision was in contemplation. Well, they naturally thought that something really substantial was coming. Nothing of the kind. They waited for months and months and, finding that there were no visible signs of that big scheme which was promised the Bombay postal clerks submitted an appeal to the Viceroy through the Director General and also asked for an interview with the Director General. The Director General was pleased to give an interview and the postal clerks reiterated their demand that the only radical cure was the grant of the time-scale in their case. Since then the so-called big scheme of revision has been announced and the postal clerks have lost no time in characterising it as wholly disappointing. In fact very soon after this revision was announced, a public meeting was held by the postal clerks in Bombay under the presidency of my friend Mr. Baptista, Barrister-at-Law, and a representation submitted to the Director General pointing out again that the only possible cure was to grant them the time-scale pay, not progressive but retrospective.

"Well, Sir, I am convinced in my mind and I believe most of my Hon'ble friends here must have been convinced that these postal clerks have now combined; they have organised or are organising and they want what they think they deserve. I strongly appeal to Government not to neglect them, not to disregard their unanimous demand. If you for any reason cannot see your way for the time being to grant the 80 lakhs that they say they must get, at any rate let us have a committee of officials and non-officials, as I propose, to examine the whole question and see whether it is possible to meet their demands in any way. That will satisfy them for the time being, I hope, but I am afraid in these days it is not wise on the part of Government to disregard the unanimous demands of so important a class of public servants as the postal clerks, and I need hardly add that the consequences of such disregard would be to say the least serious both to the public and the Government. The situation calls for immediate action and the Government should, therefore, at least appoint a committee of officials and non-officials, as I suggest, instead of altogether throwing them overboard by saying 'well, their pay and prospects have been revised, the revision has been announced only a few days back and they must for the time being rest content. We know that the revision announced is regarded by them as highly disappointing and will not therefore meet the requirements of the situation. Under these circumstances, the only way open to Government to my mind is to appoint a committee immediately."

12-30 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I entirely associate myself with the case that has been placed before the Council by my two friends the Hon'ble Mr. Khaparde and the Hon'ble Mr. Patel. I do not think there is any real difference between the two cases. Mr. Khaparde has distinctly stated the figure of Rs. 25 lakhs which he suggested was an arbitrary figure in order to draw the attention of the Government to this. Mr. Patel has more elaborately shown that if you are really consistent, if you grant their prayer, then the cost will amount to not less than Rs. 80 lakhs, and he therefore asks for a committee to go into the matter and see how far this could be met. Sir, to my mind the only matter that we should urge upon the Government is that steps should be taken to give this increment to these poorly-paid employees with retrospective effect, not from February 1920, but taking into account their past services. If in doing so the question becomes a difficult one to solve, if the Government thinks that it could be better gone into by a committee, I think a committee might be appointed, but I do not insist on that as absolutely necessary. The only point is that you should give them an increase taking their past services into consideration, and give them a time-scale accordingly."

12-32 P.M. **The Hon'ble Sir Dinshaw Wacha**:—"Sir, this postal grievance is a longstanding one. I have been urging it here in this Council for the past four years and have been putting many questions regarding the pay and prospects of postal clerks and postal peons. The grievance has, I admit, been met with a certain amount of consideration from the Government. Palliatives have been offered; but those are mere palliatives pure and simple. When we consider that from year to year there is a great advance in the cost of living and house rent, the increased allowances granted during the last two or three years cannot be held to be commensurate with that increase. Considering all those things, I am afraid Government have not been so generous as they ought to be, consistently with the rising standard of living. The Hon'ble Sir George Barnes observed that the Government fully recognise the fact that a good employee of the State is a very contented employee . . .

The Hon'ble Sir George Barnes:—"I said the Government ought to be a good employer."

The Hon'ble Sir Dinshaw Wacha:—"Well, Sir, in private firms and in different business offices such has been the case. Private offices and firms do recognise what a clerk should get consistent with the times and cost of living to make him feel contented. I am afraid this aspect of having contented employees is forgotten or neglected, either by the Director General or the head of the Postal Department. If he is neither neglectful nor forgetful then, he simply shrugs his shoulders, and says that the finances do not permit of further grants or allowances! Now, that may be partly true But I may reasonably ask how are the lowly-paid clerks and peons to be made contented? There is no branch of the public service which does such valuable work as the Post Office. I have repeatedly observed so in this Council. Every unit of the population comes into touch with the Post Office almost every day. That being the case, I have uniformly given credit to the Postal Department for the admirable way in which millions of letters and parcels and newspapers and other articles sent by post are being dealt with. There is no doubt of the high-efficiency attained by the Post Office. But, I must ruefully observe that it is generally attained by sweating. We are all denouncing sweated labour here, there and everywhere, we denounce sweated labour in the mills where, of course, there is not much of it. It is so, I will say so; I frankly say so; I courageously say so; and that with the greatest emphasis. But that is another story. The Government themselves sweat a service like the post where are employed thousands of poor hard-working people. These number nearly a hundred thousand. If Government really recognised that they were discontented, there would not be so many strikes as there have been during the last two or three years. Strikes are increasing in number; and if the Government are wise I should certainly request them now to seriously take the grievances of the postal clerks and peons into their consideration. Palliatives will never do. What is wanted is a most generous treatment which may bring contentment. I may say, so far as Bombay is concerned, in every private office, even ordinary peons and messengers are getting from Rs. 20 to Rs. 25 a month besides allowances and bonuses. Look at the poor postal peon in Bombay. Bombay has a population of 12½ lakhs. Almost every unit of this vast population gets a letter once a week or so. In Bombay, there are large *chawls*, four stories high, where, perhaps, are congregated two or three hundred people. Just imagine the hard work a poor postal peon has to do by way of delivering letters and money orders up and down during a day to these 200 or 300 people crowded in a single *chawl*! Look at this amount of work only and the population to be served. It is an astonishment to me that the poor postal peon is so patient and so unmurmuring. He applies periodically for a fair and reasonable increase to his wages; but the Government have hitherto never given a truly generous response. It reflects little credit on the Government, I will say that most emphatically. I have, I repeat, put questions on the subject during the last four years, but I do not see that anything substantial has been done by way of allaying the growing discontent. If strikes oftener do take place and if the public service is less efficiently performed than before, I am not surprised. Sir George Barnes said there was a surplus last year, and estimated that this time the surplus would be very much less. But may I inquire what is the first use to which a surplus should be applied? I consider, Sir, that so far as the postal service is concerned, it ought to be for the purpose of keeping the employees contented, and next, to expend the balance which may lead to greater and greater efficiency. Whatever surplus there is, is of course taken from the public. Therefore the public should have the benefit of it, and how is the public, that is the taxpayers, to be benefited? The public say: 'We want to see our postal service more efficient.' How is it to be more efficient? I say: 'Pay your clerks well, pay your peons well and generously. Let them have some standard of comfort.' But you do nothing of the kind. What surplus there is is grabbed by a Government ever in want of the eternal pence. I do not think there is a more grabbing Government than the Government of India. It is the same thing with Excise. I could go a great deal into that question, but refrain from doing so in this place. The taxpayers are asked to pay more and more in order that the fattest taxeaters may have more cakes and ale. The Government of India and the Director General of Posts and Telegraphs seem to have yet no idea of the depth of feeling, the depth of discontent that is prevailing in the post offices of land, not only in Bombay; but in all other provinces. Like other Hon'ble Members I too am receiving telegrams; in fact the number of telegrams which I have been receiving during the past five years would make a big pile. A few of these I have sent to the Director General. I have been constantly trying to catch him and get an interview, but owing to some cause or other I have not been able to do so yet. But apart from that, I am glad my Honourable colleagues have brought the matter forward to lay so prominently. I think they have made out a good case; and I appeal, Sir, to the Government of India that they should appoint a committee of officials and non-officials as my friend, Mr. Patel, wants to investigate the whole question of the salaries and wages of postal clerks and peons. Such a committee will fairly and independently investigate the whole case of these employees, and make a report which will recommend what fair and reasonable satisfaction could be given. I admit that the Government have spent something during the last two or three years, but let the public money be spent in an efficient way. There is extravagance on one side and there is cheese-paring on the other. That is the policy of Government. Those who got much get more, while those who got very little get nothing at all or even something less than before! That is the position. That is not a policy which a wise Government should adopt. Fair market wages for a fair day's work should be the principle; and the principle should be carried out honestly and generously; but not merely giving them hope. Hope is a very good thing. As they say, hope makes a good breakfast, particularly for these class of employees; but it makes a very disappointing dinner. And it is the dinner that these people want and are crying aloud for. I shall not take up more of the time of the Council, but I do want that this appeal of Mr. Patel will be taken into serious consideration by the Government and a committee appointed, who may go into the whole question in a spirit of the greatest independence and impartiality and recommend a liberal increase to their pay which shall effectually allay all discontent."

12-39 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—" Mr. Vice-President, I need not take up the time of the Council after what Sir Dinshaw Wacha has said. I entirely agree with him that the matter deserves to be considered fully and fairly, and I hope the Government will see their way either to accede to the request of the postal clerks in a reasonable spirit and give them what is their due fairly, or appoint a committee with instructions to report at an early date. The appointment of a committee carries with it a possibility of the matter being shelved for some time, and the cases of these clerks demand that the matter should be decided early. If therefore a committee is to be appointed, I hope it will have instructions to report at an early date; otherwise I hope the Government will see their way to accept the advice of Sir Dinshaw Wacha and of other members who have spoken and deal fairly with the clerks and satisfy a large body of public servants who have deserved well of the Government and of the public."

12-40 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri** :—" Sir, I desire to associate myself with the Resolution, moved by my Hon'ble friend Mr. Khaparde. The Postal Department, Sir, is one of the most hard-working and efficient departments of the Government. It enjoys perhaps the least number of holidays. The uniform regularity and punctuality with which it performs its highly important functions, make us forget, Sir, what a volume of industry, patience, and conscientious regard for duties are requisitioned to keep up that high water-mark of efficiency, that the Postal Department stands for; and the credit, Sir, is due as much to the directing intelligence as to the rank and file of the Department. The pay of the officers of the Government are graded in proportion to their responsibilty and the amount of work they are required to perform. The high character, honesty and integrity that are demanded of the officers in charge of Post Offices, with their saving banks, their huge monetary transactions, entitle them to a far higher rate of pay than is actually given to them. Again their demand, just as it is, is modest too. They want to have the same privileges that their brother-officers in the

Telegraph Department are enjoying as regards pay, promotion and other conditions of service. I hope the Government will see its way to accept the Resolution that aims at ameliorating the status and position of the Postal employees. I am glad to find that my Hon'ble friend, Mr. Clarke, had moved in advance of the demand and has already secured the sanction of the Secretary of State for an increase in the pay of the subordinates of his department; and I am sure the proposal of equalising the status of the two sister branches of his department will receive at his hands all the sympathetic consideration it deserves. The allotment asked for by Mr. Khaparde will, I hope, enable the Hon'ble Mr. Clarke to redress some of the grievances of his subordinates. With these few words, Sir, I beg to support the Resolution."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 12-43 P. M. "Sir, I shall say only one word. I strongly support the resolution. I fully associate myself with what has been said by the previous speakers on this subject, and hope that the Government will accept the resolution moved by my Hon'ble friend."

The Hon'ble Mr. Surendranath Banerjea:—"Sir, I desire 12-44 P. M. to support the views which have been so forcibly put forward to the members of this Council, and I am sure the Government will respond to the appeal which has been made, and I think made with a unanimity which is not always observable among the non-official members of this Council.

"We see round this Council Chamber gathered together non-official members who represent different phases of political thought and political conviction, but in regard to this question there is absolute unanimity.

"I think, Sir, it will be regarded on all sides that the most efficient department of the Government is the Postal Department, over which my Hon'ble friend the Director-General presides Its honesty is worthy of great admiration, and its capacity has been proved by long and hard work continued for generations together, and it must be admitted that the department is not properly paid. There is very great discontent among members of the department, and one of the reasons of this discontent has been referred to in the course of the discussions that have taken place to-day, namely, the difference in the scale of pay and in the time-scale rate between members of similar branches of the same service in the Telegraphic and Postal Services And, Sir, it has appeared from the statement that was read out by my Hon'ble friend, Mr. Patel, that the standard of educational qualifications necessary for the postal department is even superior to that required for admission into the Telegraph Service. I quite admit that a training is required for the Telegraph Department and that technical knowledge is necessary, but inasmuch as there is this great difference prevailing among the subordinates of the Postal and Telegraph Departments, it seems to me that there should be an inquiry. I heard it said, and the Hon'ble the Finance Member told us the other day that the Secretary of State had sanctioned a certain grant for the improvement of the financial status of postal clerks—I think the sum he montioned was 25 or 26 lakhs of rupees. Whatever it may be, Mr. Khaparde puts it at 80 which should be granted. There is a considerable discrepancy between the two figures, whether it ought to be 26 or 80 lakhs makes no difference; it is quite clear that the department will not be satisfied until a thorough and exhaustive inquiry has been made. I would accept the 26 lakhs and make the best of it, but at the same time I would ask for an inquiry, because I think it is essential; and this discontent, this ferment, this excitement and agitation which is going on will not cease unless and until the whole question has been properly gone into and an equitable decision has been arrived at. My Hon'ble friend has referred to telegrams which have poured in upon us, he has referred to the disturbance of his midnight dreams, well we have all suffered from them.

and we have been deluged with telegrams. It is not artificial agitation and you must not put it down as such. Unless there is an element of feeling behind it, it would be no agitation at all. Hon'ble Members will admit that these clerks are among the most deserving class of public servants, they have done admirable service to the State, and I do think that the question ought to be squarely and boldly faced and dealt with, and that a committee of inquiry should be appointed; but in the meantime, inasmuch as the committee of inquiry may take some little time and before the results of the committee are out, I think some relief should be given to the members of this department by allowing them an increase of pay which would be provided for by the 26 lakhs of rupees granted by the Secretary of State.

"I support the resolution of my Hon'ble friend and I would like to make an earnest appeal to Government to accede to that request. It is in the interests of Government that we make this appeal. We want to remove discontent, we want to avoid the possibility of strikes which will re-act upon the general community. If a large class of public servants are excited, if they agitate, the newspapers would be deluged with their complaints and with their petitions, and do you mean to say that they will not appeal to their countrymen at large? and you will spread a volume of discontent throughout the length and breadth of the land unless you conciliate them—a most deserving class of public servants—and I do most earnestly hope, Sir, that the Government will see its way to respond to the appeal which has been made by all sections of the non-official members of this Council."

12-50 P. M. **The Hon'ble Mr. Rao Bahadur B. N. Sarma.**—"Sir, I recognise the difficulties of the Government and the non-official members in dealing with problems of this character. We shall have to face them in larger numbers in the near future. In these days of economic and monetary confusion and strikes I can appreciate the Government's hesitating attitude in matters of this description, because if a clerk in the postal service is paid not Rs. 30 but 50, the clerk in the Revenue Department may also ask for 50 and the clerk in another department with similar qualifications would have to be paid 50, and you would have to raise salaries all round in order to be able to satisfy and put men doing similar duties on the same footing and on an equal basis, and that would lead to enormous expenditure. Well I can also understand the attitude of people towards those who have enormous rises in salary and pensions and who think that the low-paid clerks in the subordinate services should be given at least an adequate living wage. There is a difference between the two; those who are highly paid are after all few, it may be said and the total expenditure which would fall on the State would not amount to very much, whereas one rupee in the lower ranks would mean a lot to the treasury. Consequently, Hon'ble Members cannot expect the same attitude to be taken with regard to the revision of the salaries of the lower ranks in the departments of the Government as in the case of the higher ranks. I recognise, Sir, all these difficulties and differences, but there are two aspects of the question which we have to consider in regard to the revision of pay in the postal service. We find, in the first place, that the Telegraph Department has been granted an inquiry. The postal service men naturally say 'how are we inferior to the telegraph men in any manner, and telegraph service is only a sister branch.' The postal service men naturally ask if they are turning out less work than, and if their qualifications are in any way inferior to, the men in the telegraph service whether we slur over the matter or not, there is at the bottom of their hearts this feeling that because men of a particular tribe or nationality occupy largely places in the telegraph department the Government readily accede to their prayers, whereas the demands of the postal service men do not receive the same consideration. I am not saying that it is so, but there is some plausible ground for such suspicion, for such feeling, for such apprehension, and I think a wise Government would appoint a committee for the purpose of showing to the public at large, who after all are the persons who would be affected by reason of any arrangement which the Government may make in increasing the salaries of their subordinates what special reasons exist in the case of the Telegraph Department as against the Postal Department, and why it is that the same steps cannot be taken in the case of both the departments. I submit, Sir, the point does arise, namely, that when you undertake the revision of one branch of the same department by one method, you cannot reasonably object to a revision in another branch on similar lines. After all, some of the postal men do discharge telegraph work also and they naturally say 'yes, simply because I am recruited into the postal branch my claims are ignored'. It is but proper that Government have decided to make no distinction in salaries between one man and another, and that only an oversea allowance is going to be given to those who have not domiciled in India. Therefore, we must hereafter proceed upon some principle in order that these irritating questions may not constantly arise and create situations which are avoidable. I submit, Sir, that the best way of solving this problem would be to appoint a committee, face the public openly and inform them what the consequences would be if the revision asked for is granted. But I would ask the public as well as the Government that they must face the enormous expenditure because the rupee has considerably depreciated in value. But if the Government are going to say that an increase or revision of the present salaries would affect the expenditure and would be objected to by the enlarged Council, well the new Councils will have to tackle the question and meet the costs. But it seems to me that an inquiry cannot be shelved because equity and justice demand that the claims of postal clerks should be inquired into and considered by an open Commission."

The Hon'ble Sirdar Sundar Singh Majithia :—"Sir, in speaking of the case of postal clerks in the Punjab, I feel it my duty to join my friends and point out that in the Punjab the situation is the same as in the other Provinces, and whatever I say on this question has the entire support of my colleagues from the Punjab. I submit the case of the postal clerks in the Punjab also requires very careful consideration. Strikes seem to be the order of the day in the world. We cannot afford to have a strike of the postal employees because it will dislocate all business, not only Government business but of private firms as well. It seems to me that the case of the postal employees has been very ably put forward by the Hon'ble Mr. Patel, and that he has also made out a case for an inquiry into the matter, and I think Government will be wise in acceding to this request. The difference that exists in the scale of pay of the postal and the telegraph employees operates as a great hardship on the former, and it seems to me that it is very necessary to make their salaries equal in both cases. I am not making this suggestion on account of any fear of strikes, but of course we have to face the situation as it is, and I would advise the Government that this is a matter which requires to be very carefully gone into, and that they will be well advised to accept an inquiry as suggested by my Hon'ble friend." 12-55 P.M.

The Hon'ble Mr. K. V. Rangaswamy Ayyangar :—"Sir, I had brought this matter to the notice of Mr. Maxwell, the late Director of Posts and Telegraphs, and I have also been attempting to bring it up before the Hon'ble Mr. Clarke. In reply to my question the other day, I see from the answer that the Government are attempting to meet the grievances of these low-paid people half-way. What is, however, now urged is not that retrospective effect should be given in matter of the time-scale scheme, but in the matter of the increase of pay that has been sanctioned now, retrospective effect should be given from the day the scheme was sent up by the Director General of Posts and Telegraphs to the Government of India and to the Secretary of State. The pay of the clerks below Rs. 200 should also be increased. I have 12-57 P.M.

also to urge one other point, Sir, and that is, that the differences between one community and another that exist in the Postal and Telegraph Departments in the matter of status and pay should be done away with, and I would be glad if the Government should take the necessary action in this direction. I want that full justice should be shown to these poorly paid clerks. It is not the fear of any strike that need induce the Government to consider their grievances, but it is the justice of their case which should demand the necessity of remedying their grievances. I heartily support the proposition for the appointment of a commission of inquiry into this matter."

12-59 P.M. **The Hon'ble Mr. G. R. Clarke**:—"Sir, from many of the remarks that have been made in Council to-day it would almost appear as if Government have given no consideration and given no thought in the past to improving the pay of the postal and telegraph staff. I can assure you, Sir, that the improvement of the pay and condition of these men is a matter which has always been before the Director General. We have had a regular annual grant of six lakhs of rupees which we have applied to improving the pay of the staff generally, and specially of the lower paid men. I think we must all agree that in the last year or two the rise in prices has defeated all calculations. We could not possibly foresee that the increase in prices would be quite out of proportion to the rise of pay that was given to the staff. The staff is composed of nearly a hundred thousand men, and to raise the pay of every man at the same time is almost an impossibility. In connection with the resolution of the Hon'ble Mr. Khaparde that there should be an extra grant of 25 lakhs of rupees next year, I should like to put before the Council exactly what has been done in the next year's budget for the improvement of the pay of postal officials.

"The revised estimate for 1919-20 is roughly Rs. 597 lakhs. The budget estimate for 1920-21, according to the latest figures is about Rs. 700 lakhs, an increase of Rs. 103 lakhs. Now to give you some idea of the heads to which this increase will be applied, there are the usual 6 lakhs for the ordinary revision of the pay of the Posts and Telegraphs staff. There are about 18 lakhs recently sanctioned, for revising the pay of the postal clerical staff under Rs. 100. When that pay was revised, the intention was that the war allowances which were granted would be withdrawn, but when sanction was received, the Hon'ble Member of the Commerce Department and the Hon'ble Finance Member considered that as a further concession, and, in view of the increased rise of prices, these war allowances of 10 and 5 per cent. should be allowed to remain, and they were allowed to remain at an extra cost of Rs. 9 lakhs. We have also in the budget Rs. 1,17,000 for increasing the pay of Superintendents; we have Rs. 1,31,000 for increasing the pay of Inspectors, Rs. 3,00,000 for special allowances in the Bombay Presidency and in the cities of Bombay and Karachi; Rs. 6,00,000 for increasing the pay of clerks whose pay is Rs 100 and above; Rs. 30 lakhs for improving the pay of postal menials in India, and Rs. 10 lakhs for ordinary war allowances which cannot be absorbed by revisions of pay during the year. That is a total of 84 lakhs of rupees, of which practically the whole is going to be devoted to improving the pay of the postal staff, or has already been devoted to that purpose. I do not think, Sir, we can call that ungenerous. It is really a very large sum of money which is going to be devoted, or has been already devoted, to improving pay.

"Now a great deal has been said about the organisation of this Department. From what I have heard from Mr. Khaparde, he is talking about a Department which I have nothing to do with. The strange figures which he has given and the strange conditions of service which he has mentioned certainly do not obtain in the Postal Department. His chief argument seems to be that the Postal and Telegraph staff should be placed on an equality. I wonder if Hon'ble Members have ever studied this question The origin of the difference in pay in the Posts and Telegraphs is really a matter of history. The Telegraph

Department was a separate Department, a highly technical department, which dealt entirely with telegraph work. The Post Office was a much more local service. We had originally Postal establishments in the various provinces which were independent of each other and under the Local Governments. In 1854 they were amalgamated into one Post Office Department of India under a Director General. But the history of the Department has always had this effect that very great differences of pay exist in the different provinces, and it must be so. We cannot pretend to pay a postal clerk in the mofussil the same as we pay a postal clerk in a town like Bombay or Calcutta. The conditions are quite different, the work is different, the volume of work is different. You get a postal clerk in a small office, he has not two hours' work in the day, and you get a postal clerk in Calcutta or Bombay, his time is fully occupied with really important work. While these differences in the conditions of service exist, there must be differences in pay. The argument seems to be that postal clerks have always been and are very much under-paid. Now in recruiting for a service like the Post Office, we have to recruit locally; that is, we recruit in small towns and in the mofussil, and we get men and have always got men on what they are willing to come for That has really been the basis of recruitment. We have been able to get recruits in Madras for Rs. 15. We get men in the United Provinces on Rs. 20 and Rs. 25. No one has forced these men into the Department; they have known what is before them. There is not one of these men whose pay and prospects have not been improved since they came into the Departments, and now they turn round and say that they are starving, that we are treating them badly, that they are being overworked. They came in of their own free will; nobody pressed them into the Post Office; they have seen what career is in front of them. And now they turn round and quarrel with the bread and butter that is being given to them. I consider their attitude most unreasonable I admit that prices have risen, and we are considering this very question now. We only wish to treat this staff properly. I assure you Sir, nobody knows better than I do how important it is to have a contented staff, and nobody feels more for them, and I know we must give these people some improvement in pay, but I think a great deal too much has been made of the number of telegrams which Hon'ble Members are being deluged with from various parts of India.

"As regards the pay of the Post Office, I may say, Sir, that the Government have already sanctioned the appointment of a special officer to consider the establishment of a time-scale pay for all postal clerks. Now when we improved the pay of postal clerks under Rs. 100 at a cost of about Rs. 18 lakhs, we did so advisedly. The staff was a low-paid one and it was recognised that the pay ought to be improved, and that it was very important that men should be put into better grades of pay before they were transferred to a time-scale. By doing so they get a better start on the time-scale. Having promoted them to these better grades, we have put an officer on special duty to work out suitable time-scales for the whole of India. Now I think it would be well to tell the Council how we intend to settle these time-scales. We intend to select areas in which there will be definite time-scales laid down, suitable to each area. Inside those areas there will probably be places of exceptional expensiveness, take for instance Delhi in the Punjab circle, and some frontier stations like Peshawar, and places like Cawnpore in the United Provinces. In addition to the time-scales, which will be established for definite areas, we hope to give local allowances for such special places, for instance, cities like Delhi and Lucknow, to compensate men for the extra cost of living. In the Post Office it is impossible to appoint staffs solely to certain offices, men must be transferred. We get rushes of work in certain places and men have to be taken from office to office. Therefore, the best solution is to lay down fixed time-scales for certain areas, and in more expensive places to give a local allowance to compensate the staff for the extra cost of living I do not know that we can possibly accede to a request to put the Postal staff on the same level of pay as the Telegraph staff. It is a very difficult question to raise. The Telegraph staff has a general scale and a local scale. I do not know whether any of the Hon'ble Members who have advocated that course know that great differences of pay must exist in the Postal staff all over India, and if you introduce the general and local scales of the Telegraph staff, which are universal for the whole of India and Burma, it is not going to cost Rs. 80 lakhs, it is going to cost crores of rupees. The cost of such a measure would be enormous and I do not think it would be justified. I do not think it would be justifiable to pay a number of men who do ordinary work in small offices the same pay as we give to highly skilled telegraphists in large towns. It is only right that labour should be paid according to its value. In this case the value of the labour would not be equal to what we should pay for it. It would be absurd to pay men a time-scale of Rs. 75 rising to Rs. 200 for dealing with a few letters in a country village; it would be ridiculous, and any committee that sat on the question would see that point at once. Now, Sir, as regards the grant of 25 lakhs asked for in the resolution, we have already a sum of 84 lakhs in the budget for improving pay next year. Some of that has already been paid from the 1st of February. If we have a time-scale established for Postal clerks it will cost more money, but I am not prepared to say how much it will cost. Suppose you have a clerk on Rs. 50 and place him on a time-scale of Rs. 50 rising to Rs. 100, his average pay is increased to Rs. 70, that is an increase of Rs. 20, but it does not follow that he gets the whole increase at once; the immediate increase will be about Rs. 5. I think it is impossible to say what the cost of a time-scale will be when established next year, and I do not think that Government can bind itself to grant Rs. 25 lakhs or any other sum of money for the time-scale. I think that when the Hon'ble Member understands that a time-scale is now under consideration, that a special officer is being placed on duty to look into the matter and that whatever it will cost, will, undoubtedly, be sanctioned by Government he should be prepared to withdraw his Resolution. It is very difficult for us to estimate the cost; he himself admits that he does not know whether it is 80 lakhs or 25 lakhs. It is very difficult to say how this time-scale will work out and at what different stage each man will come on to it. So much for Mr. Khaparde's Resolution as regards the 25 lakhs.

"With respect to the appointment of a Committee, I have already said that we have put on a special officer to deal with the improvement of pay not only of the postal clerks but of the menial staff. However, as the opinion of the non-official Members of this Council seems to be in favour of a Committee to look into the matter, I may say on behalf of Government, that I am prepared to accept that. Let us have a Committee, let us have the non-official members and the staff represented and go into the matter thoroughly. It will take time; it will not be done as quickly as some people imagine. It is a very big question and the Committee may have to go all over India and take evidence. But, as the Members of this Council are so anxious about this matter, let us have this committee to go into the question of putting the pay of the postal clerks on a proper footing.

"I shall be very glad to accept the principle of this Resolution."

The Hon'ble Sir George Barnes:—"It is understood, Sir, that the Committee will be of the same character as the Committee already appointed for the telegraph service."

The Hon'ble Mr. V. J. Patel:—"What is that character?"

The Hon'ble Sir George Barnes:—"Not a Committee of this Council."

The Vice-President :—"The resolution asks for a Committee of officials and non-officials."

The Hon'ble Sir George Barnes :—"That it will be."

The Vice-President :—"I suggest that on this some of these resolutions might be withdrawn and possibly one of them might be accepted. Mr. Khaparde's second resolution is for the provision of 25 lakhs for the betterment of the pay and prospects of the clerical and telephone establishments of the, Postal Department. That, I suggest, the Hon'ble Member might like to withdraw now. His first resolution asks for Rs. 25,000 to meet the expenses of a Committee of inquiry, and Mr. Patel's Resolution asks for Rs. 10,000 for the same purpose."

The Hon'ble Mr. V. J. Patel :—"I am always moderate."

The Vice-President :—"I do not know whether Mr. Khaparde's resolution in that form would be acceptable but, perhaps, as a Committee is to be appointed, he will withdraw it."

The Hon'ble Mr. V. J. Patel :—"Might I explain that there is 1-14 P.M.
a slight difference between Mr. Khaparde's resolution and mine. His resolution asks for the appointment of a Committee to inquire into the grievances of telephone clerks as well."

The Vice-President :—"I understand that Mr. Patel's is the cheaper inquiry. I can only ask the Hon'ble Mr. Khaparde whether he wishes to press either of his resolutions now."

The Hon'ble Mr. G. S. Khaparde :—"I am not willing to withdraw. Is it my turn to speak now ?"

The Vice-President :—"Yes, I must ask you to reply".

The Hon'ble Mr. G. S. Khaparde :—"Thank you, Sir. I am 1-15 P.M.
very glad that the inquiry portion of my resolution is going to be accepted; but the first portion is going to be put to the vote, I believe, and I am not willing to withdraw that Resolution for the reasons which I will give now. Taking the reasons given by the Hon'ble Mr. Clarke, some of them appear to me to be rather difficult to understand. One reason given was that the difference in the pay of the postal and telegraph department is due to historical causes Now what those historical causes were I was very anxious to know, and the causes were that at one time these were different departments and they had since been amalgamated. I do not know whether that reason would satisfy anybody else, but it does not certainly satisfy me. There is also a difference due to the weakness of human nature, that we like a fast horse better than a slow horse and we prefer a horse to a bullock so far as travelling is concerned, and the telegraph people do their work very speedily, whereas these people do their work slowly. There may be that difference, but there is also a difference in the nature of the work, that is to say, the postman sends the identical article people offer to him from one place to another place, the telegraph man merely

sends the message as it is and generally a brief one, and the telephone man speaks out the message that is spoken out to him. They are all carrying messages, but there is a difference. and the historical difference is merely that one department started earlier than the other. I humbly submit that does not account for the difference in pay.

"The next ground that was taken was rather surprising to me and not altogether bereft of amusement It was said 'Fancy a man being employed on Rs. 200 at a small outlying place and being given increases,' and all that. But that does happen everywhere in this world Even a senior Sessions Judge goes sometimes to districts where there is not so much work to do, so also in the case of a senior Collector. But you do not, therefore, reduce the pay of a Sessions Judge or a District Collector. Those are the conditions of service; they have to go where they are ordered to go, and a person near retirement is usually given an easy district and easy kind of work. But that does not make any difference.

"Another argument appeared to be, you must take them at the market rate. Labour is cheap in the mofussil and more expensive in the presidency-towns, therefore, you should have different scales of recruitment. That again is a difficult argument for me to understand. If the work is of the same kind and has to be done by the same class of persons, the places where they are recruited from makes no difference at all. The difference ought to be disposed of by giving a local allowance, and I quite agree that that is the right thing to do. I shall not take up the time of the Council in replying in detail to all the arguments put forward, but I am going to assign the reason. My reason was that, if this 25 lakhs—I heard it is 26 lakhs to-day, but whatever the figure may be does not much matter—if it was already included in the Budget, then my proposition stands untouched, because I say that the grant under this section should be increased by 25 lakhs, and that proposition, therefore, remains. The calculation of 25 lakhs was made by me roughly, but, however, that may be, it certainly ought to be given to these people as a solatium and the results of the inquiry may be awaited later. As it has been pointed out, the inquiry will be a laborious one, the Committee will have to travel from place to place, and it will take some time before they formulate their conclusions. Therefore, it is, I suppose, necessary to give them something like a solatium. What has been offered has been pronounced, as my friend the Hon'ble Mr. Patel read out, by these people to be unsatisfactory and disappointing. In order to keep them in heart, it is proper that we should give them something out of these 25 lakhs which I propose.

"Then it is said that these things necessarily happen and these are the ordinary laws. I quite agree that they may be; that a man should fall if the support is taken away is in keeping with the law of gravitation, but it is no consolation to the man who breaks his head; it may be the law of gravitation, but it is no consolation to the man; you want some medicine for it Similarly, these historical causes or laws may operate adversely; but I still urge that these people should get these 25 lakhs which I have put down in my resolution. In the meantime they may be given an interim solatium, a sort of little bonus to depend upon until this inquiry is completed; and I hope this inquiry will put them on terms of equality with the telegraph branch of that department. I am rather glad that this propositon has received general support, on this side of the Council at any rate, and I hope that this inquiry will result in something good, I commend the resolution to the Council."

1-21 P.M. **The Hon'ble Mr. V. J. Patel**:—"Sir, my resolution as I stated in the beginning is an alternative to the resolution of my friend Mr Khaparde and I understand my Hon'ble friend Mr. Clarke is going to accept it."

The Vice-President:—"I do not understand that the resolution has been accepted."

The Hon'ble Mr. V. J. Patel:—"I thought the recommendation for the appointment of a committee had been accepted by Mr. Clarke."

The Vice-President:—"The position is this. The resolution proposes to the Council that a specific sum should be allotted for a committee. As far as I understand, Government have said that they will have a committee, but they have not accepted any specific sum to be allotted for it."

The Hon'ble Sir George Barnes:—"May I say one word, Sir? 1-22 P.M. I appeal to both Hon'ble Members to withdraw these resolutions. The Council has had a very clear statement from Mr. Clarke. Members have got the promise of Government that a committee shall be appointed. Does it matter to them what the exact sum put aside to meet the expenses of this committee is? The sum which was suggested—I think Mr. Patel suggested Rs. 10,000 and Mr. Khaparde suggested Rs. 25,000—may be an entirely wrong sum. All they want is the substance; they want the appointment of a committee and it really does not matter exactly what figure it costs. I would ask both Hon'ble Members to be satisfied with what has fallen from Mr. Clarke and from myself and withdraw all these three resolutions."

The Hon'ble Mr. V. J. Patel:—"Sir, my position is this: I am 1-23 P.M. not quite clear what the functions of the proposed committee would be. Will the functions of the committee be to go into the main issue for which the postal clerks have been fighting, *viz.*, that they should be put on a footing of equality with the telegraphists? That is really the issue of issues in this case. If I am assured that the committee will have power to go into that question, *viz.*, whether the postal clerks could be put on a footing of equality with the telegraphists, I shall be satisfied."

The Vice-President:—"I should like to point out that the Hon'ble Member's resolution is for the appointment of a committee to inquire into the grievances of the clerical establishments of the Postal Department. That I understand has been accepted by Mr. Clarke."

The Hon'ble Mr. G. R. Clarke:—"The principle of the resolution has been accepted."

The Hon'ble Mr. V. J. Patel:—"Am I to understand that the resolution has been accepted? If it has been accepted, I have nothing more to say."

The Vice-President:—"I have again to ask the Hon'ble Member if he desires to withdraw the resolution or to press it."

The Hon'ble Mr. V. J. Patel:—"If it is not accepted, I want to press it."

The Vice-President:—"Then I propose to put Mr. Patel's resolution* first.

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* "This Council recommends to the Governor General in Council that a provision of rupees ten thousand be made under appropriate head in the Budget in order to meet the expenses of a Committee of officials and non-officials to be appointed to inquire into the grievances of the clerical establishments of the Postal Department."

The Resolution was put and the Council divided as follows:—

Ayes—11.

The Hon'ble Mr. S. Sastri.
The Hon'ble Mr. B. N. Sarma.
The Hon'ble Mir Asad Ali, Khan Bahadur.
The Hon'ble Sir Dinshaw Wacha.
The Hon'ble Mr. V. J. Patel.
The Hon'ble Mr. E. H Jaffer.
The Hon'ble Sir Umar Hayat Khan.
The Hon'ble Sardar Sundar Singh.
The Hon'ble R. B. K. V. Reddi.
The Hon'ble Mr. G. S. Khaparde.
The Hon'ble Mr. K. K. Chanda.

Noes—35.

His Excellency the Commander-in-Chief
The Hon'ble Sir Claude Hill.
The Hon'ble Sir George Lowndes.
The Hon'ble Sir George Barnes.
The Hon'ble Sir William Vincent.
The Hon'ble Mr. Shafi.
The Hon'ble Mr. W. M. Hailey.
The Hon'ble Sir Arther Anderson
The Hon'ble Sir Thomas Holland
The Hon'ble Mr. C. F de la Fosse.
The Hon'ble Mr E. M. Cook.
The Hon'ble Mr H. Sharp.
The Hon'ble Mr. A. H. Ley.
The Hon'ble Sir William Marris.
The Hon'ble Mr. R. A. Mant.
The Hon'ble Maj.-Genl. Sir Alfred Bingley
The Hon'ble Mr. E. Burdon.
The Hon'ble Sir Sydney Crookshank.
The Hon'ble Mr. H. R. C Dobbs.
The Hon'ble Sir John Wood.
The Hon'ble Sarg. Genl. W. R. Edwards.
The Hon'ble R. B. L. M. Chatterji.
The Hon'ble Mr. G. R. Clarke.
The Hon'ble Mr. H. Moncrieff Smith.
The Hon'ble Mr. A. P. Muddiman.
The Hon'ble Mr. C. A. Barron.
The Hon'ble Mr. N. E. Marjoribanks.
The Hon'ble Mr. K. C. De.
The Hon'ble Maharaja Sir M. C. Nandi.
The Hon'ble Mr. L. F. Morshead.
The Hon'ble Mr. C. A. Kincaid.
The Hon'ble Mr. H. A. Casson.
The Hon'ble Mr. A. E Nelson.
The Hon'ble Rai Sahib Seth Nath Mal.
The Hon'ble Mr. B. C. Allen.

The Resolution was, therefore, rejected.

The Vice-President:—"I now propose to ask Mr. Khaparde whether he desires either or both of his resolutions to be put."

The Hon'ble Mr. G. S. Khaparde:—"The first resolution, as it appears on the agenda as number 12, is about the inquiry, and the next resolution, number 13, is about the 25 lakhs of rupees, so on the understanding that the Government is going to appoint a committee to go into the whole question, I shall withdraw that resolution of mine."

Resolution No. 12 was, by leave of the Council, withdrawn.

The Vice-President:—"Does the Hon'ble Member wish the next resolution to be put?"

The Hon'ble Mr. G. S. Khaparde:—"I wish it to be put and a division taken."

The Resolution was put and rejected.

The Vice-President:—"I desire to state the course that we shall have to follow to-day. The Council must know that this is the last day we have allotted for the discussion of Budget resolutions. I propose that the

Council should sit from a quarter to three until a quarter to five and then adjourn until six o'clock and then sit for another spell of two hours until 8 o'clock and after that adjourn again, if necessary, and then sit until we finish."

[At this stage the Council adjourned for lunch.]

RESOLUTION *RE* INCREASE OF EXPENDITURE ON SALT.

The Hon'ble Rao Bahadur B. N. Sarma :—" Sir, I beg to move the following resolution :— 2-18 P.M.

> 'This Council recommends to the Governor General in Council that the expenditure on "Salt" be increased by one lakh of rupees for carrying out experiments with a view to manufacture refined salt which would compete favourably with the foreign commodity imported into India.'

This is a non-controversial resolution, Sir, and to the superficial observer it might appear as if there is nothing in it, but I will show the Council that a proper and satisfactory solution of the salt question would materially benefit the country in more ways than one. Firstly, in providing cheap and abundant salt to India without any large and violent fluctuations in prices and, secondly, in saving to the country upwards of two crores of rupees. The figure one lakh of rupees that I have suggested in my resolution is only put in provisionally. I ask the Council to accept the principle that we shall have to set about in the immediate future to devise plans by which we can improve our salt manufacture in such a way as to render ourselves independent of foreign stocks. I may state, Sir, that roughly one-third of the total consumption of salt in this country is imported stuff, and roughly one million seven hundred thousand tons may be said to be the total consumption. What variations in prices, what violent fluctuations were incidental to this dependence of ours on foreign imports was illustrated when there was a reduction for one or two years in the quantities of imported salt, and we had loud complaints almost everywhere that the price of salt had gone up considerably, although the Government duty continued to be the same and comparatively low, namely, ℞1-4-0. Hon'ble Members will see that in 1913 the total production in India of salt was 1,473,189 tons. It was nearly the same in the previous year. In 1914 it was 1 million 348 thousand, that is, there was a reduction of only a hundred thousand a year. Then next year it went up to 1,745,522 and ever since it has been about 1 million 400,000. Except in one year there has not been much fluctuation, by way of reduction. The fluctuation has all been in the imported commodity; whereas the imports were 606,000 in 1913 they went down to 465 and 336, that is, a deficiency of about 2 to 3 hundred thousand tons of salt makes such a wonderful difference in prices. It is the same in food-stuffs, as in salt, and it will be the same in other things as well. We cannot judge of the increase of prices merely by the relative proportion of decrease in quantities in the case of food-stuffs and other necessary articles of consumption, and we find that phenomenon plainly illustrated here. Thus, curiously enough, although we paid about 84 lakhs when the commodity was 606 thousand or thereabouts, we had to pay for a much smaller commodity of 336 thousand in 1917, 2 crores 20 lakhs, and we had to pay in 1918, 2 crores 223 or 233 lakhs for 481,000 tons. Therefore, Hon'ble Members will see that for a smaller quantity of salt the import value—I take it they do not include the duty—but whatever it be, has risen from 84 or 87 lakhs to 233, in other words, for a smaller quantity we are paying 154 lakhs more. Therefore, I am perfectly justified in my assertion that if you can manage to replace the foreign commodity by locally manufactured product, there will be a considerable saving to the Indian consumer. That is a point that I hope I have made out.

"Then the question is, can you do it? can you relieve yourselves from your dependence? Well, here I realise that inasmuch as salt is an article of diet, we cannot say that simply by putting a certain fairly equal commodity on the market we will immediately reduce the consumption of foreign salt. The tastes of the people will have to be consulted. You will have to gradually accustom the consumer to the indigenous product. I believe Bengal is the principal consumer of foreign stuff and we will have to consult their taste and a certain margin has to be allowed. But I am sure the swadeshi spirit of Bengal will come to our rescue and encourage the production or rather the consumption of locally manufactured salt. Here, Sir, may I say a word? There is no question here of Bombay salt or Madras salt or Bengal salt or North India salt. Salt is an all-India subject. Salt revenue goes to the whole of India, and consequently nobody in particular is interested in the salt revenue, and therefore you cannot say that Madras would gain or Bombay would gain as against Bengal or any other part of the country if the manufacture of salt is encouraged. Therefore, when I talk of Madras salt, I mean Indian salt, and I hope that Hon'ble Members will look at it from that point of view.

"Now with regard to this question the Government of Madras seem to have been paying some attention, but unfortunately they do not appear to have arrived at any satisfactory solution owing to two or three causes as the Board puts it on page 5 of its report to the Government. One of them is the question of freight with which this resolution has not much to do, except remotely. The report says:—

'As regards the third point, that of freight, it still remains doubtful if Madras salt can compete with foreign salt in Bengal, unless a special low railway freight is obtained, or an import duty is imposed on foreign salt. Thus the freight by sea from Liverpool, Spain, Port Said and Aden varies from Rs. 5 to 20 per ton, and is said to be usually under Rs. 10. Salt is even said to come sometimes as ballast for nothing. These rates may be compared with the following rates:—

Madras to Calcutta by rail, per ton Rs. 14-12-0.
Madras to Calcutta by sea Rs. 8 to Rs. 14.

And from Tuticorin, one of the ports in the Madras Presidency, to Calcutta by rail Rs. 25-8-4 per ton. From Tuticorin to Calcutta by sea Rs. 33-5-4 per ton; Tuticorin to Rangoon by sea, Rs. 33-5-4.'

"Hon'ble Members therefore will see that the Council and the Government will have to take steps to rectify this difference as far as may be. But the subject-matter of the present resolution does not comprise that, and I will leave it there. With reference to the second point with regard to the improved methods of manufacture, they state:—

'With regard to crushing, the Port Said and Aden crushed salt, which is so popular in Bengal, is no better than could be turned out here; and the Board has taken steps to get into communication with Swiss and American manufacturers of mills designed to crush solar salt. As reported in paragraph 18 of the Administration Report last year, packet salt was manufactured departmentally with excellent results, but on so small a scale as to be worthless commercially.'

And they go on citing experiments which would convince any one that we are on the high road to success if only we persevere, and I believe last year the Madras Government asked for the services of a foreign expert who would be able to assist Government in devising methods for manufacturing cheap salt on commercial lines so as to be able to compete with the imported stuff. So, Sir, the problem is not one outside the range of practical politics. All that we want is an outside expert with a complete methodical knowledge of the processes adopted elsewhere, and I will not spoil my cause, which is a very good and a very strong one, by saying that the Government might have done this a little earlier, and have not done so. There is no use crying over spilt milk. We shall have to see to it hereafter. The difficulties experienced during the last three years owing to foreign shipping not being able to bring the imports necessary into the country will, I daresay, rouse the Government and the public alike to improve the situation. I, therefore, think, Sir, that there is ample ground for hope, and that further experiments should be made and further money should be spent, till we achieve our object, and what I have asked for is a very small sum here, more for the purpose of getting my principle accepted, and, if necessary, a larger provision may be made. I will not quarrel if 20 lakhs of rupees are given instead of one lakh if that be necessary."

The Hon'ble Sir Dinshaw Wacha :—" Sir, this question of salt as now proposed by Mr. Sarma is a very good one. The more there is consumption of salt in India the better, because I think it will improve the physique and health of the vast masses of the people who are suffering partly on account of the inadequate supply of salt. Some years ago Government investigated this question when it was found that 12 pounds of salt per annum per family, that is man, wife and two children, was deemed sufficient. For a time this standard was well maintained. But population has been increasing and, I believe, the production of salt has not increased in proportion to the growth of population, even apart from the importation of foreign salt. Therefore, if I am in favour of the proposal of Mr. Sarma, it is more on account of the sanitary aspect of it than any other, that is to say, that the people should be supplied with a larger quantity of salt, namely, 12 pounds per annum so vitally required for their better health. I do believe that at the present moment they are having less than 12 pounds per family. If I am wrong in my belief, I should like to be corrected. 2-59 P.M.

" Apart from the question of health, there is the other question If we want to expand and develop our industries, salt is one of the basic industries which ought to be greatly stimulated. It would not require much capital or much enterprise to produce cheap and abundant salt. Mr. Sarma is right in saying that a few clever men coming from America or Spain or elsewhere would do what was necessary for the better manufacture of salt. As far as imported salt is concerned, I do not know if my Hon'ble friends are aware that part of this manufactured salt, which is generally known as table salt, is consumed by a larger number of the European population than that of the Indian. The salt so consumed should be deducted from our consideration. For years together this necessary of life used to come from Jeddah also. The salt that is imported from Italy is only of recent date. But there are places in India still, even in Bombay such as Bassein, and some others, where, with proper and economic encouragement, the enterprise can be put on a more scientific basis, a good deal of salt could be produced, probably enough to suffice for the population of Bombay. Of course, at present, prices have risen very high owing to two or three causes which we all know. It is of no use referring to them, but one of the causes is the heavy freight charges from Cheshire which is the country in England whence large quantities of salt are exported for India. I do not think the price of Jeddah and Aden salt has been so very high. But the resolution is quite proper: in the first place, for the better physical health of the masses of the population, who are getting less than the adequate quantity of salt needed. My friend, the Hon'ble Sir Claude Hill, might be able to explain this subject with greater lucidity, because he knows so much about it. Secondly, for the reason that a leading industry of this character, which is really so useful, should be greatly encouraged and directed in a proper and intelligent way. Therefore, I heartily support the resolution."

The Hon'ble Sir Thomas Holland :—"I think every one will agree, Sir, about the desirability of increasing the local supply of salt; and although I do not accept Mr. Sarma's figures as representing modern conditions, there is no doubt that, whether the imported salt is one-third, as he put it, of the production in India, or one-fifth, as it more nearly is now, it makes very little difference to the argument. We want to keep it out, whether it is 1-5th or 1-3rd, and we want to make our salt in this country. But when Mr. Sarma goes on to say that salt is an all-India question, he forgets the one practical issue arising from his Resolution. He wants to improve the technical processes for the manufacture and refinement of salt 3-2 P.M.

so as to compete with the imported foreign material. Now the only salt of importance we have to deal with, is the foreign salt imported into Bengal, where the people insist on having a clean white salt. Consequently, it is only the Calcutta market that really is affected. Salt from the Sambhar Lake in Rajputana can just compete with imported salt in Bihar and it has been doing so for some years. Recently, also, in consequence of the increase in the price of foreign salt and the improved methods of mining and handling at Khewra in the Punjab, rock-salt has been coming into the Patna market and competing with imported salt there. Now for any further trespass on the market, of which Calcutta is the centre, it is obvious that we must look to Madras sources of supply, and the question is thus one which would have been more suitably brought before the Madras Council. It is not an all-India subject as it has been stated to be. Salt is an all-India subject it is true, but the particular problem before us is, whether we can produce more salt on the Madras coast of the right kind to meet the demands of the Calcutta market. It thus becomes a Madras question. We could hardly undertake to force upon the Madras Government another lakh of rupees without knowing from them that the money could be economically spent on the experiments that Mr. Sarma suggests.

"It would be officious on our part to interfere with the Madras activities in this direction, unless we have a special request for further help. Mr. Marjoribanks is present, and I notice that he has not put in a plea on behalf of the Madras Government for any special grant other than that provided in the ordinary Budget for work in connection with salt. I could not discover from Mr. Sarma's speech that he had taken the precaution of finding out first whether this additional money could be spent in Madras, or whether the money was wanted for the research work that he wishes to have undertaken.

"I rather suspect that this Resolution is due to insufficient knowledge of the steps which the Government has already taken. Mr. Sarma has given us a brief account of what has been done. He stated that the Madras Government had, for instance. asked for an Italian expert. That was done last year, and, so far, the Secretary of State has not been successful in getting a suitable expert to come out. As Sir George Barnes told us in answer to a question put in this Council last month, a Deputy Commissioner of Salt in Madras is also going on leave to study the French system of salt refining. That is being done in case it is still impossible to get a French or Italian expert to come out. Mr. Sarma will remember that, last March, in answer to a question of his, I told him that an Assistant Commissioner had then been put on special duty and that research work had been undertaken by Drs. Sudborough and Watson at the Indian Institute of Science at Bangalore. Drs. Sudborough and Watson have, since then, been down to Tuticorin and laid down the lines of a model salt factory, which is now coming into operation as a means for experimenting on the improved methods of producing white salt. There was also held in September 1918 a Conference in Madras itself of the principal licensees, who discussed with Dr. Watson and the salt officers' improved methods of manufacture; and it was at this Conference that it was decided to ask for an Italian or French expert to assist them.

"It is not however the technical difficulty connected with the manufacture of salt that worries us so much. As Mr. Reddi pointed out on Monday, in discussing the Financial Statement, Madras is provided with the sea—the same ocean that washes the shores of other countries—and is provided with a good climate for the manufacture of salt by solar evaporation. He also told us that no special expert was necessary; but I am not sure, if in this respect, it would be wise to accept Mr. Reddi as a guide in purely technical matters, as he also thought there would be no difficulty whatever in wiping out these unimportant frontier tribes and in turning merchant ships into dreadnoughts. At the same time, there is no doubt that the Madras Government proved their ability to manufacture refined salt suitable for the Calcutta market. There is no doubt that they can manufacture the salt; there is no doubt that they do manufacture the salt. The Madras salt worker has himself been undertaking research work for generations, and, as the result of his research work, he has been successful in turning out a product that is uniformly bad, though in this respect the Madras worker is sometimes beaten by the Bombay salt manufacturer. I use the word 'successful' advisedly and not sarcastically: for the Madras salt workers and dealers are business men who work, like other business men, for profit; and, as they pay duty by weight and sell by measure, it is important to make a ragged skeleton crystal that bulks large and weighs little. They have learnt enough of crystallography by their researches to discover that dirt favours the formation of those hopper-shaped, skeleton crystals that bulk so large and weigh so little.

"It is not so much a question of manufacture, as a question for the consumer. The line to take is to educate the consuming public. The consumer in Bengal has been educated by pure white Liverpool salt, and he will not touch ordinary Madras salt except at about half the price. The Madras Government have also attempted to improve the taste for refined salt. During the exhibition of December 1917 they sold something like five thousand one-pound packets of white salt at a very much less price than the imported article. Since then large quantities have been sold in continuation of the attempt to introduce a wider taste for this salt. Now, that salt contained over 97 per cent. of sodium chloride, and it was as good as the ordinary imported salt. As a result of the Conference that I referred to just now, when the licensees and the salt officers considered methods, some of them undertook to introduce these improved methods of manufacture into their factories, and we have now in operation the manufacture of pure white salt at places as far apart as Surla, Pundi, Krishnaputnam, Ennore, Manambadi and Tuticorin. As Mr. Sarma pointed out, the imported salt is also crushed or ground, and the Madras Government have been attempting to get grinding machinery in order to obtain the pure whiteness that is so attractive to the Calcutta buyer.

"The freight question that he referred to is a matter that need not be gone into now. I think there is no doubt that all salt sources south of the latitude of Madras itself will find it very difficult to compete at Calcutta with imported salt if they have to rely on the ordinary railway rates, but there is no possibility of getting these rates revised under present conditions. Further north, the salt sources of the Madras Presidency will have an opportunity, by reason of a shorter railway lead, of entering the Calcutta market if they will only attempt to make the right kind of salt that suits the Calcutta taste.

"Then, too, there are new companies that are being formed for operation on the border of the Madras and Orissa coasts. These companies are organised along modern lines, and I have not the slightest doubt that they will be able to produce local salt so as to compete successfully with the imported article. On the whole, the prospects in view are such that I should advise Mr. Sarma not to press this Resolution. We could not very well press additional money on the Madras Government without implying some dissatisfaction with the results that they have already obtained or the steps that they have already taken. I see no way of improving on the line of advance that they have already suggested. I see no reason for being dissatisfied with what the Madras Government have undertaken and what they have done, and I, therefore, think that it would be unwise to press a resolution of this kind through the Imperial Council when the matter is practically one for the Madras Government; and, so far as I can see, their work has been in every way satisfactory."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, as some reference has been made to Bengal in connection with this discussion, I feel it my duty to make an observation or two. My Hon'ble friend, Sir Thomas Holland, has observed that this is not an all-India question, that it is a Madras question and it does not concern Bengal at all. Well, it does concern Bengal, I think. Not very many years ago we had large salt works in the District of Midnapore, and I remember myself to have visited the dilapidated ruins of these works in the sub-division of Contai at Jhalamuti and Sajamuti. We had large salt works there, and then there were salt works in Hijli, in the same district. The people there were in the habit of manufacturing salt from remote 3-15 P.M.

times and their ancient aptitudes had not completely left them. In fact, if my memory does not fail me, about fifty years back, the manufacture of salt was quite known in Bengal. Furthermore, Sir, I remember to have read a discussion in the Bengal, Legislative Council in which Hon'ble Members pressed for the revival of this industry in Bengal, and they called attention to the remnants of these salt works which were still left in the district to which I have referred. I think, therefore, I at any rate must come to the conclusion that it is not merely a Madras question, but that it also concerns the province from which I come.

"Then, Sir, reference was made by my Hon'ble friend to the taste of Bengal for white salt. Well, Sir, my memory carries me back to the days of the Swadeshi movement when we eschewed foreign salt. We vowed not to take any foreign salt; we made that vow in our mosques and in our temples, and many of those who took the vow have observed it. Therefore, Sir, under a strong Swadeshi impulse, which I hope will revive with the growth of responsible government, we may discard the very clean salt that we are in the habit of consuming in favour of a less clean salt. Things are changing rapidly in India; tastes will also change, and I have not the slightest doubt that the difficulty which my Hon'ble friend apprehends will be overcome in the course of time; thus looking at the matter from all points of view, I am forced to the conclusion that this is not a purely Madras question; it is also a Bengal question, and from the observations that fell from my Hon'ble friend, Sir Dinshaw Wacha, it appears that it is also a Bombay question. Well, if it is a Bombay question, a Madras question and a Bengal question, and it is also a question affecting Rajputana and the Central Provinces, am I not entitled to hold that it is a pan-Indian problem in which the whole of India is interested? I hope, Sir, my Hon'ble friend, Sir Thomas Holland, will look at the matter from this point of view and give us the help that we want for the revival of an ancient industry which, under his auspices, will flourish and do honour to his administration and be a source of benefit to the country."

3-30 P.M. **The Hon'ble Mr. K. V. Reddi.**—"May I submit one word, Sir? In the discussion on Monday last I entirely confined myself to the raw salt, if I may say so, as distinguished from the refined salt. I did not want to intervene in the debate to-day because I thought that my friend, Mr. Sarma's resolution had reference more to this refined salt, which I have always thought is the privilege of the upper classes, with whom generally, if you will allow me to say so, I do not concern myself much. On Monday I was putting it as an all-India question, and I thought that this country could produce salt enough not merely for its own uses but also for export purposes. The figures given by my Hon'ble friend, Mr. Sarma, have been questioned; but my figures are drawn from this latest report, (1919) on the Conditions and Prospects of British Trade in India, at the close of the war by His Majesty's Senior Trade Commissioner in India and Ceylon. These are the latest figures; they were intended to give some idea of the post-war trade conditions in this country. These figures disclose that Germany ceased to send us salt in 1915. During the two years previous to that, that is in 1913-14 and 1914-15, we find only Rs. 9,30,000 and 5,40,000, worth of salt imported from Germany, respectively As for the salt imported from the United Kingdom, we have got here only 20 lakhs worth, then 14 lakhs, then 45 lakhs, then 47 lakhs, and then 16 lakhs from 1913-14, up to the year 1917-18, respectively. It will be seen that this salt is not worth very much taking into account the enormous amount consumed in this country. I thought my friend, Mr. Sarma, was a little inaccurate when he spoke about freights A friend of mine, whom I accept as having been accurate, was telling me last night that the reason why foreign salt was so cheap in this country was that it was generally brought into this country by what are known as the return boats; that is, produce is sent from this country to England, and when the steamers return they come laden with this salt, taking very little or practically nothing by way of freight; and if we are to meet that in any way, it appears to me that the only way is by an acceptance of Mr. Sarma's resolution, by making an attempt at a beginning now. As the

Hon'ble Sir Thomas Holland was telling us, of course it is more in the Madras Presidency that this will have to be done; and if either my friend, Mr. Sarma, or myself happen to be there next year, probably it will be our duty to bring it up there as suggested; more so if my friend happens to be there, perhaps in a more responsible place, and then he will see his way to do what he can. Meanwhile let me hope that a beginning will be made here."

3-23 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, we are extremely obliged to the Hon'ble Sir Thomas Holland for adding to the information given by the Hon'ble Member in charge of the Salt Department, by reason of this department having newly come under his charge. We are obliged for the additional information that he has given, and I shall deal only with such of his remarks as bear on the resolution I have moved. The Hon'ble Member seems to think that the figures that I have quoted are not quite accurate and that the more recent figures give a different percentage. Of course, I have not the most recent information which the Government can command; at any moment they can get the figures for 1918-19 and for 1919-20 if they care to; we can only rely upon the blue-books that are supplied to the general public, and I do not think I have stated anything which is not justified by the returns published in the Statistics of British India, Volume I, Commercial Statistics; and in giving the figure one-third, I think I was more accurate than my Hon'ble friend, who thought that it was about one-fifth. Of course it all depends upon how you look at it. Now, 1913 is, I think, considered to be a normal year, and I think one would take the figures of 1913 because there were not so many fluctuations owing to deficiencies in the supply of foreign salt and failure here and so on which occurred in later years. The production of salt in 1913 was 1,473,000, the imports were 606,000, or a total of about 2 millions and odd, of which the imports, *viz.*, 60 ,000, would be nearer a third than a fifth. If we take the figures for 1917, the difference would be greater because that year there was an extremely low import quantity, 336,000; and this out of 1,800,000 would be between a fourth and a fifth.

"I have always thought that figures for particular years are not taken but only averages for about ten years, and if you judge from averages, you find I think one million seven hundred thousand to be the latest average figure available, and if you work out the average of imports you will find that the imports amount to 500,000 or about a third. But it is not a matter of very great importance what the proportion is except in so far as it would enable the public to gauge the expenditure and the extent of our dependence upon foreign supplies, and it is for that purpose that I have introduced this subject. Then, again, we must take some exception to the statement of the Hon'ble Sir Thomas Holland that this is more a Madras question than an all-India question. I thought that the Madras Government was only acting as an agent and a subordinate Agent to the Government of India in this matter. They have no direct interests except as instruments and agents of the Government of India, and they do not share any portion of the revenue, and, I think, therefore, that it is here that questions about salt revenue will have to be discussed. In future years they will be discussed in Indian Councils. Of course what can be done in the Local Councils by way of criticism and control of administration entrusted to provincial Governments will be done there. But the general policy will have to be dictated from here and the subject-matter of my resolution deals with the general policy as to whether the Government of India would take steps for the purpose of improving the process of manufacturing refined salt. I fear that I am driven to comment upon the very little that has been done in the past. By the attitude taken up by the Hon'ble Sir Thomas Holland the Government must have known for years and years of this enormous subordination of India to foreign countries for the salt supplies. What have they done up to now to hlep manufacturers in improving their processes and in securing expert advice? What have they done in the past to erect manufactories for refining salt so as to secure a chance in the Bengal market Well, if the Government have not done anything in the past, I think I am perfectly right in inviting the attention of the Council to the fact that a little stimulus from the Government may not be harmful but would, on the other hand, expedite matters. If nothing has been done for so many years to remove the difficulties in the manufacture of refined salt, surely it is not out of place to suggest that the time has come for something to be done. Then, Sir, it has been suggested that the Madras Government is in charge of it I have not complained that the Madras Government have not moved in recent years in the matter. What I have said is that an Italian expert has been asked for and, I think, the Council would have been considerably interested if Sir Thomas Holland had been able to inform the Council as to whether there is a chance of securing the services of an Italian expert or French expert for the Madras Government within the next year or so. That would have given me some satisfaction instead of telling me that some Commissioner is likely to be placed on special duty to learn the process. Is it so very difficult to find a single expert from Europe to help us here in understanding this problem?

"Then, again, what about the machinery referred to in the latest report available here for 1917-1918—and if the machinery used by Swiss and American manufacturers adapted to Indian conditions—were provided here, it would be of enormous benefit. Sir Thomas Holland might have told us in a few words that the machinery had been ordered for the Madras Government and that the Government of India had given their sanction. Then, again, with regard to the Italian expert we have tried for him; we cannot get him, it is a disappointing answer. I submit, Sir, that no very great satisfaction would be derived either by the Council or by the general public by criticism of this sort, that everything is being done that can be done, and that we must possess our souls in patience and I think I am perfectly right in moving this resolution."

3-32 P.M. **The Hon'ble Sir Thomas Holland**:—"I will reply very shortly, Sir. The questions have narrowed down to one or two which, I think, are not very difficult to answer. The Hon'ble Mr. Surendranath Banerjea contested my statement that this was a Madras question. He said it was a Bengal question, a Rajputana question, and then he went further afield until he found it was an all-India question. But I pointed out that the immediate proposition before us is the grant of a lakh of rupees to make experiments with a view of improving the manufacture of salt that will compete favourably with the foreign commodity imported into India I pointed out clearly that foreign salt was imported into Bengal because the ordinary Madras salt is so largely mixed with dirt; consequently the only technical question before us narrows down to whether refined salt can be made in Madras, which is the source nearest to the Bengal market. There is no necessity to introduce the question that salt consumption is important to people in every part of India. That is not before us at all; we all admit that. The question before us is the technical question of improving manufacture on the Madras east coast. Now the Local Government are responsible for the control of the Salt Department in Madras, and they are carrying out the experiments which I have described. It is not quite correct, as Mr. Sarma said, that nothing has been done in the past. I do not mind admitting that very little was done in the distant past, but a great deal has been done in the past two or three years. Mr. Sarma's collection of reports is apparently not quite up to date. The Report of the Madras Salt Department for 1918-19 has also been published My Hon'ble friend, Mr. Surendanath Banerjea, referred to the old salt industry in Bengal. Well of course we know the reasons why it died out. There were some very good technical reasons for that. You cannot expect salt that has to be made from relatively diluted sea water, under evaporation conditions where the atmosphere is fairly charged with humidity, to compete with a concentrated sea water further south, where we can count on long periods of evaporation and of undisturbed fine weather. There is no doubt that the conditions in the upper part of the Bay of Bengal are not suitable in competition with other sources of salt; and I hope my Hon'ble friend, in spite of his Swadeshi instincts, which are not stronger than mine, and I hope not more practical than mine, will help to encourage the consumption of salt in Bengal that contains 97 per cent. of sodium chloride and not 91 per cent. of sodium chloride and 9 per cent. of dirt.

"Now, Sir, with regard to figures there is just one point which is worth correcting. As Mr Sarma pointed out, it does not matter whether it is one-third or one-fifth of our salt that is imported. What we want is to defeat all foreign salt under all circumstances. The actual figures for 1918-19 show a total salt consumption in India of 635 lakhs of maunds; of that, only 114 lakhs of maunds were imported. Sir George Barnes pointed out this morning that the production in India had risen from 360 lakhs of maunds in 1917-18 to 520 lakh of maunds in 1918-19; so that there has been an enormous increase in the production of salt in India, and the increase in prices has not been due entirely to shortage as Mr. Reddi seemed to imagine.

"Also I should like to record one word of objection to Mr. Sarma's reliance on five-year averages. I am glad to think that in the last five years, India has almost everywhere progressed; every year has been better than the year before, especially in the matter of mineral development.

"I have pointed out that the Madras Government has done and is doing a good deal of work and that they have applied for an expert. My Hon'ble friend Mr. Sarma wants to know whether the expert is coming this year or not. That I am unable to tell him; all I can tell him is that the Secretary of State has not been successful so far in obtaining an expert; and, in order to make up the deficiency an officer of the Madras Salt Department is taking the opportunity whilst on leave of examining the processes at work in France with a view to improve matters on his return to India."

The Resolution was put and rejected.

RESOLUTION *RE* INCREASE OF BUDGET GRANT FOR RAILWAY CONSTRUCTION.

The Hon'ble Rao Bahadur B. N. Sarma :—"Sir, I beg to move the next resolution that stands in my name. It runs thus :— 3-38 P.M.

> 'This Council recommends to the Governor General in Council that the budget grant on Construction Railways, on lines in progress and new lines, be increased by one crore, the same being deducted if necessary from expenditure on open lines.'

"Sir, I have great pleasure in fully endorsing the very appreciative remarks the Hon'ble Sir George Barnes made in referring to Sir Arthur Anderson who, to our deep regret, is going to leave us shortly, and I think the people of Southern India in particular have great cause for regret that he is so soon severing his connection with the Railway Board, because he has been in touch with the requirements of the people south of the Vindhyas and he would have been an asset to us in future when a larger railway programme is becoming possible.

"Now Hon'ble Members, some of them at any rate, may be surprised to find that I am advocating this year a larger expenditure of money upon Construction Railways, on lines in progress and on new lines. I have always held, Sir, that whenever we can borrow money to advantage we cannot be doing worse than by not doing it and not expending it in improving our railway system. Compared with the other civilized nations of the world, we are yet very much behind hand in the matter of the development of the railway system of our country. I therefore for one have always been convinced that the expansion of railways in India would be of considerable service to the country. Where I quarrelled last year with the Government and where I was misunderstood was when I asked for a reduction of the railway grant on the ground that, owing to disturbed markets and unsettled conditions, it was not wise to budget for such a very large increase during that particular year, and I have the melancholy satisfaction that the Government would not have lost anything if they had accepted my resolution last year because they have not been able to spend what they had budgetted for. They were able to spend only 15 crores out of 26. I think, therefore, my resolution struck the right note in respect of that particular point, namely, the unsettled conditions in Europe with regard to the supply of railway materials.

"Now the immediate point under discussion here is as to whether we should not budget for a larger sum on Construction of lines in progress and new lines. If there be a competition between railways and irrigation, certainly I would give the first preference to irrigation, and I think all those who have studied Indian conditions would certainly give preference to the irrigation programme instead of to railway programme, but we are not confronted with that question here. We have been told that we cannot during the coming year spend an additional crore of rupees on irrigation. Owing to a resolution passed yesterday in regard to India's contribution, I think the resources of the Government would be somewhat improved, and I think, therefore, there may not be the same difficulty now as there might have been otherwise in accepting my resolution with regard to the additional grant of one crore of rupees on the construction of open lines. Well, in addition to the general statement that we are considerably behind hand when compared with other countries in the development of our resources by the extension of our railway system, may I point out, Sir, that schemes are ready and have been sanctioned to the extent of 2,098 miles and can be provided for if only materials are forthcoming, and the one crore of rupees that I have asked for will not go a very long way towards meeting that programme which was sanctioned many years ago? And may I also point out, Sir, that on several lines that have been sanctioned as far back as 1906 or rather 14 years ago, much work has not been done up to the present moment? Lines which were sanctioned in 1904, 1906, 1908 or 1912 have not yet been completely tackled, and I think that to ask for an expenditure of a crore of rupees is not too much. I refer only to the Jubbulpore-Gondia line, an extension of only 8 miles, which was sanctioned in 1904. There may be causes, of which I am unaware, which may have put off that programme, but they are shown in this Book in Appendix III, page 11 as lines sanctioned. Then there was another line Raipur-Parpatipur line in which I am interested, and the Central Provinces is also equally interested, of 260 miles, which was sanctioned on the 26th January 1906, and only 37 miles of work was finished but was subsequently stopped. That was partly due to the harbour scheme not being sanctioned as there was no money forthcoming.

"But whatever it may be, I know that when the Railway Committee sat they thought the matter had been under investigaton for 20 years. Everybody felt that the amount necessary would have been sanctioned as far back as 1906, and you have only provided about 10 lakhs on the harbour, and only Rs. 50,000 or so on the railway, and I fear that unless something be done by way of starting the work in real earnest, there will not be much satistaction. And I put it to you that you should begin that line for another reason also. In the Vizagapatam district the pressure of the population on the soil is greater than in any other part of the Presidency, and therefore there would be no difficulty about labour. We are now talking about colonization schemes, and whether we are to send our people to British Guiana and other places, while a vast extent of land is available nearer at home. You have nearly 10,000 square miles part of which has been once populous, but which has been devastated during the Pindhari wars, which would furnish food to millions of people if opened up. We do not look to the development of our own resources at home, we do not spend money on them, but think of sending our people outside on colonization schemes in which other people are interested. I therefore plead very strongly for something being done in the way of putting the working of this line on a satisfactory basis, and I think the Central Provinces are equally interested in that. I may state in this connection that we people living south of the Vindhyas do not seem to be considered by the Railway Board as within the territorial limits of India. I think we are a negligible quantity except when it comes to a question of taking large sums of money from our revenues. I am justified in making that remark because Hon'ble Members will find by turning to the statistics, that between 1907 and 1917 there has been an expansion in railway lines of 5,710 miles, but the Madras and Southern Maharatta, the South Indian and some other lines can only boast of about 168 miles. 168 as against 5,710 surely is a figure which must suggest some painful thoughts to the Railway Board if they think about the matter.

"Last year, I went into the question of the rolling stock also and I found the same disparity. Sir Arthur Anderson has been good enough to set the matter right to a certain extent, though not very much, by providing additional sums in last year's budget. As to whether the goods vehicles intended for Southern India have arrived I cannot say. But the state of things in Southern India, the congestion on Southern India railways is deplorable. It is impossible for any one who has not seen the pressure to imagine the discomfort, the positive discomfort of the people of that Presidency owing to the insufficiency of railway wagons, and all our food troubles also may be traced to a considerable extent to the neglected condition of our railway resources. Well, I think, the answer that has been given by way of anticipation to my resolution was that there is no use in adding to the lines by increasing the number of open lines, when the vehicle supply is deficient. There is force in that argument, I quite see that, but the lines will not be open for some years, and may I also submit that if you carry that logically very far, the time may not come for many years together when you will be able to do anything for these open lines, and the little you can do will always be on Upper India lines because of the power of commercial interests, Calcutta commercial interests and Upper India commercial interests no Government can with comfort to itself very long deny; and I, therefore, fear that we who are less troublesome from that point of view are likely to be given the cold shoulder. I submit, therefore, that something has to be done in the way of making a modification in that reasoning, especially in the matter of lines which have been so long overdue. I need not refer to other lines which have been sanctioned so far back as 1912, and so on because I think the people of Upper India can very well fight for themselves in the matter of those lines. I hope that this modest resolution of mine asking for only one crore, and that when you have got 22 crores, will be accepted by the Government and give satisfaction to the people of Southern India."

The Hon'ble Sir George Barnes:—"Sir, we have got to cut our coat according to our cloth. We have got 22 crores allotted to us and we cannot go beyond that this year. Consequently my friend Mr. Sarma's resolution comes to this: 'let us take away money which has been allotted to open lines and let us devote it to building new lines.' Now I am as anxious as anybody can be to see more railways built in this country. India is crying out for railways in every possible direction. We want new railways; new railways will be the life-blood of India, but I should entirely demur to the policy which Mr. Sarma suggests. He says spend the money on new lines and do not spend the money on your existing lines. Now the position at the present day is this, that our existing lines cannot carry the traffic that they are asked to carry because of their condition. The rails want renewing, wagons want renewing, we want more wagons and we want better wagons. Supposing we spend all our available resources in building various feeder lines to these railways, what would be the result? The traffic which is at present very much congested, would become much worse. Our difficulties which are great at present would be infinitely greater. We should not be able to carry the coal for our industries, and altogether I think in a very short time the state of our railways would be reduced to chaos. 3-51 P.M.

"Mr. Sarma mentioned some particular lines on which he wished money should be spent, and he said that he thought Madras had been very badly served in the past. I would like to tell him that in the small amount that we have been able to put aside—I think he would call it a small amount—for new construction, we are spending 10 lakhs on the Vizagapatam Harbour Railway, and we are spending 7 lakhs on the Raipur-Vizianagram Railway, which I think is part of the railway which he expressly referred to, and we are spending other smaller sums on capital account on railways in the Presidency of Madras. Now I would like to tell him what the total amount is. The total amount provided for lines in progress and new lines in the budget is 84·75 lakhs and 94·45 lakhs respectively. That does not include the cost of putting back the lines which were taken up in the course of the war. We had during the war to strip certain lines of rails in order to use those rails elsewhere. I think my friend Mr. Sarma would say that it is right to replace those rails and put the railways into running order before we undertake new ones. I can assure Mr Sarma, Sir, that our interest is to build railways as quickly as we can, but he must really let us get our existing railways into order before we start new ones."

3.55 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, it is not without realising the difficulties of Government that I have tabled this Resolution. Hon'ble Members will see that, having regard to the exchange, the 21 crores that are now provided are, as has been already pointed out by the Hon'ble Sir Arthur Anderson, equivalent to 31 crores of old, so that we have provided for 5 crores more than the last year's budget grant. And if I ask for one crore out of that additional five crores, surely there is nothing unreasonable in that. I am not asking that last year's grant should be cut down in the slightest degree. Then, again, the experience of last year should warn us that it may not be possible to spend all this money and, consequently, having regard to that also, I think some concession may be made in the matter of the construction of new lines.

"But, Sir, there is one other important point on which I think I can assist by advancing an argument which may appeal to the Hon'ble Member and that is this. These new lines that I am talking about will not be ready, even if undertaken to-morrow, for another three or four years, and they therefore cannot add in any way to the difficulties in the way of giving additional traffic to the companies. Meanwhile, you will have sufficient time to add to your rolling-stock so as to bring the whole thing up to date There is another point also. You have to take coal and other articles over long leads simply because you have not got shorter circuits. Some of the lines I have been mentioning will give the coal fields access to the sea ports. Consequently, there will not be so much congestion on railways, and the goods being taken by shorter route the same quantity can be taken with less vehicular accommodation. Therefore the construction of these new lines will not throw additional traffic on your hands for some years, will relieve the pressure upon goods wagons by reducing the lead and in any number of other ways will improve the situation.

"Then I am thankful. Sir, for the provision of 7 lakhs, but what I fear has occurred in the past may occur again. That is the reason why I am asking for a little more, and I am also thankful that the Guntur line, which was ruthlessly removed owing to the pressure of war, is going to be restored in the near future I hope that the Government will be able, by way of adjustment, to provide this one crore of rupees in case they are not able to secure the wagons which they hope will be secured. I have brought the matter to the notice of the Council, and I hope the Government will be able to accept it in this particular form. If they cannot, I shall not take up the time of the Council by pressing it"

3.59 P.M. **The Hon'ble Sir George Barnes**:—"I am afraid we cannot accept the Hon'ble Member's Resolution, but I would like to assure the Hon'ble Mr. Sarma, and I hope that assurance will satisfy him, that we shall make every endeavour to spend the money on Railways in some shape or other. If we cannot get the material from abroad, we will try and spend it on labour in this country. I hope that will satisfy the Hon'ble Mr. Sarma and this Council."

The Vice-President:—"Do I understand the Hon'ble Member desires to withdraw his Resolution?"

The Hon'ble Rao Bahadur B. N. Sarma:—"Yes, Sir."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* APPOINTMENT OF COMMISSION TO INVESTIGATE TARIFF ARRANGEMENTS.

The Vice-President:—"Before the Hon'ble Member moves his Resolution, I must point out to him that he has already moved one Resolution which appears to me to be on the same question, and under the Rules a question once discussed in this Council cannot be discussed again for a year. I will give the Hon'ble Member an opportunity of showing me that his present Resolution is different from the one which he moved the other day."

The Hon'ble Mr. V. J. Patel:—"May I say a word, Sir. The other day I moved a resolution for the appointment of a Committee. It was then pointed out that there should be a Commission, with power to go round, collect evidence and make recommendations. Therefore, I have brought this Resolution for the appointment of such a Commission. The other Resolution was a Resolution for the appointment of a Committee of officials and non-officials of this Council."

The Vice-President:—"Does the Hon'ble Member think it worth while taking up the time of the Council with this. If there is any real difference between the two Resolutions I will leave it to him."

The Hon'ble Mr. V. J. Patel:—"Sir, I beg to move the following Resolution:

> 'This Council recommends to the Governor General in Council that the grant under sub-head 'Special Commissions of Inquiry' of the head 'Miscellaneous' be increased by one lakh of rupees in-order to meet the expenses of a commission to be appointed with power to visit important commercial centres, record evidence, and devise and recommend those tariff arrangements which seem to it best fitted to India's needs consistently with the recommendations of Lord Selborne's Committee.'

"Sir, this Council only a few days ago appointed a Committee to consider the question of Imperial Preference I then moved for the appointment of a Committee to consider the question of fiscal autonomy and to devise and recommend suitable tariffs. It was pointed out then by my friend the Hon'ble Sir Fazulbhoy Currimbhoy that a Committee of this Council would be of no use for the purpose, and that there should be a Commission with power to go round the country, visit important centres, record evidence and recommend the necessary tariff arrangements.

"I appreciate the force of that contention, and, therefore, I take this opportunity of moving this as a Budget Resolution and ask Government to make a provision of one lakh of rupees, because, after all, if a Commission is to be appointed, you will have to undergo some expenditure. I hope the Commission will be appointed as I propose. The main reason I want this provision to be made is this. When you have appointed a Committee already for the purpose of considering the question of Imperial Preference and do not appoint one on the question of Tariffs, it is likely to create an impression in the public mind that you are avoiding the real question which ought to be solved first, and for which Lord Selborne's Committee has made recommendations in favour of India. Well, we all know that the public in India is against Imperial Preference and at this time, when you are given some measure of fiscal autonomy, instead of taking advantage of that, you are appointing a Committee to consider the question of Imperial Preference and you do not appoint either a Committee or a Commission for the purpose of considering the recommendations of Lord Selborne's Committee. I hope the Government will consider the Resolution in this light and relieve the public anxiety in the matter. The Resolution regarding Imperial Preference has been criticised in the public press, and it is necessary that you should really consider the whole question all at once. Statistics are ready and you can place them at once before the Commission; the Commission will go round and then the whole question of the tariff will be considered together and necessary recommendations will be made.

"I hope the Council will accept this Resolution."

4-4 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I am entirely in sympathy with the Hon'ble Mr. Patel's Resolution, but I think he has brought it a bit too soon again. A Committee of this Council has been appointed to inquire into the question of Imperial Preference with the amendment of the Hon'ble Mr. Crum as to the best means by which the tariff question can be inquired into. I think the Hon'ble Member ought to wait and see the report of that Committee and, if he is not then satisfied, it will be an opportune time for him to bring this Resolution."

The Hon'ble Mr. V. J. Patel:—"In September."

4-5 P.M. **The Hon'ble Sir George Barnes**:—"I hope the Hon'ble Mr. Patel will withdraw this Resolution. I cannot bind the Government to any particular course at this stage, I can only tell him that all that he has said will be most carefully considered. But as to the provision of a lakh of rupees, I have the authority of my friend the Finance Member for saying that, if a Commission is decided on by the Government, the provision of a lakh or any other sum will not be wanting."

The Hon'ble Mr. V. J. Patel:—"I am sorry, Sir, that Government cannot see its way to accept this resolution."

The Resolution was put and rejected.

FINANCIAL STATEMENT FOR 1920-21.

THIRD STAGE.

4-6 P.M. **The Hon'ble Sir William Vincent**:—"Sir, I beg to introduce the following heads of the Financial Statement for 1920-21:—

Revenue.	*Expenditure.*
Registration.	Registration.
Jails.	General Administration.
Police.	Courts of Law.
Medical.	Jails.
	Police.
	Medical.

"Sir, when it falls to my duty to introduce the heads of the Financial Statement with which the Home Department is connected I always feel a little envious of other more fortunate departments, particularly of my Hon'ble friend, the Education Member. Increased expenditure on education or sanitation is welcomed by the Council. Further, sometimes, I do not say this in the case of the Education Department only, but in the case of other departments, too, Council will listen with at least somnolent content to long if lucid expositions of the work done by the department and commendations of the various officers connected with it; and at times we have an Hon'ble Member, like Mr. Khaparde, getting up and proposing an increase in the pay of subordinate officers in such a department as the post office. Sir, no such fortune falls to the lot of the Home Department. I can remember no occasion on which Mr. Khaparde has proposed an increase in the pay, say of the police. I can understand the reason for it. It is, I suppose, that he thinks that we look after the police so well that it is not necessary for him to do so. But it is a thankless job, the work of the Home Member in introducing the heads of his budget. As I have to do it, however, I may as well begin with this question of the police. I informed the Council last year what we had done to improve the prospects of the Imperial Police Service, and I understand that our efforts in that direction have not been free from criticism. It has been suggested in the case of this service, I think as well as in the case of other services, that we have increased the pay of the Imperial and higher branches of the services excessively without any regard to the lower branches. If Hon'ble Members have been reading their papers lately they will have seen something of the other side of the picture, how the increases in the pay of police officers have been attacked as inadequate to meet the requirements of the service I would hope the Council will have a little sympathy with the Home and Finance Members in such very difficult circumstances.

"In any case it is not correct to say that we have not at the same time improved the pay of the provincial services, for we have issued instructions for the increase of pay of the provincial police service up to, say, Rs. 700, and we have also provided that service with increased chances of promotion to the senior service; and while I am mentioning this matter it may interest the Council to hear that twenty-five Indians are being appointed to the Imperial Service in 1919 and 1920. This is a matter, I think, in which the Council is somewhat interested.

"But the expenditure on the Indian Police and the Provincial Service is really a small matter compared with the expenditure on the lower grades, and I am anxious to correct any impression that while we have increased the pay of the higher grades we have not at the same time taken the same care to improve the prospects of those lower down. I gave some figures last year which illustrated this, and I do not propose to repeat them; but we have recently had schemes from many provinces, some sanctioned and some under consideration, for the improvement of the pay of the lower grades. This has been particularly the case as regards the Bombay District Police and the Bombay City Police. From my own province of Bihar, we have a scheme now costing five lakhs; and we have a large police re-organisation scheme affecting both the civil and military police from Burma, which we hope shortly to sanction, which will involve large expenditure. We have similar demands coming from the Punjab and from other provinces. I am sure too that as the Council, as my Hon'ble friend, Mr Khaparde, if I may quote him, is so anxious to have a contented post office, he will be anxious equally to have a contented police force, for he and other members of the Council will realise the dangers of a discontented police force.

"Turning now to the question of jails, I am glad to inform the Council that the Jail Committee, which has been making inquiries both in the United Kindgom and in America, is now in India and will, I hope, complete its labours in a short time, and we trust that as a result of their recommendations we shall be able to effect considerable improvements in the administration of our jails.

"I will turn now to another matter to which reference was made by Mr. Sastri, namely, the increase in the pay of the various Imperial services, including, in particular, the Indian Civil Service. The actual increase in the pay of that service has, I think, been overestimated. If Hon'ble Members will refer to the Reforms Report of Mr. Montagu and Lord Chelmsford, they will see that the authors of that report say that the scales of pay should be fixed sufficiently high to attract the best persons available, and the authors say in another place that they seek to restore the services in India to the position which they occupied twenty years ago. Now, the actual increase in prices in the last few years has been over 50 per cent. The increase of pay in many colonial services since the outbreak of war has been considerably over 33 per cent. The increases which we propose in the pay of the provincial services is, I think, approximately 25 per cent.; and in the Civil Service, although the pay was fixed many many years ago, at least 50 years ago, the increase is approximately 15 per cent, and even this is not granted to the higher paid posts of the service. I think, therefore, that Hon'ble Members will see that we have not really dealt recklessly with the public money in considering the claims upon it of this service. Indeed, the contrary accusation might well be brought. It was suggested by some critics again, I think, that we had been negligent of the provision for the ministerial and lower services of the country. But if Hon'ble Members will turn for one moment to page 71 of the Budget edition of the Gazette of India, in which the figures are given, they will see that the provision for increases in the pay of the subordinate services is no less than 125 lakhs, which is largely in excess of anything that is proposed for any other service. I only cite these figures, however, to show that in all the services the rise in prices has necessitated a very considerable increase. In dealing with these cases we have attempted to exercise—I hope my Hon'ble friend the Finance Member will bear me out here—most careful economy compatible with attracting competent men to the various services concerned. There is only one other department to which I need refer, and that is a department on which I am sure no member of this Council will grudge an increase of salary, namely, the members of the Imperial Secretariat. I know of no body of men who have better earned this increase or have suffered more from the rise in prices of all necessary commodities of life."

RESOLUTION *RE* APPOINTMENT OF COMMITTEE OF OFFICIALS AND NON-OFFICIALS TO EXAMINE THE WORKING OF ALL REPRESSIVE ACTS AND REGULATIONS.

4-15 P.M. **The Hon'ble Mr. V. J. Patel:**—" Sir, I beg to move the following resolution which stands in my name and reads as follows:—

> 'This Council recommends to the Governor General in Council that a provision of Rs 25,000 be made under appropriate head in the budget to meet the expenses of a committee of officials and non-officials to be appointed to examine the working of the Press Act, the Prevention of Seditious Meetings Act, and all other repressive Acts and Regulations and report whether all or any of them can consistently with public safety be wholly repealed or at any rate so amended as to ensure that no executive action should be taken under them without obtaining previous sanction from ordinary court of law in that behalf.'

" Sir, during this Session there were three resolutions on the Agenda, one in the name of my Hon'ble friend Mr. Chanda, another in the name of my Hon'ble friend Mr. Sinha who I am sorry to say is not here to-day and one in my own name, all the three related to the very subject-matter which is in issue in this resolution.

" Unfortunately only five or six days were allotted to the discussion of resolutions and therefore none of these could reach. I have therefore brought this resolution before the Council with a view to inviting public attention to the fact that the situation demands we should seriously and immediately consider the question of repealing certain Statutes and amending others. Some of the Statutes to which my resolution relates are Regulation III of 1818, Bengal Regulation II of 1819, Madras Regulation XV of 1827, Bombay Act XXXIV of 1815, Act III of 1858, Act XI of 1857, Act XIV of 1908, Act I of 1910, Act X of 1911, Act VIII of 1913, Act IV of 1915 and Act XI of 1919.

"I do no for a moment suggest that all the repressive Acts and Regulations should be struck out of the Statute-book at once. What I suggest is that a Committee should be appointed for the purpose of considering whether they or any of them could be wholly repealed or at any rate amended so as to ensure that in future no executive action can be taken under any of them without previous sanction of the ordinary court of Law. Well, Sir, the provision that I ask for is very small I ask for only 25,000 rupees, not lakhs or crores as my Hon'ble friend Mr. Sarma would like, and I hope the Finance Department will not grudge me this small provision.

"My Hon'ble friend the Home Member referred to the dangers of a discontented police force in connection with another resolution. May I remind him of the dangers of a discontented public in connection with this resolution. We very well know the public feeling all over the country since the passage of the Rowlatt Bill. We also know the danger involved in allowing the Press Act to remain on the Statute-book Both these Acts must go if the new era is to begin with mutual good-will and co-operation as desired by His Majesty. Sir, is there really any justification whatever why in this year of 1920 the old Regulations of 1818 or 1827 should remain on the Statute-book? Times have changed and we are about to begin a new era. Everywhere there is a cry that we should all co-operate, officials and non-officials, but how can Government expect the people to co-operate when they distrust them and when there is always this sword of repressive Statutes hanging over them? Where is the justification for keeping up these Statutes on the Statute-book? Trust begets trust and if you do not trust people they cannot trust you. I hope my Hon'ble friend the Home Member will consider the question in this light. Even the President of the All-India Moderate Conference suggested the other day that certain legislative measures must be radically amended, making particular reference to the Press Act. We know that the suggestion has found no support whatever in the country. The opinion in the country, Sir, is unanimous that the Act must go root and branch. I do not wish to take up the time of the Council any more, and I trust that the Hon'ble the Home Member in this new era will favour the people of India with this small concession"

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, as my Hon'ble friend Mr. Patel told the Council, a similar resolution stood in my name but for want of time it was not discussed. As the grounds on which I intended to move my resolution are very similar to those which my Hon'ble friend has placed before the Council, I do not think I shall be justified in repeating them. I just want to say only a few words about the Regulation III of 1818. 4-21 P.M.

"Sir, it is well known that at that time British power in India was not firmly established, there were wars going on every now and again, and therefore it was very necessary that the Government should have armed themselves with this extraordinary power, and this measure was therefore for use in those times of danger. It was well known and it can be found by inquiry that at that time this Regulation was aimed more at some Europeans whose presence in the country was considered undesirable, and as a matter of fact that Regulation was used against a number of Europeans. Times have changed, Sir, and those days have gone, and I should think that in these altered days it is high time to consider whether this Regulation should remain on the Statute-book, at least in the form in which it is now. With these few words, Sir, I support the Resolution which has been moved by my Hon'ble friend Mr. Patel."

The Hon'ble Sir William Vincent :—"Sir, the reason why the resolutions on this question were crowded out previously, was that we had very little time available for resolutions this year His Excellency warned the members of this Council that the time for resolutions was limited to five or six 4-23 P.M.

days and we received notice of no less than fifty-one Resolutions for discussion, twenty-one of which were actually discussed, six of these notices came from the Hon'ble mover himself. I am not quite sure if I am accurate, I speak subject to correction. Thirteen of those resolutions proposed what I may call the new panacea for every real or imagined evil, the appointment of a committee. I think the Council will realize that if these proposals had been accepted, the Government of India would really have been lost in various committees working in different directions, and there would be no time even to digest the various reports that would have come in.

"I now turn to the merits of the discussion. The resolution as it appeared to me was very vaguely worded. A committee is to be appointed to inquire into the working of all repressive legislation. This term would, strictly speaking, include, I imagine, all penal and even prison laws. The Penal Code is certainly repressive to criminals, and I imagine that most laws in some degree impose restrictions on the liberty of the subject, but I do not want to make out that I was at a loss to know what the mover intended, because the Hon'ble Mr. Sinha had given notice of a similar resolution, and I gathered that the mover had in his mind the laws specifically mentioned by Mr. Sinha. Many of these Acts have not been used for years, one at least has never been brought into operation and some will cease to be operative in a few months, and I suggest to this Council that there is little need for appointing a committee to inquire into the working of a number of Acts and Regulations in such circumstances. As to Regulation III of 1818, the whole position was explained to the Council the other day by the Hon'ble Mr. McPherson; the policy of Government in the past, the extent to which we have released men and the line which it is proposed to take in the future, were fully explained. It is our desire to give effect, as far as possible, to the King's Proclamation by not employing the provisions of these restrictive measures against any person unless this course is forced on us by necessity. In Bombay and Madras, no persons are now detained at all under the analogous Regulations. Similarly, the number of persons under restrictions imposed under the Defence of India Act is negligible, and the Act will cease to be in operation in a few months. Further, I believe I am right in saying that no restrictions at all are now imposed under the Ingress into India Ordinance. Other Acts to which the Hon'ble Member referred, Act III of 1858, for instance, are really merely subsidiary enactments to Regulation III of 1818.

"There is, however, one very important law, namely, the Press Act to which he drew special attention. I told the Council the other day, I think, that we were prepared to examine certain amendments which have been suggested in that Act by Sir Sivaswamy Iyer and, I think, I am not betraying any confidence if I say that I was approached the other day on the subject of receiving a deputation from the Press on the subject of this enactment, and expressed my willingness to receive the deputation and discuss their difficulties with them. It will be seen, therefore, that the Government of India are not in any way averse from examining this question. I must point out, however, that our difficulties are materially increased by the manner in which certain organs of the Press are used at present. I do not want to wound the feelings of any members of this Council by a discussion of the subject of the various reported speeches, or by citing particular articles, but I believe that to many, I hope indeed all, Hon'ble Members these recent open incitements to disloyalty must have been a matter of great dissatisfaction and concern. I have in my hand the sort of article to which I have referred that increases our difficulties in relation to the Press Act. Another reason why I oppose the resolution, why I ask the Hon'ble Member not to press it, and why I will ask the members of this Council not to support it, is that I cannot but think that it will involve a great revival of bitterness and ill-feeling in the country. I have never seen an inquiry into matters of this kind on which there is a good deal of feeling which did not provoke great bitterness. I want members of this Council, if they give the Government the credit for what it has done in the way of taking steps to allay ill-feeling and for what it has done to give effect to the King's Proclamation, to assist us in our efforts. The Hon'ble Mr. Patel says that trust begets trust. Sir, can it honestly be said by any member of this Council that the conduct of some of the men to whom we have extended the King's clemency has answered this test, or that it has done any good, or that we have been treated fairly or generously by them? I am willing to leave it to members themselves of this Council in their heart of hearts to say whether it can possibly be said that all of those who are released have treated us in the spirit in which we have treated them. Sir, as I am speaking of His Majesty's proclamation may I repeat that an inquiry of the kind proposed, which would do nothing but evoke unrest, agitation and ill-feeling, would not be in accordance at all with the spirit of that announcement. It may be said that the inquiry would not be in any way opposed to the proclamation, but my point is that any action which would provoke any ill-feeling would not only be dangerous and unwise, but contrary to the wish expressed in the proclamation. I ask the Council to remember also the difficulties and the pre-occupations of the Government at the present moment. Do they not think honestly that the Government have enough on their hands without adding to their labours by a committee of the kind proposed? I want members of the Council to realise that we are, in my judgment, in a difficult and critical stage in the life of the country. An attempt is being made to evolve peacefully and gradually a new form of government. The process is the more difficult, because if facts are to be stated plainly, India has been for many years and is under foreign rule. The difficulty of the work is further enhanced by the fact that the change is being made when the whole world is suffering from a spirit of unrest; when the feelings of our Muhammadan fellow-subjects are much exercised over the Turkish Peace terms, and by the spirit of anarchy prevalent in Central Asia. I say that it would need little at present to cause these factors in the country to become a serious danger to the welfare of India, and I ask Hon'ble Members here not to add to the difficulties of Government by proposing a committee of this kind at this juncture.

"If the Government of India can secure, if Local Governments can secure the co-operation of the members of this Council in dissociating themselves from those who are guilty of revolutionary and anarchical crimes, in discouraging and denouncing disloyalty, then I hope we shall not find it necessary to use these Acts to which reference has been made. That is the spirit in which I ask the co-operation of this Council. It has been said that members of the Government think that co-operation is one-sided, that Government expects the co-operation of non-officials, but is not willing to do anything in return. I put it to this Council that the Government has gone far to meet them in this matter of clemency, in meeting their requests in various ways. They have gone, as far as possible, to give genuine effect to His Majesty's request to all his subjects to do what is possible to allay bitter feeling in this country. I have explained the dangers of the situation, and as I have touched on this subject, I should like to conclude my remarks by appealing to all members to give us their whole-hearted and real support in securing tranquillity at a time of anxiety when such co-operation will be of the greatest value."

The Hon'ble Mr. V. J. Patel:—"Sir, I had little thought when I gave notice of this resolution that it would upset my Hon'ble friend the Hon'ble the Home Member in the way in which it has done. I thought the resolution was really innocent. I wanted really to give an opportunity to Government to show real proof of their intentions to co-operate with the people of India. As a matter of fact, what do I ask? I ask for a committee. How could those consequences which my Hon'ble friend the Home Member described result from the appointment of a committee to consider the question? I do not ask for the repeal of the Statutes all at once, I merely say appoint a committee! I understand from the Hon'ble Member that the Government themselves are considering the matter in the light of the proclamation and trying to do all 4-35 P.M.

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that they can. And all I say is, 'please take us also into your confidence.' My Hon'ble friend the Home Member says he does not believe that trust begets trust. He says well Government used their clemency and released so many people. They did so no doubt in pursuance of the Royal command. But he said that the result was that some people misused the confidence. I wish he had quoted instances instead of merely making that general statement. The other day my Hon'ble friend Mr. McPherson said that certain individuals used objectionable language in their speeches very soon after they were released. He was not in a position to quote what particular speeches he was referring to, and I at once challenged his statement. It is no use making such general statements in a matter of this kind. I am surprised my Hon'ble friend challenges the very doctrine which has always been accepted that trust begets trust. The whole government is based on the trust and confidence of the people. If you do not trust them there is an end to all good government. He referred to certain Acts but he forgot to mention the Criminal Law Amendment Act, which he himself said only last year in this very Council hall that from experience Government had found that that Act had become ineffective. He said the experience of the working of the Act in Bengal had proved that the Act had become ineffective. If so, what is the justification for keeping it on the Statute-book? I really cannot see why all this long speech was necessary in reply to this small resolution of mine.

"I think the acceptance of this Resolution will help to create good feeling between the people and the Government. The apprehension of my Hon'ble friend is entirely unfounded If you allow things to remain as they are, I am afraid the feelings will be more bitter. Only the other day, Sir, you know in Bombay, under the presidency of my friend Sir Narayan Chandarvarkar, there was a huge public meeting protesting against the Press Act and asking Government to repeal it at once These things will go on How can you prevent it unless you give some proof that Government really intend to do something and propose to take the people into their confidence? The bitterness will grow as time goes on. I want Government to try and soothe the people, and the only way to do it is to appoint a Committee to consider and examine one by one all these regulations and see which of them could be repealed, and which could be so amended as to insure that no action under them could be taken without some judicial order.

"Now it has been said that the non-official Members must realise the preoccupations of the Government. They have got so many other things on hand, and it is not right that they should burden their hands with this business also. Well, Sir, I see nothing more important than the consideration of a question which would at this period of our history, tend to bring closer and closer the Government officials and the people, and promote mutual good-will and co-operation. That is the object of my proposal, and I do not know why my Hon'ble friend is so much troubled about it. Public feeling, Sir, is very very strong against certain Acts on the Statute-book, and I think—I do not know whether it is parliamentary to say so—but I think we are living in a fools' paradise if we believe that all agitation will cease by the mere expression of lip sympathy or by mere talk about co-operation or anything of that kind. What is wanted is a radical cure. Remove those Statutes against which people have been protesting all these days. Why do you not take the straight and open course that lies before you? And what is the use of saying we are ready to co-operate, Government has done this, Government has done that? Why do you not do the very thing I propose should be done in order to bring the people into closer touch with the Government and promote mutual good feeling between them? I trust my Hon'ble friend will still re-consider the position of Government and accept this resolution and give real proof of the good intentions of Government in this matter."

12 P.M. **The Hon'ble Sir William Vincent**:—"I only want to say a word or two in reply on this argument that trust begets trust. It was

with the object of inviting the confidence of the people that we acted as we did in giving effect to the gracious words of the King's Proclamation. Indeed in some cases as I daresay Members of this Council are aware, we have been accused of going too far. In any case I put it to Council that it cannot be denied that we have taken great risks in our reliance on the very principle on which the Hon'ble Member lays such stress. We have released various persons in the hope and belief that the exercise of this clemency would influence them, and would induce them to refrain from seditious or treasonable conduct, and what has been the response? The Hon'ble Member has accused me of making general charges and criticised me for not revealing the particular statements to which I referred. I guarantee that if he is ignorant of the particular speeches and articles to which I have referred, he is almost the only man in this Council that is in that position. The papers are here in my hand, he who runs may read them. My only object in not citing *verbatim* from them was not to cause any bitterness in this Council by naming individuals. If the Hon'ble Member wishes to have proof of my statement I shall be only too glad to give it to him and to show him these papers immediately after this Council."

The motion was put and the Council divided as follows:—

Ayes—8.

The Hon'ble Mr. S. Sastri.
„ „ „ R. Ayyangar.
„ „ Mir Asad Ali, Khan Bahadur.
„ „ Mr. V. J. Patel.
„ „ „ E. H. Jaffer.
„ „ Chaudhuri Mohamed Ismail Khan.
„ „ Mr. G. S. Khaparde.
„ „ „ K. K. Chanda.

Noes—40.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
„ „ „ George Lowndes.
„ „ „ George Barnes.
„ „ „ William Vincent.
„ „ Mr. Shafi.
„ „ „ W. M. Hailey.
„ „ Sir Arthur Anderson.
„ „ „ Thomas Holland.
„ „ „ Gangadhar Chitnavis.
„ „ Mr. C. F. de la Fosse.
„ „ „ E. M. Cook.
„ „ „ H. Sharp.
„ „ „ H. McPherson.
„ „ „ A. H. Ley.
„ „ Sir William Marris.
„ „ Mr. R. A. Mant.
„ „ Major-General Sir Alfred Bingley.
„ „ Mr. E. Burdon.
„ „ Sir Sydney Crookshank.
„ „ Mr. H. R. C. Dobbs.
„ „ Sir John Wood.
„ „ Major-General W. R. Edwards.
„ „ Mr. G. R. Clarke.
„ „ „ H. Moncrieff Smith.
„ „ „ A. P. Muddiman.
„ „ „ C. A. Barron.
„ „ „ N. E. Marjoribanks.
„ „ „ N. F. Paton.
„ „ „ K. C. De.
„ „ Maharaja Sir M. C. Nandi.
„ „ Raja Sir Rampal Singh.
„ „ Mr. L. F. Morshead.
„ „ „ C. A. Kincaid.
„ „ „ P. J. G. Pipon.
„ „ Sir Umar Hayat Khan.
„ „ Mr. H. A. Casson.
„ „ „ A. E. Nelson.
„ „ „ B. C. Allen.
„ „ Maung Bah Too.

The Resolution was therefore rejected.

RESOLUTION *RE* REDUCTION OF SECRETARIAT CHARGES.

4-50 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—" Sir, I beg to move the following Resolution:—

> 'This Council recommends to the Governor General in Council that the allotment under head '18—General Administration, sub-head I, Cost of the Central Government (iv) charge of the Secretariats' be reduced by two lakhs of rupees and the estimated surplus b increased.'

" Sir, this is a very small matter and I will not take more than a minute. I shall simply call the attention of the Council to the composition of the Secretariat. I think it is well known that, in view of the delay that takes place in the Secretariat, it was suggested in the Joint Report on Constitutional Reforms that the matter should be examined, if necessary, by experts from England and it was stated in the Report that His Excellency the Viceroy had informed his colleagues that after the war there would be an investigation of this kind. We read in the papers last autumn that a Committee had been appointed under the presidency of Sir Llewelyn Smith of the British Board of Trade. Now the composition of that Committee was rather peculiar. It consisted only of English officials, excepting that there was one European non-official, Mr. Gall, a Calcutta merchant, who was connected with the Employment and Labour Bureau; the Indian element, official and non-official, was entirely absent. I do not know, Sir, if it is considered undesirable that the piercing Indian eye should have a look at the dark recesses of the Secretariat. Well, Sir, I think that it will be conceded that if perhaps some outside light in the shape of the non-official Indian view point was considered, it might have been useful. The Secretariat is an important feature of the Government, and it is unfortunate that it was not considered necessary to have an Indian element in the Committee. The Committee has reported to the Government of India. We do not know what the recommendations are. The reference to the Committee was very wide and included even the portfolios of Members of the Executive Council. In view of this, Sir, I contend that it is a matter for grievance to the Indians that the Government of India should have excluded Indians from this Committee.

" In the next place, we find that the cost of the Secretariat has gone up by leaps and bounds for the last five years. In 1916-17 it was Rs. 38,96,000; in the next year it was Rs. 46,00,000; and in the last year it was Rs 47 lakhs; and in the budget we have provided for Rs. 49,56,000 Sir, it was believed that in view of the recommendations of the Hobhouse Commission on Decentralisation for the devolution of authority and decentralisation, the work of the Secretariat and the cost of the Secretariat would be reduced; but far from there being a sign of that we find it to be otherwise. It is a matter for serious consideration, Sir. With the coming reforms there is bound to be some decentralisation; but if you maintain a huge secretariat, as a centre of the bureaucracy, it will be a real menace to responsible government It will be bound for its very existence to create work and to unnecessarily interfere with the Provincial Governments. That is a matter, Sir, which this Council ought to look into and, if possible, prevent. With these words I press this resolution for the acceptance of Council."

4-57 P.M. **The Hon'ble Sir William Vincent:**—" Sir, when I first saw this resolution it gave me and my officers a great deal of thought. We saw that the secretariat grant was to be reduced by a very considerable sum of money, two lakhs of rupees; and our minds were exercised to know what the Hon'ble Member was after; was it the Simla exodus, or was it New Delhi, or what was it that the Hon'ble Member had in his mind? Now it turns out that his sole reason for wishing to reduce the secretariat grant is that he is dissatisfied with the Government of India for something which they did last year. It is said that we had a committee to inquire into the Secretariat procedure and put no non-official Indian on it and that the Hon'ble Member has brought this resolution as an indication of his dissatisfaction. Well, all I can say in regard to that committee is, that we regarded it as a purely domestic and technical matter in which we needed the opinion of experts. The suggestion to appoint the committee was made, I think, originally by the Secretary of State and he supplied an expert from Home. There was certainly no intention whatever of casting any slur on the members of this Council, nor did we think that any non-official members took that intimate interest in our domestic concerns, or if I may say so without any disrespect, that they had that expert knowledge—of course, Mr. Chanda may be an exception—which would enable them to deal with a very intricate administrative subject of this kind. I hope that the Council will not vote the decrease in the secretariat budget for next year because of him.

"The other point to which the Hon'ble Member referred, was the increase in expenditure which, he says, has gone up by leaps and bounds. I admit that there has been an increase; but the particular increase this year, according to my information, is due to a transfer of the Indian Munitions Board from the military to the civil. A note that I have before me says that the provision this year includes the full year's amount for the Indian Munitions Board amounting to Rs. 6 91 lakhs in all. Subtracting that, the actual expenditure is roughly a decrease on the preceding year; that is, any increase there is this year is due merely to a transfer from one head to the other of the Munitions Board which has now become more of a civil department than it was in the past. I do not think that Hon'ble Members will accept this transfer as a sufficient reason for reducing the establishment, unless it is proposed in some way to re-transfer my Hon'ble friend, Sir Thomas Holland and his establishment, to the military side.

"The Hon'ble Member went on to say that the large staff of the secretariat encourages undue interference with Local Governments and that such establishments are quite incompatible with the responsible government that is coming. I can assure him that our practice has been to interfere with Local Governments as little as possible, and I think, at any rate so far as the Home Department is concerned, I can state without fear of contradiction, that we do not interfere with them save where it is strictly necessary. As to the second argument, if the Hon'ble Member thinks that under responsible government there will be a small secretariat staff or less work for that staff than at present, I can assure him that he is making a very great mistake. As it is a large portion of the time of the officials of Government for many months in the year is occupied in collecting information for answers to the questions and resolutions placed before us by the non-official members and this is a burden which will increase with the size of the Council.

"In all these circumstances, I hope the Council will not accept this resolution."

The Hon'ble Mr. Kamini Kumar Chanda:—"I have listened, Sir, to the speech of the Hon'ble the Home Member with all respect and with much interest; but I must say that I do not feel convinced. Taking the Committee first, was there no Indian official of experience at all, either in the Imperial or Provincial Governments who could serve on the Committee? That was what I contended. 5 P.M.

"Coming to the next point, my Hon'ble friend says that this budget provision of Rs. 49 lakhs is due to the transfer of some department to civil; but I find some difficulty in understanding that; for instance, I find in the Home Department we have now got a new joint secretary, and there is my Hon'ble friend, Sir William Marris, the Chief Reforms Commissioner; in the Commerce Department I find there are two deputy secretaries; in the Finance Department there is a joint secretary; in the Revenue Department there is a Food Controller. I suppose these do not belong to the military department, but are additions to the civil departments. That is a serious grievance certainly of which we have a right to complain. The enormous rise of 8 lakhs in the course of five years in the secretariat is not a small thing, and surely requires looking into. That was my complaint and these are my grounds for pressing the resolution."

The Resolution was put and rejected.

The Vice-President:—"The Council will now adjourn and re-assemble at 6 o'clock."

RESOLUTION *RE* GRANT OF FIVE LAKHS OF RUPEES TO THE AYURVEDIC AND UNANI TIBBI COLLEGE, DELHI.

6-3 P.M. **The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer**:—"Sir, I beg to move—

'This Council recommends to the Governor General in Council that a grant of five lakhs be made to the Ayurvedic and Yunani Tibbi College, Delhi, for building, equipment, etc.'

"Sir, for the last few years efforts have been made in all parts of the country on an organized basis to win for the indigenous systems of medicine the scientific and the social status they fully deserve, but which was denied to them for a long time. I do not want here to enter into a discussion of the comparative merits of the Western and Eastern systems of medicine, and, as a layman, I would be presumptuous if I attempted the task. I likewise know that very strong views are held on this question by the champions of the claims of Indian medicine and their opponents But I may be permitted to observe, notwithstanding this difference of opinion, that the utility of a careful study and also of the practice of the Ayurvedic and Unani systems is coming to be more and more recognised even by experts. Looking to the needs of the masses of this vast country, and to the impossibility of relying only on the Western system and its practitioners for ministering to their medical wants, people have come to admit the importance of the Indian systems of medicine to give relief to suffering humanity. And the practitioners and supporters of these indigenous systems are actively striving to provide for the systematic teaching of the subject in special institutions so that the number of trained practitioners may increase to the great benefit of the mass of the people living in villages and small towns. One such institution is the Ayurvedic and Unani Tibbi College in this city, which has secured a large measure of popular support under the able and energetic guidance of Hazik-ul-Mulk Hakim Ajmal Khan, its Honorary Secretary. Lord Hardinge laid the foundation-stone of the college and the building is now an accomplished fact. It is expected that His Excellency the Viceroy will be pleased to perform the opening ceremony of this institution next autumn. Being a central institution established in this city, the capital of the country, the institution deserves every support the Government of India can give to it. A grant of five lakhs of rupees for buildings and equipment will prove very helpful to such a useful enterprise, and I hope Government will not grudge the money I am proposing it should give to the college. The Board of Trustees of the College is composed of respectable gentlemen, and private effort in the direction of education in medicine made under such auspices ought to receive generous partronage from Government. With these words, Sir, I move the resolution."

6-7 P.M. **The Hon'ble Mir Asad Ali, Khan Bahadur**:—"I beg to support the resolution, Sir."

6-8 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I beg to give my hearty support to this resolution. Four-fifths of the population of this country are unfortunately unable to get the benefit of the European system of medicine, and the number of doctors that we have is so few, that they are hardly adequate to meet the requirements of the vast population of this country.

"Not only that, Sir, but there is a large proportion of the population in this country who are in sympathy with Ayurvedic and Unani systems of medicine and these people must not be left to be treated by 'quacks.' Now that an institution of this kind is established on the latest model, I think it ought to be encouraged by the Government. I am sure the Government have full sympathy with this institution, and I hope the Hon'ble Member in charge will see his way to give some grant for it."

The Hon'ble Mr. Kamini Kumar Chanda :—"I beg to support this resolution."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri :—"Sir, 6-9 P.M. I heartily support the resolution moved by my Hon'ble friend Mr. Ebrahim Haroon Jaffer. During the Muhammadan period, Sir, the indigenous systems of medicine had reached a stage, unrivalled by any of the existing systems; but since, under British rule, Allopathy has been accorded the Government patronage and recognition, the Ayurvedic and the Yunani schools have been relegated to the cold groove of neglect. Yet even now in some of its branches the Ayurvedic and the Yunani are in advance of their Allopathic rival. Sir, I can bear personal testimony to the great efficacy of the indigenous systems. The year before last, Sir, after three months' continual attack of fever when all the leading Allopaths of Calcutta gave up my case as hopeless, through the grace of the Almighty, Yunani treatment restored me to health again. I owe a deep debt of gratitude to the systems, and I am glad to notice that the leading exponents of the Ayurvedic and the Yunani medicines are exerting themselves for the establishment of a college of indigenous medicine at this Imperial City of Delhi. They deserve every support and encouragement from the Government, and I hope His Excellency's Government will not be slow in helping a beneficent institution of which the foundation-stone was laid by His Excellency's distinguished predecessor, Lord Hardinge. With these few words, Sir, I heartily give my support to this resolution."

The Hon'ble Maharaja Sir Manindra Chandra Nandi :— 6-10 P.M. "Sir, I have much pleasure in supporting this resolution. It is a well-known fact that an Ayurvedic and Yunani Tibbi College has recently been established at Delhi, and it is desired by everybody that its buildings should be erected soon, as the public are likely to derive great benefits from the institution. As we cannot produce from the Medical Colleges, which we have at present in this country, a sufficient number of doctors to meet the needs of the public, the Government should encourage the establishment of colleges for the adequate study of the Ayurvedic and Hakimi systems in different parts of India. I, therefore, hope that the Government will be pleased to accept this resolution."

The Hon'ble Mr. G. S. Khaparde :—"Sir, I have heard the 6-11 P.M. arguments in favour of this resolution, and it seems to me that the Ayurvedic and Unani Tibbi College in Delhi would afford very great facilities for the study of Ayurvedic and Unani medicines. I therefore sincerely hope that the Government will see their way to help this institution with the grant asked for. With these words I support this resolution."

The Hon'ble Mr. V. J. Patel :—"Sir, I also rise to support this 6-12 P.M. resolution. I think it is in the fitness of things that the Government should accept this resolution. My Hon'ble friend Mr. Jaffer has rightly pointed out that one Viceroy laid the foundation-stone of the college and that another Viceroy is going to open it. Well, I think it is not at all a question of competition between two rival systems of medicine. It is, I think, the accepted policy of Government to encourage indigenous systems of medicine in this country, and that Government will, I hope, take this opportunity of giving proof that they really mean to carry that policy into effect. I submit it is absolutely necessary that all possible efforts should be made to have the Ayurvedic and Yunani systems encouraged on as large a scale as possible in order to meet the requirements of the masses in India. If we had the Ayurvedic and Yunani systems of medicine encouraged in times gone by, and if we had enough medical men trained in those systems, we could have combatted to some extent the results of the influenza epidemic in which about six million people died only the year before last."

-14 P.M. **The Hon'ble Haji Chaudhuri Muhammud Ismail Khan**:—"Sir, I beg to accord my hearty support to the resolution moved by my Hon'ble friend. The necessity of encouraging indigenous systems of medicine has been acknowledged, and it is only proper that Government should extend the same patronage to Indian systems of medicine as to the European systems. The College at Delhi has done splendid work, and further opportunities for research should be afforded to it by grant from Government. I hope the Government will find their way to accept the resolution and thereby give proof of their sympathy with our endeavour to conduct research into Indian systems of medicine'.

6-15 P.M. **The Hon'ble Sir Umar Hayat Khan**:—"Sir, I rise to support this resolution. Many of the Punjabees who have attended this college and have gone back to their districts are doing very good work. Where there are no doctors or hakims, some quacks come forward and generally, I think, they do the work of killing. I think that when the stock of English medicines ran short during the last war many hospitals had used Indian medicines which were considered very useful. Therefore I feel if we have people properly trained in the Ayurvedic and Unani College in Delhi, it will be very useful to the country. I therefore support this resolution very strongly."

6-16 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, there is a question of principle involved in this, and having regard to the fact that medicine is to a certain extent to come under the new ministers I think the problem requires some examination. It has been contended, and I think not without reason, that having regard to the small amount of funds available for the extension of medical teaching, it might not be desirable to dissipate our resources in departing from the established practice and encouraging studies which have not been scientifically proved to be sound. That has been the view accepted by the Governments in general in the past, and I know that in the Madras Presidency municipalities were to a certain extent prevented from giving funds to Ayurvedic institutions and grants were withdrawn in some instances. Now this question will come to the forefront in the immediate future, and I therefore think some kind of definite policy must be pursued by the Government; at any rate, some indication must be given so as to guide the people as well as the Government in the future.

"Sir, there is a very strong volume of opinion in favour of encouraging Unani and Ayurvedic studies, and, I think, it will be expedient, politic as well as just to give a grant to this central institution so that the results from the utilisation of that grant may be awaited and the system may be extended. There is no use saying 'no' to everything. I mean we shall have to go with the people to some extent in order to show that we have no prejudice in the matter, and I think Government will be setting public opinion against itself if it says that no money can be spared for this college. It will be better, I think, if the Government can see its way to give encouragement to this particular institution, ask it to show definite results and then wait and see whether the results justify any further extension of grants-in-aid to institutions of a similar character."

The Hon'ble Sir William Vincent :—" Sir, in 1916 a resolution was moved in this Council by the Hon'ble Khan Bahadur Mir Asad Ali in which he asked us to investigate the possibilities of placing the ancient and indigenous systems of medicine on a scientific basis. That resolution was accepted and subsequently Local Governments were invited to give their opinion as to whether these proposals were feasible or not. I regret to say that the replies, the substance of which I placed on the table at a later date, were very unfavourable to the proposals I hesitated to put the actual replies on the table because I thought they might cause offence to individual members. Since then, however, a good deal of water has passed under the bridges, conditions have changed, and although the opinions that I have received are not favourable,—I have now a memorandum before me by an expert in Western Medical science which speaks in remarkably scathing terms on the scientific aspect of the Ayurvedic system—yet I quite recognise that many members, in fact nearly all the non-official members of this Council, feel very strongly on the subject. Further, whatever may be the scientific basis of these systems, it is undoubted that many, both Indians and Europeans, have considerable faith in them. I have myself heard a very high official of Government say that he has known of as many cures effected by these practitioners as by any other class of doctors. Another consideration weighs with me in this matter, and that is the one which has been put forward by the Hon'ble Mr. Sarma. Medical administration is going to be a provincial subject. It is also going to be a transferred subject, as I understand, and it is, therefore, a matter in which the Ministers and the Legislative Councils will exercise great authority and for the administration of which they will be responsible It is, therefore, quite possible and even probable that they will use some of their resources for financing or aiding dispensaries and various institutions worked on the Ayurvedic and Unani Tibi systems. In fact, I believe in some provinces that is the case at present. That being so, the question of having a central institution in which the system can be properly taught is of considerable importance. The institution to which the Hon'ble mover refers has also received recognition from Government in the fact that the foundation-stone was laid by His Excellency Lord Hardinge when Viceroy, and I am told, though I have no authority for this myself, that His Excellency Lord Chelmsford will open the building. I do not know the authority for that statement, but I presume the Hon'ble Member has not made it without being satisfied that it is correct. Another argument that presses me is this. It was only a short time ago that I was speaking of co-operation between officials and non-officials, and I spoke of the necessity of this not being one-sided, that is that while asking the assistance of non-officials we should show that we are anxious to work in with them and accept their recommendations when we can do so. I cannot pretend to have any knowledge of the value of these systems of medicine myself, and I am bound to admit that the scientific advice I have received has little to say in favour of these systems, but I am anxious here again to meet Hon'ble Members. I recognise also that much of the criticism comes from persons who would naturally not be inclined to favour any system other than their own. It is also quite clear that facilities for medical treatment that at present exist are very inadequate for the needs of the country, and it will be very difficult, if not impossible, for many years, for the Government to train a sufficient number of persons in Western methods of medical science. Bearing 6-18 P.M.

all these considerations in mind, I am prepared to go as far as I can to meet the Hon'ble Member in respect of this Resolution. I cannot, of course, and he does not really expect this, promise to make a grant of Rs. 5 lakhs to an institution which has never, I think, asked us for it, and for the employment of which sum we have no definite scheme before us, or anything of the kind. Nor would I, for one, think of approaching the Finance Department for a grant on the information before me Sometime ago I offered to receive a deputation from the authorities of this Institution, and to my regret they have not thought fit to come near me, but I am prepared to say that, if I receive a scheme which, I think, I can conscientiously support to the Finance Department, I will do so and endeavour, so far as financial exigencies may permit, if the scheme seems a sound one, to secure a grant for it. The amount of that grant I cannot possibly say. It will depend largely on the character of the scheme, largely on the good-will of my Hon'ble colleague the Finance Member, and largely on the financial exigencies of the moment. I wish however at present to make it clear to the Council that I accept, so far as I am in a position to do so, the principle underlying the resolution of the Hon'ble Member."

6-25 P.M. **The Hon'ble Pandit Madan Mohan Malaviya**:—"Mr Vice-President, as one interested in this institution I thank the Hon'ble the Home Member for the promise of support which he has made for it. It will be unnecessary for me to take up any more of the time of the Council, but I wish to say this much, that the reports and opinions which have been expressed by those who are not practising these two ancient systems should always be received with a certain amount of reserve. These two systems have existed in this country from very ancient days. They are beneficent systems. Millions of people have benefited from these systems. Even now, when we acknowledge with gratitude the advances made in the European alopathic systems we find that in important places *vaids* and *hakims* are effecting cures in cases often given up as hopeless by other practitioners. I know from personal knowledge many cases of *kabirajes* practising the Ayurvedic system successfully in cases which have been given up by practitioners of other systems. I know also at this moment that a very esteemed friend of mine, a very wealthy man, having tried other systems, has now called a *hakim* from Delhi to treat him when his case is considered to be nearly hopeless. I could state many instances, but I do not think it is necessary to take up the time of the Council by doing so. I will only ask my European colleagues to take one fact into consideration. The Ayurvedic system is more ancient than any other system prevailing in history, and it has its body of literature, it has its own science, it is not an empiric system. It has not developed as modern science developed. The progress made in ordinary science during the last 100 years is a matter for sincere congratulation, particularly on the question of surgery in which the progress has been immense. Also in the matter of medicine, the physician's work, the progress has been very great, and we feel grateful that this progress has been achieved. But we must not overlook the very great advantages which the system of Ayurvedic medicine and the Yunani system do confer upon the people who resort for medical help and relief to the practitioners of these systems. Also it should be borne in mind that the tendency in the teaching of both these systems now is to incorporate the advances made in the modern systems and teach them along with what is obtainable in the ancient systems. There is only one other point to which attention should be drawn. When the Government of a country like ours finds that vast numbers of people resort to a particular system which is prevalent in the country, they ought to adopt one of two attitudes. They ought either to accept the advice of the people who resort to those systems for relief and support the systems, or if they have a doubt they ought to appoint a committee of scientific men, upon which representatives of these systems should be invited to sit, to sift the whole matter and to place the report before the Government which would relieve the Members of the Government of any doubt or distrust of the value of these systems. I am confident that if such a committee was appointed, if the matter was examined, the Government would be satisfied and it would be a matter of satisfaction to all to find that these systems have inherent merit in them which ought to be encouraged. I am very glad therefore that the Hon'ble the Home Member has promised to support this institution. I hope this support having been promised, it will not merely encourage the present institution which has been referred to, but other institutions also and that the army of workers who are working to administer relief to our fellows-subjects will greatly be increased to the satisfaction of all interested in the relief of human suffering and in the preservation of health."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer "Sir, I am glad that my Resolution has been so well received by the meml of this Council. I must also thank the Hon'ble the Home Member for his sympathetic reply. I hope, when the scheme is placed before him, he will not only consider it favourably but liberally. We have had enough of sympathy in words, but nothing has so far been done practically. It is high time now that something was done to encourage this sort of medicine. In view of the assurance of the Hon'ble the Home Member, I beg your permission, Sir, to withdraw this Resolution."

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* APPOINTMENT OF AN INDIAN AS CHIEF REFORMS COMMISSIONER.

The Hon'ble Mr. V. J. Patel :—"Sir, I rise to move the followin Resolution :—

> 'This Council recommends to the Governor General in Council that the amount of general reserve entered for unforeseen requirements under the head 'Miscellaneous' be increased by a sum of seventy-five thousand rupees which should be allotted for the appointment of an Indian as Chief Reforms Commissioner, and for the payment of the travelling and other expenses of members of the Informal Advisory Committee on rules already appointed and hereafter to be appointed'.

"Sir, this is a very important Resolution. It raises two issues. In the first place I want that provision should be made for the appointment of an Indian as Chief Reforms Commissioner and, secondly, I want that provision should be made to meet the travelling and other expenses of members of the Advisory Committee already appointed, and mark the words 'hereafter to be appointed.'

"I take the second point first. There is already, as this Council is aware, an Advisory Committee appointed by the Government of India to consider the draft rules and regulations under the new Reform Act. That, I understand, is not the only function of that Committee. It has also to advise the Government of India from time to time on matters arising out of the reforms, so that the Committee will not cease to exist as soon as this Session is over, but will have to continue its sittings hereafter in April, May, June and July ; in fact for all the year round till the new Councils come into existence. Well, Sir, when I say that provision should be made to meet the travelling and other expenses of the members of the Committee hereafter to be appointed, I mean that the Committee requires to be strengthened ; some more members ought to be added to that Committee. As it is all the provinces are not represented on that Committee. I find that Assam is not represented ; I also find that the Central Provinces are not represented ; Burma is not represented. It is necessary, Sir, that there should be representation on that Committee from every province. Consequently, additional members will have to be put on that Committee and their expenses will have to be paid for. Meetings will take place at Simla and other places from time to time till the end of this year. Not only is there no representation from all the provinces, as I say, but all the interests are not represented. I know, as a matter of fact, that the European commercial interests are represented on the Committee. There are two non-official European members of this Council who are members of that Committee, so far, as I understand, but not one single member of the Indian commercial community is there. And what is the result? I understand—I am not giving out any secrets because I am not a member of the Committee; I tell the Council what I have heard for what it is worth—the other day a question was discussed whether there should be two European commercial members on the Legislative Assembly from Bengal as proposed by the Government of India, and the two European members of the commercial community who were members of that Committee pressed that there should be three. There was no one on the other side to represent the Indian commercial interests, with the result that the Committee recommended that there should be three European members and not two. I do not know how far that is true, but perhaps the Hon'ble Sir William Marris will be able to explain the matter. What I ask the Council to do is this. Let there be representation of all the prinicipal interests on that Committee, the Indian commercial interests, landholders' interests, and the like. I do not want to go into the question whether the political bodies particularly the congress and the moderate conference should have representation on the Committee. I should like to see all interests represented. If my view is accepted, you will have to make provision to pay the travelling and other expenses of those members.

"The second point is, I want an Indian appointed as the Chief Reforms Commissioner. Sir, there is a good deal of talk about co-operation now-a-days. My submission to this Council is 'let us begin co-operation in the Reforms Office itself.' That is the place where co-operation must begin. The Reforms Office is there for the purpose of advising the Government on the rules and regulations to be framed under the new Act and on various other matters that may hereafter arise in connection with the reforms. Now we know, we have been told times without number, that the Minto-Morley reforms failed because of the rules that were framed by the Government of India under the Act. Let us therefore take lesson from past experience. It is absolutely necessary that Government should take the representatives of the people into their confidence in the matter of framing these rules and regulations. It is much better, Sir, in my opinion, that an Indian should really be in charge of the Reforms Office, as the head of it. Let us Indians be responsible for the making of these rules.

"It may be said that well, there is the Hon'ble Sir William Marris, who has already been appointed and he has been working for some time past, and how is it that I now come forward with a proposal for the appointment of an Indian as Chief Reforms Commissioner? Well, it may be said that he has been there and doing the work and there is no reason why there should be any change. I do not complain. We know the Hon'ble Sir William Marris. We know his views. I have great respect for him, and I know that he has been associated with this question of reforms long before the announcement of August 20th, 1917. In fact his name was associated with Sir Lionel Curtis who came in 1916-17 in search of some constitution for India. Subsequently Sir William was associated with the two distinguished authors of the Reform Report. We find his name prominently mentioned in the report; we also know that he was associated with the despatch of the United Provinces Government on that Report. We know that despatch very well, and we also know that he must have had a good deal to do with the nine despatches that were sent on the Reform Report by the Government of India to the Secretary of State. All these things we know, and we therefore know his liberality of views regarding the Reforms. We may not mind all that, Sir. But I am surprised at the colossal ignorance of the Hon'ble Sir William Marris on important questions connected with the proceedings of the Joint Committee. The other day I asked a question whether it was not a fact that Lord Selborne in the House of Lords stated that there would be four Indian Members of the Executive Council of the Governor General, and what was the reply? Up jumps Sir William Marris and says 'the Hon'ble Member must give notice of the question.' Now, Sir, I ask this Council seriously to consider whether the Reforms Commissioner, the person who is in charge of the Reforms Office, should or should not have known what the Chairman of the Joint Select Committee said in his speech on the subject of the number of Executive Council members of the Government of India, that is a thing which I cannot understand.

"The second point to which I should like to invite the attention of Council is regarding the Indian National Congress deputation. I asked a question a few days back whether there were any members of the Indian National Congress deputation on the Reforms Rules Committee. The Hon'ble Sir William Marris said he did not know the personnel of the Indian National Congress deputation. Well, Sir, if he had only seen the proceedings of Lord Selborne's Committee which contains among other things, the memorandum of evidence submitted to the Joint Committee by the Indian National Congress Deputation, he could have easily got the names. Sir, it seems to me he has not cared to know these things, and it would be much better therefore from all points of view that we should have an Indian who knows these things, who has worked in the Legislative Councils, local and imperial, who realises the difficulties, who can understand how the new reforms should be worked, and why and how the Morley-Minto Reforms failed. Such a man is the proper man to guide the destinies of the Reforms Office. I have great respect for Sir William Marris, and I know my friend, the Hon'ble Mr S. N. Banerjea gave him a certificate only the other day, but there it is; the facts must be faced; he has disclosed deplorable ignorance of most vital things which a Reform Commissioner ought to know. Under these circumstances, I submit, Sir, the Government should take us into confidence and appoint an Indian as Reforms Commissioner. With these words I move my resolution."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I would like to make one suggestion to my Hon'ble friend, Mr. Patel. Instead of asking for a Chief Indian Reforms Commissioner, I would suggest that he should ask for a Joint Indian Commissioner to be associated with Sir William Marris." 6-45 P.M.

The Vice-President:—"I am sorry I cannot accept any amendments."

The Hon'ble Mr. Kamini Kumar Chanda:—"I am not proposing any amendments."

The Vice-President:—"I must ask the Hon'ble Member to address himself to the resolution, and not to something which is not before the Council."

The Hon'ble Mr. Kamini Kumar Chanda:—"That is the only suggestion I have to make. I support the second portion of the Hon'ble Mr. Patel's resolution."

The Hon'ble Sir William Marris:—"Sir, when a few days ago a resolution was moved in this Council on a matter very cognate to that of the Hon'ble Member's speech, I ventured to ask the Hon'ble Mover of that resolution to remember the old proverb about the unwisdom of swapping horses when you are crossing a stream. I think that perhaps the same applies to the Hon'ble Mr. Patel's resolution now. It may be that you 6-46 P.M.

do not very much like the horse you have got, indeed, I gather that he does not. But against the advantages of getting a mount that you would prefer, it is as well to take into account the inconvenience that may result from the wetting you may get in the process. This stream which we are crossing is not altogether a little rivulet; it is a broad stream, and we do not hope to get to the other side before the end of the year. When we do emerge on the other bank it has been arranged that there shall then be a considerable change of horses. Several old stagers are going to be relieved of part of their load, and some new and untried blood is going to assume part of the burden of the administrative harness. Is not that the appropriate time to make a change when we are safely across and know where we are ?

"I gather from what the Hon'ble Member said that his main objection to the arrangements that have been made for the charge of the Reforms Office, (though he hedged it round with plenty of reservations), is that the Hon'ble gentleman objects to my association with this office on the ground that, when he had elaborately prepared two supplementary questions for me in this Council, I asked for notice of one, and gave the only answer that occurred to me on the spur of the moment in reply to the other. It was a perfectly true answer, and in the circumstances it appeared to me a satisfactory answer. I said that I could not charge my memory with the exact personnel of the Congress deputation to England. I do not see why I should have done so : and I gave the only possible answer. The other matter that the Hon'ble gentleman alleges against me is that he put another supplementary question and that I asked for notice of it. Now the Hon'ble Member's original question had been answered. Then, he, having read through various blue-books and having found in them the material wherewith to lay a train, fires it off in the shape of a supplementary question. Accordingly I asked for notice; I said that I required time to look into these blue-books and to verify the references that the Hon'ble Member had studied so long beforehand. I do not believe that anybody standing in my position could, without wading through hundreds of these pages beforehand—nor even then—give an answer straight off to any conceivable supplementary question that the Hon'ble Mr. Patel has elaborately prepared beforehand. I say that if the Hon'ble gentleman has nothing better to allege against the conduct of the Reforms Office than the fact that on two occasions his supplementary questions were answered in the only possible way in which they could be answered, then I say that his case is indeed a weak one.

"The Hon'ble Member briefly indicated some of the qualities which he thought suitable and desirable in the officer who had charge of this work. I suppose that the Hon'ble Member has given this matter some thought as a sagacious man, he has, considered, I suppose, what the nature of the work is and what the problems are with which it is concerned. He sees that the office is there, in the first instance, to deal with a re-adjustment of the relations between the Central Government and the Local Governments, between the India Office and the Government of India; and again that the Reforms Office is concerned with some re-adjustment of the internal relations between the various executives and legislatures. Therefore I can conceive the Hon'ble Mr. Patel saying to himself 'For the charge of this office let us look for somebody who has had administrative experience, who has been in a local Government and also associated with the Government of India, who has also been in a local Council and in the Governor General's Council. As the office has a good deal to do with the relations between the Secretary of State and the Government of India, it would be as well if the officer had also seen something of the India Office As there are questions of ministers coming into being, as a ministerial system is to be started, it is desirable to look if possible for some one who has dealt with or who has practical acquaintance of dealing with ministers in being. Parliamentary elections on a large scale also are in contemplation, and it is therefore desirable that you should get some one who has if not actual experience of such business also, at least some one who has at all events had the experience of watching a parliamentary election.'

These then, I suppose, are the sort of qualifications that you would look for. I have omitted to mention three other matters of some importance which are involved in all the various parts of the scheme. Some knowledge of constitutional law and of finance and of the working of the services is clearly required, and some acquaintance with such matters would therefore be an element of value Now the Hon'ble Mr. Patel may tell me that in enumerating these eight or nine points, all of which seem to be fully just and reasonable, I am setting up an impossibly high standard. I think the answer to that suggestion is a simple one; namely, that if it had not been for, other chances which I am sure every one here regrets, we should have had in an *ex*-member of this Council one who possessed in a very unusual and extraordinary degree exactly all the qualifications that I have enumerated for the purpose. If the period of Lord Meston's service in India had been prolonged, I think it could not have been denied that he would have been the ideal person in every way for this work. He possessed all those varied and numerous qualifications. Well, circumstances have otherwise willed and Lord Meston may help us in another capacity and another place, but he is unfortunately not here to undertake the charge of the reforms work.

"I do not suppose, Sir, that it would be proper or seemly for me for a moment to attempt to justify or give reasons for the selection that the Government of India made when Lord Meston was not available. But what I have to do is to apply the premises I have suggested to the proposal before the Council. I would ask the Council to consider whether these propositions which I have put forward, these qualifications, which I have suggested, are or are not substantial and reasonable propositions. Either let the Hon'ble Member show that they are not reasonable, or let him show in the alternative that the one qualification which he has put forward, that racial qualification which indeed he has put forward in all its nakedness, let him show that that is an over-riding consideration of such moment and value as to wipe out all others Because, Sir, if he cannot do that, then it seems to me that it must be admitted that from no fault of theirs but from the mere circumstances of the case the field of selection of an Indian gentleman possessing the required qualifications must be a restricted one I do not know who the Hon'ble Member had in his mind for this appointment, he did not indicate anyone, nor do I think it seemly to make any suggestion. But I am reminded that he did state qualifications, Sir, and it appears that those qualifications, so far as he stated them, would apply to a gentleman sitting within not a very large radius from where the Hon'ble gentleman himself sits in this Council.

"As regards the question of travelling allowance which the resolution also raises, I may say at once that of course provision will be made for that, and for that purpose there will be no need to enter any special sum in the Budget. But it is obvious to Council that the Hon'ble Member's concern is not mainly with the question of such allowances.

"I do not conceive, Sir, that the question of the composition of the Committee, or of the operations of the Committee, regarding which the Hon'ble Member appears to have gathered some inaccurate information—I do not think that these matters are sufficiently germane to the subject of this resolution for it to be necessary for me to enter upon any discussion of them. The Hon'ble Member has already had the opportunity of discussing the composition of the Committee once already and its function is to advise the Government and not to report to Council. For these reasons, Sir, I do not suggest to Council that they should accept this resolution."

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. Vice-President, I consider it unfortunate that we should have had this discussion, and this Resolution should be open to the attack, to the criticism that the suggestion has been put on a racial ground. I also consider it very 6-55 P.M.

unfortunate that there should have been so much discussion of a personal character in dealing with the question of the character involved. I feel that the criticism on personal ground is most deplorable and I only want to say this, that while I do not at all wish to say anything in regard to the personal qualifications of Sir William Marris who has been appointed Chief Commissioner, it would pain me to discuss them and has pained me to hear the discussion of them. I would not go into the question on personal grounds, and I wish my Hon'ble friend Mr. Patel had put it in asking for preference for another Commissioner merely on the ground of his being an Indian.

"I think we had a suggestion that we wanted the co-operation of European and Indian. The whole basis of the Reforms Act, the whole basis of our reforms and changes in the new constitution to which we are looking forward rests upon the co-operation of Indian and European. Therefore I would not ask for the appointment of any Commissioner merely on the ground that he was an Indian, nor would I for a moment object to the appointment of a Commissioner merely on the ground that he was an Indian. Having made this much clear I would say that I wish it had fallen to some other member, that some other member had been asked to reply to this Resolution than Sir William Marris, not that I think he said anything to which exception can be taken, but I think that it was due to him that some other member should have taken up the answer to this Resolution. I think the only point which I will say is this, that this is a matter which does require some serious and impartial consideration. There is a feeling in the minds of many members of this Council, I should say of some at least in this Council and outside this Council, that in asking members to consult, to advise the Government regarding Reforms, the Government have not shown that large-heartedness which was expected of them on such an occasion as this. I think the Advisory Board should have been larger, and I think the suggestion that non-official members might be asked to co-operate was worthy of consideration. If that was only done the Board might have been still larger than it is.

"The President of the Indian National Congress, I understand, sent a cable to the Secretary of State complaining of the composition of the Advisory Board; I should like to know from the Government whether any intimation has been received by the Government from the Secretary of State with reference to that complaint. I should like also to know from Government why is it that Government were not able to satisfy the request that the composition of the Advisory Board might be made more liberal or large. No, Sir, the Hon'ble the Home Member has referred more than once to the desire of the Government to co-operate with the people and has appealed to non-official members of this Council to co-operate. This was certainly a legitimate appeal for him to make. We on our side also appeal to him and to other members for co-operation in a generous spirit. Now I want that we should really work in that spirit, and that the action of the Government should not be exposed to the criticisms that they have begun to form and foster a feeling that there are two parties in this Council and that the Government favour one party. I wish the Government to guard against it. I wish also that the Government should do all that they can to avoid the criticism to which the regulations framed under the Morley-Minto Reforms were exposed. The Government is aware, and my Hon'ble friend Mr. Patel has brought the question again before Government that the Act which was passed by Government in 1908 was welcomed with enthusiasm by India. The Government is also aware that the regulations which were passed under that Act were received with very great disappointment. The fact has again and again been mentioned, and when people have been blamed for not welcoming the Reform Act in fair terms, they have again and again pointed to the fate which overtook the previous Reform Act. The Government have to see that no opportunity is given for such criticism. We ought to show in this matter on both sides as much large-mindedness as we can. The Government ought therefore to consider whatever criticism there is in Mr. Patel's Bill in regard to the enlargement of the Advisory Board in an impartial and fair spirit free from any prejudice arising from references or discussions of a personal character. I think at this stage there is time at least for Government to re-consider the position. The Hon'ble Sir William Marris has told us that it will not be before the end of the year that this work will be completed. Well, that is, I suppose, the final completion of the work, but before that time there is ample opportunity which should be availed of to consult the members of this Council as largely as possible. I hope the Government will consider this suggestion in the spirit in which I put it forward. I repeat that, while I deplore the references of a personal character in this discussion, I should say that there is justification for the complaint that the Advisory Body is not enlarged and that the Government should approach the question relating to the formulation of the rules in a larger spirit and the matter does require consideration, and I hope it will receive that consideration from the Government."

The Hon'ble Mr. G. S. Khaparde:—" Sir, I do not propose to take much time in placing my views before the Council on this Resolution. There are two points of view that have occurred to me, and as they have not been mentioned I should like to put them forward. In the qualifications which are mentioned by the Hon'ble Sir William Marris, he has not stated the qualification to which I look forward with some amount of solicitude and anxiety, and it is this, that the framing of the rules will cover the ground of the formation of the electorates and those electorates will be formed. In forming those electorates, however, I believe the views of all those people who have laboured and who have done what they could possibly do in order to create as wide electorates as possible, would be very useful. We therefore naturally feel that the Commissioner to be appointed to preside over this office should be one who has had some experience of having worked in India for electorates of the kind which we seek to create, and this qualification has not been mentioned by the Hon'ble Sir William Marris, and I therefore particularly want to put it forward. The Reform Scheme, as I understand it, will stand a great deal by the kind of electorates that would be created. We know that at present the vote is purely property vote, yet it admits of being so arranged that nearly all interests may be represented in the new Councils, and my anxiety is to see that these new electorates are so formed that all interests in the country are represented. That is one part of our anxiety, and the reason why our anxiety is increased is that the rules framed now may be considered as unalterable for a period of ten years, which is rather a long period. If therefore the electorates are not properly formed and they do not work well, I am afraid we shall all have to stand the criticisms that will be made on those rules and on the consequences of those rules. So I feel that it is our duty to get those electorates formed as well as we can. 7-4 P.M.

"Then there was a question put which I did not expect here, as to what candidate the Hon'ble Mr. Patel had in view, and that the candidate would be within a certain radius or at the apex of a triangle or whatever it might be. My reply to that is, if the Government will kindly accept this proposal, then it will be time to put forward a candidate and discuss his relative merits. At this stage it is not necessary to see what candidate is going to come forward, or what particular person the Hon'ble Mr. Patel has in view. There is a further qualification which I like to put forward and which has not been put forward, and it is this. I like that this new scheme should be the joint production of Europeans and Indians. I am aware that there is an Advisory Body, but this body has no constitutional existence. There are no rules, and there is nothing to show that the views of a particular majority or of a particular person will prevail or succeed. If it was a sub-committee appointed by this Hon'ble Council I would understand the rules, and I would know how the committee is being worked. As it is, I do not know how the Advisory Board is being worked, and I believe the outside public would imagine that there were no rules because they were not placed before the Council, nor were they discussed and passed through the Council, nor were they subjected to the criticisms of this Council. I do not wish to speak of the composition, however, but the qualification comes in here that by appointing an Indian gentleman to the chief place in that office, the public will have a guarantee that there was an Indian associated with the Hon'ble Sir William Marris and that everything that could be done has been done. If it is not done, then there will be, as my Hon'ble friend Pandit Malaviya said, ground for some people to imagine that their interests or their point of view has not been considered. These are the remarks that I wish to put forward, and I hope and trust they will appeal to the Council.

"With these few observations I heartily support the proposition moved by the Hon'ble Mr. Patel."

The Hon'ble Mr. V. J. Patel :—"I have nothing to say in reply."

Vice-President :—"Has the Member in charge anything to say?"

The Hon'ble Sir William Marris :—"I have nothing to say, Sir."

The Resolution was put and rejected.

FINANCIAL STATEMENT FOR 1920-21.

THIRD STAGE.

7-10 P.M. **The Hon'ble Mr. W. M. Hailey** :—"I beg, Sir, to introduce the heads of the Financial Statement for 1920-21, Revenue and Expenditure, which stand in my name :—

Revenue.

Opium.
Interest.
Mint.
Receipts in aid of superannuation.
Exchange.
Miscellaneous.

Expenditure.

Refunds.
Opium.
Stamps.
Income Tax.
Interest on obligations other than the Public Debt.
Mint.
Civil Furlough and Absentee allowances.
Superannuation Allowances and Pensions.
Exchange.
Miscellaneous.
Reduction or Avoidance of Debt.

"These heads are largely technical; the points of general interest have either been dealt with in my Financial Statement, or have formed the subject of resolutions which have already been before the Council or are still being discussed. I do not, therefore, propose to detain the Council with any introductory remarks on the subject."

RESOLUTIONS *RE* SALES OF REVERSE COUNCILS.

7-11 P.M. **The Hon'ble Rao Bahadur B. N. Sarma** :—"Sir, with your leave I shall take the two resolutions on this subject together and make my observations in regard to them."

The Vice-President :—"Certainly, Nos. 24 and 26."

The Hon'ble Rao Bahadur B. N. Sarma :—" They are :—

' This Council recommends to the Governor General in Council that the deficit during 1919-20 be reduced by 6 crores, the said sum being deducted from the loss on sales of Reverse Councils shown in paragraph 152 of the Explanatory Memorandum,' and

' This Council recommends to the Governor General in Council that in ' Interest receipts XII ' the receipts in England during 1920-21 be raised by £191,000, the decrease in the revised figure for 1919-20 provided for owing to an anticipated reduction in the amount of investments for meeting reverse drafts on London '.

" Sir, the subject-matter of the two Resolutions is practically identical, the questioning being as to whether the Council would advise the Government of India to stop immediately the sale of reverse drafts on London under the existing circumstances. The first Resolution deals with what is to be done during the few remaining weeks of 1919-20, and Resolution No. 26 deals generally with the policy in 1920-21. Well Hon'ble Members will excuse me for undertaking the task of bringing to their notice the consideration of this highly technical subject. I do it partly in response to a strong feeling on the part of the Indian public that the Government are losing heavily and unnecessarily by the sale of Reverse Councils, and chiefly because as far as I have been able to understand the subject subject to correction, I have felt that there is ample justification for the feeling of unrest among the Indian public, especially among the Indian commercial community who have sent me numerous telegrams on the subject, and who have been agitating the matter in the Indian press. I believe, Sir, it is generally understood that the object of the Government in selling these drafts is for the purpose of maintaining the exchange at a uniform level. The Government possibly feel that unless they do it, exchange may break away from the point at which it ought to remain, and that inasmuch as it is part of the currency policy of the country to so maintain it, whatever temporary loss may be incurred in doing so, the Government are justified in facing it, although for the time being the public may be alarmed thereby. Well really if in the general interests of the country and following the true spirit of the recommendations of the Chamberlain Commission, the Commission of 1898-99 and the report of the Currency Committee of last year the Government had been doing this, there would be something to be said for it; but I think, Sir, that, although the Government may bring themselves within the technical meaning of the term ' weak exchange ' as it may be loosely interpreted, I think the object of selling these Reverse Councils is not really what the framers of these recommendations had in their minds when they suggested that the Government should have practically unlimited power, a power subject to little control, to sell freely Reverse Councils. Now I will just read a few extracts from these various reports for the purpose of showing that Reverse Councils should be sold only if it be absolutely necessary to do so to keep the Secretary of State in funds, or to adjust the trade balance against India and in order to support exchange at particular times of severe stringency, and that the object is not merely to benefit trade or individual persons who may like to remit funds from one country to another. That is not the object, and my point is the first condition does not obtain and that during 1919-20, taking every month of the year, you find a large excess of exports over imports so that at no period can it be said that the trade balance has been against us. And even taking into account the Council Bills which have been sold by the Government during the period running from April to December, for which alone I have figures, there is nothing to show that the trade adjustments of the country really necessitated the removal of funds from this country to England in order to adjust any trade balance. If this country had to pay in gold or whatever may be the equivalent of gold, for the purpose of meeting an adverse trade balance, certainly I would not have had anything further to say; we must incur the losses for the purpose of maintaining our exchange. But I think, Sir, that criterion does not obtain in the present circumstances.

" Then there is another point. I shall mention it and try to justify my position with reference to the recommendations of the commissions. The Smith Committee as well as the Chamberlain Committee practically contemplate a free inflow and outflow of the precious metals, and they say that if the trade balance is such that gold might be exported from one country to another and the exchange is likely to fall, in order to keep up the exchange at a particular level, when it is weak Government would have to prop it up. But my submission is that here there is no adverse balance against us for which we have to remit funds, and the other conditions do not exist for the simple reason that you have no free import of gold here. There is no free export of gold. At any rate there would not be any export of gold for the reason that gold is dearer here than outside India. Again, supposing a man had to remit funds now, he cannot say that he has to do it because he cannot obtain trade bills inasmuch as the exports are in excess of imports, if the market be not manipulated. Whatever may be the handling of the mechanism of the exchanges by the exchange market, the stock exchange banks here seem to think that their business is only to make a profit and leave all the loss to the Government. Whatever may be artificial condition created, my submission is that there must be some justification for the Government or the exchange market to come forward and say 'here on account of adverse trade in order to meet this balance of trade, we cannot meet the import trade bills; consequently, Government must come to our aid ' That they cannot say now.

"Then the point is, if it is not for the benefit of the trade really in the strictest sense of the term, for whose benefit is it? A man possibly during the war kept his money here when he would have received only 1*s.* 4*d.* Now he finds it pays him to remit money to England. What is he to do? If he were to send his notes, nobody would take them in England; if he were to send his silver rupees, nobody would take them there. Therefore, he wants gold or pounds sterling. Now, if he goes to the market, he has to buy like anybody else, and the market rate is considerably above the exchange rate. It is above Rs. 16, was sometimes as much as Rs. 23 or Rs 24 per tola, or it may be lower, but it is above your exchange rate, considerably above that rate. If he buys gold in the market, it will not pay him to send it to England, or, at any rate, he will lose on it. Therefore, he uses the mechanism of the Government for transmitting what he would not otherwise do in his own interest, through the free market or such market for gold as might exist. Here he wants to use the mechanism of the Government to pay Rs. 7 or Rs. 8 into your Paper Currency Reserve and ask for a pound, the pound meaning really what he hopes would in a very short time be equivalent to Rs. 10 or a much larger sum. He wants to make a profit at the expense of the Government. My submission, therefore, is there is no export point and there is no such thing as supporting an export point. The Currency Committee, as I have put it already, recommended the immediate adoption of the removal of all restrictions with a view to enable the Government to meet a normal course of free interchange of metals. It is then that this question of weak exchange and strong exchange will come in, and then it may be that the Government would and could rely upon the recommendations of the Currency Committee for remitting money to support exchange, but when they retain the restrictions for certain purposes they ought to retain the restrictions for other purposes. After all, is there such a thing as a steady exchange now? It is 2*s.* 7*d.* one day, 2*s.* 8*d.* a second day and 2*s.* 10*d.* the third day, and with a variation in the American cross rate it is possible it may be still further depressed aganist England if India's resources are not at her disposal, and it may be that your 2*s.* 10*d.* rate may still remain notwithstanding your refusal to sell, leaving it to the stock exchange banks to take further risks or to ask for a higher discount. These recommendations have no application whatsoever in the case of abnormal conditions like the present. Here is the first answer. First of all Reverse Councils may be drawn against the treasury balance in England which may be in excess of the Secretary of State's requirements. I do not believe that there are any such bloated balances with the Secretary of State because you propose that some part of the Treasury Bills and some part of the securities would have to be sold and the interest thereon reduced, and I take it that the first condition does not exist. Then the gold standard reserve was considered to be your first line of defence. That first line of defence, owing to causes into which we need not enter here, does not contain one ounce of gold. Therefore, if you were to draw on it, you would lose heavily by the sale of securities. Then again, you will have to translate into gold at a heavy loss which by a little waiting, say for six months or eight, you might save by sterling appreciating during the interval. Therefore, this forced sale of securities is extremely undesirable in the interests of India, because she will have to bear all the loss.

"The conditions laid down do not obtain because you have really no gold, as was recommended in the Chamberlain Commission's Report, in the Gold Standard Reserve wherewith to meet it. You may have temporarily a small quantity; again in the paper currency what you have is largely Treasury Bills which all of us know under the present exchange conditions have depreciated considerably in rupee value. Therefore, those conditions which are to exist in order to be able to meet these currency bills in terms of adverse trade do not exist at the present moment. The Report of the Committee of 1898-99 stated:

> 'We regard it as the principal use of a gold reserve that it should be freely available for foreign remittance whenever the exchange falls below specie point; and the Government of India should make its gold available for this purpose, when necessary, under such conditions as the circumstances of the time may render desirable'.

"For instance, the Government of India might, if the exchange showed a tendency to fall below specie point, remit to England a corresponding reduction being made in the drawings of the Secretary of State.

"Commenting upon that (I think it is in Sir Lionel Abrahams' note) says:—

> 'As a matter of fact, there is, I believe, now a general consensus of opinion that the reserve, so far as held to provide against a fall in exchange, should be used for two purposes namely to supplement temporarily the resources of the Secretary of State at times when he is unable to sell Council Bills except below specie exporting point, and to serve as a fund for enabling an adverse balance of trade to be liquidated without a fall in exchange'.

"Now you do not allow any imports of gold except under license, and there is no normal specie exporting point, the second condition does not obtain at all, as there is no adverse balance of trade.

"Then again, let us turn to the Report of the Chamberlain Commission. They say:—

> 'On the other hand, the Reserve is not required to provide for the conversion into sovereigns of the rupees in circulation in India. Gold is world's money and India, like other great countries, needs gold less for internal circulation than for the settlement of external obligations when the balance of trade is insufficient to meet them'.

"Then they say:

> 'This being the purpose of the Reserve, its amount depends not so much on the amount of rupees at any time in circulation as upon the growth of India's trade and the extent of the deficiency which adverse seasons and circumstances may at any time be reasonably expected to produce in the country's power to liquidate immediately its foreign obligations'.

"There are a number of passages to the same effect. In the course of the evidence it was objected that London might utilise the reserves for her own purposes in times of great crisis; that suggestion was indignantly repudiated by the whole Committee. They said:

> 'The objections put forward to keeping it in London rest on the belief that the Reserve is regarded in London as being available to supplement the Bank of England's reserve. There is no foundation at all for this belief'.

"Then they go on to say that this must be the first line of defence.

"Turning to the Currency Report of 1919 I find it stated:—

> 'The Chamberlain Commission recommended that the Government of India should make a public notification of their intention to sell in India bills on London at a price corresponding to the gold export point, whenever they were asked to do so, to the full extent of their resources..... .. .. We therefore recommend that the Government of India should be authorized to announce, without previous reference to the Secretary of State on each occasion, their readiness to sell weekly a stated amount of Reverse Councils (including telegraphic transfers) during periods of exchange weakness'.

"They refer to the Chamberlain Committee's recommendation, and I take it, Sir, that what is meant by weak exchange is, not inability of the exchange banks temporarily to provide or say that they cannot provide bills at the day to day fluctuating exchange that is now the course of events, but weakness of exchange on account of inability of trade to adjust differences on account of an adverse balance really running against India. How do the facts stand here? You find in April the exports were 23 and the imports 14; in May 21 and 13; in June 20 and 11; in July 27 and 14; in August 26 and 16; in September 31 and 16; in October 29 and 16; in November 30 and 17; and in December 27 and 17; even excluding re-exports here the difference would not be much; you find no month of 1920, in which there was not an excess of exports over imports. I would like to have some explanation why trade bills can find no ready adjustment except it may be because the exchange banks do not want to take any risk and wish to transfer all the risk to the shoulders of Government, that is on to the public tax-payer. If it was a merely artificial gain and loss, Sir, I would not mind it. There would be no real loss, if £100 were to be remitted from here on import trade and £100 sent back here in the export trade; whether the remittances are on a *1s. 4d.* or *4s.* basis it does not matter; it does not make the slightest difference; but this is not of that description; here really you are sending out money which need not be really sent; in adjustment of trade you are merely the post office; you are, through the post office to a certain extent, remitting money at considerable loss when exchange banks do not undertake remittances not for currency stability but to enable certain persons who want to send money to do so cheaply, and get that money back when it is dear; that is the long and short of the whole matter. Then, may I ask this? We read in the papers that there are £120 millions applied for to be remitted by Reverse Councils. Well, we find that the whole capital of the joint stock companies in India is only 99 crores. I am of course referring to the paid up capital, not the nominal capital; the nominal capital may be anything. That was in 1917; during the last two years considerable additions have been made to this but not very considerable if we consider the amount of paid up capital; of course any company may advertise two, three crores or more nominal capital but that does not count. I ask where does this money come from? You might easily have assessed these people to excess profits tax because they made such huge sums of money which they got in at 1s. 4d. when the market rate was 1s. 6*d.* or more, and now that they have got a chance they press Government to facilitate their remitting money at 2*s.* 10*d.* Is it to the interest of the country to allow export of money from India when we want every pie that we can get to mobilise our industrial resources? As a question of policy I submit the present course of action is very dangerous. Of course there may be temporary advantage if the Europeans sell their shares and the Indians buy them; there is nothing which has not something good in it. But I would strongly deprecate it, because we are not likely to attract British capital for a long time and I should not like to drive away British capital, because we cannot have too much capital in this country. My submission is that you should not allow export of capital in this artificial manner with these artificial aids. And for whose benefit? I can very well understand the Secretary of State being cool and firm over it. I was reading in a telegram that if only England could send £60 millions or so in gold to America the cross exchange rate might be considerably bettered for London. I can understand that each country will have to build up its gold reserves; but the Secretary of State should not allow the people of India to entertain that suspicion, even though there may be no foundation for the suspicion, that exchange is being manipulated for helping the United Kingdom. I submit on the information available to us there is reasonable ground for entertaining that suspicion, and I submit it should be the policy of the Government to remove that suspicion. Therefore, I submit there is absolutely no justification for remittances in the past year; of course what has been done cannot be revoked; but I submit you should stop it from now. You have lost about 18 crores; you had to sell £24 millions, and you obtained 18 crores, I think, Sir, this 6 crores which I asked should be deducted, would be the approximate loss on the sale of £8 during the next four weeks. I cannot of course give the exact loss, having regard to the variation in exchange; and the object with which the figure £191,000 in the estimate was adopted, was to protest against Reverse Bills being sold during 1920-21 and securities being sold in an adverse market, whereas we might have a chance of sterling recovering. I do not want the Gold Standard Reserve or the British Treasury Bills to be now converted in an unfavourable market; but I think we should wait for a suitable opportunity; and there is no difficulty about waiting for that opportunity if we do not sell Reverse Bills. The Secretary of State has said that the 1*s* 4*d.* rate should continue to be adopted in keeping accounts; and so long as we keep accounts that way there is no necessity for us to convert those funds at the rate of 2*s.* or at a higher figure. I would therefore strongly deprecate this Gold Standard Reserve or the other reserve being converted at the present moment. These, Sir, are the reasons for which I think I can ask the Government reasonably to re-consider their position and not sell any more reverse councils."

The Hon'ble Mr. W. M. Hailey:—"Sir, I am not at all sorry that 7-38 P.M. my Hon'ble friend has raised this question, as it is just now occupying a great deal of public attention, and I am glad, therefore, of the opportunity of making clear what Government's position in this matter is, and also, I hope, of clearing away some of the misapprehensions which undoubtedly exist in the minds of some of my Hon'ble friends in this Council. I am unable to accept the conclusions which Mr. Sarma invites the Council to endorse, and I am unable to accept his Resolution. At the same time, I wish to express my appreciation of the moderation with which he has stated his case, a moderation which has been singularly wanting in some quarters where the case has been argued against us. My remarks will, I am afraid, take a somewhat wide range and the Hon'ble Mr. Sarma will perhaps excuse me if in the course of doing so I re-state, though in a different form, some of the objections he himself has brought against our policy.

"There is a good deal in the present position which must be somewhat puzzling to the ordinary member of the public, and I do not think we have any right to complain that people generally should feel that this is a matter which requires explanation. Let us take in order the points as they no doubt strike the public. The first is this. They see, on the one hand, that India's trade is prosperous; there was an excellent autumn harvest and there is a promise of a good spring harvest. So far as the ordinary men can see, the balance of trade is not markedly against India; indeed, so far as actual merchandise is concerned, it is still in India's favour. Theoretically, therefore, there should not be any need for providing remittance to England. Yet he sees that the Government is not only selling sterling remittances weekly, but is selling them at rates which are usually more than 3*d.* above the rate which remitters could obtain in the open market: that is, it is obtaining fewer rupees for its remittances than it would if it sold them at the market rate. It is not unnatural, therefore, that this should appear to be nothing less than the giving of a bonus, at the expense of the Indian tax-payer, to those people who are fortunate enough to get a share of the allotment of Reverse Councils. I take a second point. The offer of these Reverse Councils would appear, as the Hon'ble Mr. Sarma pointed out, to be a direct invitation to people to transfer their investments to England. It is not surprising, I say, that Hon'ble Members, knowing the great demand that the internal development of India and the necessity for freeing ourselves of the incubus of our floating debt are likely to make upon all our capital resources, should feel somewhat perturbed at the sight of large transfers of capital out of the country. Thirdly, the transfer of capital puts a strain on the money market, reduces the value of Government securities, and raises the rate of interest at a time of the year when money is required to move our exports. And finally, there is the consideration, which I myself mentioned in my speech on March 1st, namely, that these sales of Reverse Councils operate very considerably to reduce the gain by exchange which would otherwise accrue to us. The sale of direct Councils at the present high rate of exchange would mean that London would have to pay more sterling to lay down rupees in India; that therefore would be a potential gain to us; the sale of Reverse Councils, on the other hand, means that we are receiving in India only about R725 for £100 in London, though this £100 cost us originally about R1,500 to deposit there. That at all events would be the case as it would be put by our friend, the man in the street.

"Now I have stated the facts as they would appear to the ordinary man: and now, in reply, let me go at once to the general principle which governs our sale of Reverse Councils. I need not, I am sure, go over again the reasons which prompted the Currency Committee to advocate linking the rupee on to gold. I know that my Hon'ble friend, Sir G. Chitnavis, expressed a desire to return to the old state of things before the rupee was linked on to sterling—which was then the same thing as gold—but I think that he alone of all those who have discussed the question in this Council, would desire to get back to a pure silver currency with open mints, and with no attempt to give our rupee any ratio to gold or to sterling. Nor, indeed, outside this Council, has the decision to link the rupee to gold been seriously attacked. But the Committee, in linking the rupee to gold, in their desire to make it possible for us to maintain our silver currency by the purchase of silver on better terms than other people, took a high figure as the gold parity, namely, one-tenth of a sovereign; in other words, at the present sterling price of gold the rupee is bound to have a high exchange value, and it will not, when gold and sterling again coalesce, be below two shillings. Now let me pause to repeat once more some of the incidents attaching to the high exchange rate we have aimed at establishing. It is not only that it is intended to enable us to buy silver and thus save us from the nightmare of inconvertibility. It aims at more; we hope to do something to combat the high level of prices from which so many of India's population are suffering. I will add a further consideration, which is prompted by what my Hon'ble friend Mr. Banerjea and others emphasised during the general discussion on Monday last; it relates to the effect which we expect our gains from exchange to have on our ability to relieve Provincial Governments of their contributions. As the Council knows, we are hoping to reduce the all-India deficit to Rs. 6 crores The result of this will be that the provinces as a whole will be Rs. 11 crores better off under the Reform Scheme than they would be otherwise. As I pointed out on March 1st we have only felt justified in making this reduction because of the considerable savings which, with a high exchange, will accrue to us in our home charges. I will not pursue this point further, because I think it must be obvious to every one here. All I will say is that Sir Fazulbhoy Currimbhoy's proposal that we should allow exchange to fall by stages to 1*s.* 4*d.* would be little short of disastrous in this particular respect. We should either have to take larger contributions from the provinces, or we should have immediately to introduce fresh taxation to finance the many schemes of improvement which the Reformed Councils will desire to introduce Taxation may have to come for that purpose; but we desire to defer the day. I know that it has been represented that what we call gain is not a real gain, because what appears to be a saving to Government really comes out of the pockets of the people, that is to say out of the pockets of the producer. The argument may be stated as follows:—Money sent home is of course only equivalent to experts sent home. If Government has to send home £25 million at Rs. 15 to the pound it has to send 37½ crores of rupees, and the producer gets 37½ crores for his produce. By making the rate Rs 10 to the pound Government will, of course, send only 25 crores of rupees and the producer will therefore get 12½ crores of rupees less. That is true as far as it goes; but the argument goes only part of the way. The same argument was, of course, applied when we raised the rupee to 1*s.* 4*d.*, and I do not think that anyone would now-a-days claim that the producer has suffered severely in the last twenty years. You call it an indirect tax; but you cannot deny that it is in many cases, perhaps almost entirely in the case of our monopoly exports, largely paid by the foreign consumer. And what is the alternative? A low exchange and high prices; increasing demands for enhancement of wages and salaries; and the social and industrial disturbance which comes from the attempt of wages to catch up the rise in prices. If you advocate a low exchange, let us, at all events, be clear what it will cost the country. And if you want to abandon the Currency Committee's policy, do let us have—what we have not yet had—some definite and clear-cut alternative.

"Well, Sir, I will continue my argument. It is an essential feature of our exchange policy, and I quote here the words of one of our critics, that we should "not only provide for remittance from London to India through Council Bills at approximately gold point, but from India to London in time of exchange weakness also at gold point through the sale of sterling remittance known as Reverse Councils.' It is simply an alternative to the export of gold. This is no new matter—we have been selling Reverse Councils for years; we were selling them this time last year, and unless we do so the exchange policy does not become effective; that is, trade does not get the remittance it requires at the ratio fixed, and the whole policy of exchange breaks down. This is the reason, and the only reason, why we have sold Reverse Councils; that is, to help trade to get remittance at the fixed ratio It is an effort in fact to maintain exchange as near as possible to the gold point.

"Well, Sir, so much for the reason for selling Reverse Councils at all It is urged that there was no reason to follow our previous practice in this case because there is not a genuine trade demand for remittance and that, I think, is one of the Hon'ble Mr. Sarma's points. It is urged and has been urged elsewhere as well as by him that if the balance of trade is in favour of India, there cannot be a genuine trade demand for remittance Home. I reply that it is exceedingly difficult to separate the elements in the demand. You cannot gauge the balance of trade by looking to see whether ships are full or empty at that particular moment; we are dealing not with freight, but with the balance of demand for remittance one way or the other. We know that a strong and insistent demand exists. It is undoubtedly a genuine trade demand to a certain extent; that is to say that over and above remittances to pay for imports, which are of course of high value, there is the demand (in some cases antedated) on the part of companies for remittance of funds for the purchase of machinery. Part, I admit, is a demand by persons who merely wish to send their savings Home; and another part I also admit may be an actual demand by speculators. As I have said, it is difficult to separate the elements; just as it has been difficult for us to estimate the total amount of the money still awaiting remittance. We have been hoping weekly to see the end of this; to see export bills come out and the tide turn the other way. Our critics allege that in any case we have not achieved our object, since we have not maintained the theoretical exchange rate; there is a definite gap between the market rate, that is, the rate at which exporters are prepared to sell their bills, and the theoretical gold rate. That is so, but I maintain that the gap would be far greater if it were not for our sale of Reverse Councils; and the larger the gap the further off are we from the realization of that stability which the Currency Committee desiderated, namely, fixity of exchange in relation to two shillings gold. What would be the consequence if we yielded to the pressure placed on us and ceased to sell Reverse Councils at all? I can understand a demand that Reverse Councils should be sold by some different method, or at rates different from those at present in force, but I must confess that I cannot understand the demand that the facilities for the exchange of rupee into external currency should be entirely withdrawn. I see that in Bombay it is urged that we should let exchange find its 'natural level'. That is a catchword which does not impress me. Used in the sense in which that phrase has recently been used, there is no such thing as a 'natural level' in exchange, for, when one translates the internal currency into another currency, there must be some sort of common denominator to which both currencies can be brought; it may be gold, it may be silver, it may be sterling, or it may be Spanish pesetas, which we take as our basis. The rupee must be linked on to *something*, and, if it is so linked, then it must be at some definite rate, and this necessarily involves that we must sometimes be prepared to sell Reverse Councils in order to maintain that rate. If Reverse Councils be withdrawn entirely, then we should have neither a gold standard, nor a gold exchange standard, nor any kind of standard at all. I have no doubt that some of my friends here, who have followed me so far, have nevertheless in their minds an objection which they would probably put as follows: 'This may be all very well as a matter of theory: it may be the proper and orthodox thing to support exchange; but nevertheless the effort to support it is costing India a great deal of money; and that vast expenditure is unjustifiable merely in order to attempt, and to attempt with only partial success, to support the high rate indicated in the Committee's Report'. Well, Sir, if there is a loss, and what is this loss due to? It is due to the fact that the sterling resources, from which Reverse Councils are now being met, were remitted Home at a lower rate of exchange than that which now prevails. What I want to emphasise is that it is not the sale of Reverse Councils which produces that loss. The loss is there all the time potentially, and sooner or later it must become a reality. Take, for example, the sterling securities in the Paper Currency Reserve. Sooner or later those reserves must be brought back to India, if not by Reverse Councils, then in the shape of specie remittances of silver or gold, and, as soon as the re-transfer takes place, that loss immediately becomes apparent. There is no avoiding the loss, and the stoppage of Reverse Councils would not make it any the less real. There is only one way to avoid the loss; that is to get back to the 1*s.* 4*d.* exchange, and I have already described the consequences which this would, in my opinion, entail upon the people of this country. You cannot have the matter both ways. You cannot take the benefit of the gain by exchange, and at the same time hope to re-transfer your money to India at 1*s.* 4*d.* The loss you are now making should not be regarded as a loss; it is the expenditure necessary to earn the advantages which, I am convinced, this country will gain, both in respect of the saving in the Home charges and also in many other directions, from a high exchange. I must again remind those Hon'ble Members, who are inclined to grudge the reduction in our gains by exchange resulting from the sale of Reverse Councils, that if these are withdrawn altogether, and exchange be left unsupported, there would be little prospect of realising in the future the permanent exchange gain upon which we are counting. It is not a question of throwing good money after bad; it is a question of standing up to a certain amount of present loss for the sake of the future gain. Well, here again, I can fancy Hon'ble Members recurring to an argument which has been used more than once outside this Council and has been, I think, incidentally repeated here in the course of our discussions. I imagine the objector saying: 'This again is all very well—but why is there all that money accumulated at Home? Why have you had this big banking up of resources in London which have to come out again at a loss? Why, instead of investing in Treasury Bills at Home, did you not adopt the proper method of paying for India's own exports by sending out gold?' Well, Sir, I think the answer to that objection is simple. It is not the fact, as has been alleged, that we adopted during the war the perverse course of investing in London instead of bringing out gold or silver merely to conserve gold and silver for the London merchant or banker. In the first place, we brought out enormous supplies of silver. As for gold, I believe that every fair minded man would admit that the policy of investing in London, instead of bringing out gold, was in the interests of the whole Empire in a time of war, and not in the interests of the London money market. England, France, America, all found themselves under the imperative necessity of conserving their gold resources. I have seen the statement made that no neutral country would have consented to take payment for its exports except in gold; and that as England would not let us have gold during the war, England should now bear the loss which will occur in transferring our investments back to India. We have heard suggestions made to this effect in this Council two days ago. Well, I can only ask my friends here, was India a neutral country during the war or was it a partner in it? Should she in this matter claim different treatment from other partners, Canada for instance or Australia, which came under the same disability in regard to gold? And again are we to take all the profit of a rise in exchange, and is England which bore, and for many years to come will continue to feel the effects of, by far the greatest share of the

Empire's defence, alone to finance the loss which will occur in realizing that profit?

"I turn now to the criticisms directed not against our policy in selling Reverse Councils, but against some of the features incidental to that sale. Let me take first the criticism which is based on the difference of about *3d.* in the rupee between the rate at which we have been selling Reverse Councils and the market rate. I have touched on the point before; but wish to deal at greater length with it here, because, probably, but for the existence of this difference we should have heard nothing of these objections to the recent sales of Reverse Councils. That difference, as every one knows, is due mainly to the severe slump in the sterling-dollar exchange which occurred just about the time the Currency Committee's Report was published. Now on this point, while I admit that the present difference between the two rates certainly acts as a stimulus to remittance or at any rate incites people to make their remittances to England as quickly as possible rather than spread them out throughout the year as they would otherwise do, I must nevertheless point out that it is by no means an essential part of the Currency Committee's policy that there should at all times be an exact correspondence between the rate at which Reverse Councils are sold and the market rate. I do not wish to press this point too far, because the present divergence between the rates is so marked. On this matter I will say no more at present than that we have kept the Secretary of State very fully informed of the feeling in India on the subject. We are in hopes that he will agree to measures recently proposed by us which we believe will bring the two rates more closely together: we are awaiting his reply; and we believe that if that be done, much of the present artificial stimulus to the remittance will be removed, and I am inclined to think that a great deal of the present criticism will lose its force.

"I take a further point of criticism, one of detail rather than of principle; I mean the discrimination which we have exercised in the matter of refusing or accepting tenders. The reason for this discrimination was explained in a communiqué issued on February 23rd, and was due to the fact that speculators and profiteers, who had no real necessity for remitting, were taking advantage of the situation in order to snatch a considerable profit, thereby reducing the amount of Reverse Councils available for *bonâ fide* remitters. It is common knowledge that at one time people who had obtained allotments of Reverse Councils from us had been able to re-sell them at a profit of several pence in the rupee. Others have sent money Home, by way of speculation, in the hope that, if the agitation for the withdrawal of Reverse Councils is successful, so that exchange will break to a lower level, they can re-transfer their money at a profit Our officers have applied this discrimination as best they can, but I am sure that every business man here will agree with us that it is a most difficult and a most invidious task. I do not think that in fairness to our officers it is a task which we can continue to lay on them, and I am ordering its discontinuance.

"And now, Sir, I have dealt, I hope, perfectly frankly with the bulk of the criticisms directed against our policy. I would willingly have concluded here. But I cannot do so, without alluding to a type of criticism which has endeavoured to import into what is after all only an economic problem accusations which I cannot pass over in silence. These criticisms, I admit, have not come from within the Council; though I have heard them hinted at here; but if I am not strictly in order in referring to them, I claim the indulgence of the Council in this respect. It has been represented that our present action is only the continuance of a policy which has been deliberately directed to the furtherance of British interests as against Indian; it has been contended that during the war we kept exchange artificially low, in order to benefit the Home Government, and that subsequently we have kept it artificially high in order to benefit British merchants; and finally it is now said that our policy in respect of the sale of Reverse Councils is pursued definitely in order to benefit Europeans. I see that the phrase 'organised loot' has obtained a temporary popularity in certain quarters in Bombay. I have even heard the expression 'embezzlement.' I have only recently assumed charge of my Department, but I am, subject to such control and united action as the constitution of India requires, for the time being the custodian of its traditions and its honour. When I look back on the list of distinguished men who have held the post of Finance Member, in the last twenty years I ask myself against whom do you bring the charge of criminal conspiracy? Sir James Westland, Sir E. Law, Sir E. Baker—were they the tools or the allies of London bankers? Was Sir Guy Fleetwood Wilson, who left India with such testimonies of respect and goodwill as have fallen to the lot of few, and whose bust was placed by the non-official Members of this Council by the side of that of Mr. Gokhale, was he one of these criminal conspirators? Sir William Meyer's strenuous guardianship of Indian finances during the war deservedly won him the good will of India; would any body here dare to bring a charge of that nature against him? Do you bring that charge against Lord Meston or against Mr. Howard? Then again, Sir, the Secretary of State is the custodian of India's finances in Parliament. It would be entirely out of place for me here either to criticise or to defend the Secretary of State, but when you bring a charge of that nature, you must include him also in the conspiracy. I come to myself; but as for myself I care nothing. I care only this, that the Council will allow me to repudiate those charges against the fair name of my predecessors and my Department. I say this to our critics. The financial policy pursued in the difficult years of the war may have been right or it may have been wrong; we are all entitled to our own opinions on that. The policy of the Currency Committee may have been right or it may have been wrong; we are all entitled to our opinions equally on that point. The steps which we are now taking to attempt to support the policy of that Committee, may be right or they may be wrong; you may criticise us on economic fact or economic theory and we will welcome your criticisms, for they may help us; but I warn you to beware of suggesting that men whose one object and one thought has been to serve India, have joined in a criminal conspiracy to squander her resources."

[The Council adjourned at 8-10 P.M. to re-assemble at 9-30 P.M.]

9-30 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I beg to support the Resolution moved by my Hon'ble friend Mr. Sarma. We have been able to find out the policy of the Government of India in regard to Reverse Bills by this Resolution.

"Sir, I have to express the views of the commercial community of Bombay who feel very strongly on this subject, and if in giving expression to their views I have offended the Hon'ble the Finance Member, I should feel sorry."

The Hon'ble Mr. W. M. Hailey:—"Sir, might I interrupt the Hon'ble gentleman. I have never had to complain of any expression that has been used by any member of this Council in connection with this matter. I tried to make that clear before; I wish to repeat it now."

The Hon'ble Sir Fazulbhoy Currimbhoy:—"I am sorry I am not convinced by all the arguments used by the Hon'ble the Finance Member, in defence of his policy, but at this late hour, if I go into their discussion it will take nearly two hours and still, I believe I will not be able to convince the Hon'ble Mr. Hailey . . . ."

The Vice-President:—"I must remind the Hon'ble Member that he has only a quarter of an hour"

The Hon'ble Sir Fazulbhoy Currimbhoy:—"Sir, the Hon'ble the Finance Member wants to stick to the policy recommended by the Finance Committee, *i e.* of selling Reverse Bills connecting with the cross rate of exchange between England and America. But if I have understood him rightly, while he says that they are going to stick to this policy, he also says that he has recommended to the Secretary of State to allow him to sell the Reverse Bills at the competitive tenders. I understand he has submitted to the Secretary of State a scheme by which he will be able to sell the Reverse Council Bills at nearly the actual rate of the market. If this is so and if the Reverse Bills are sold at nearly the parity market rate, then he will not be selling these Reverse Bills at the cross rate between America and England. That is what I have understood by his speech. I congratulate the Hon'ble Member on his desire to sell the Reverse Council Bills at lower rates. He has himself admitted, that, when he sold the Bills at 2*s.* 11*d.* there was a lot of speculative tendency in the tenders which were given. I know for a fact that the exchange banks were selling their exchange bills at 3 to 4 *d.* less, and therefore, as the people were getting 3 to 4 *d.* more, and as everybody wants to make money, there were so many tenders. Really speaking, there was not a genuine demand for the tenders.

"I will just take only two or three minutes more to express the feeling of the Indian Merchants' Chamber If the Government wishes to stick to the policy of the Currency Committee, surely they can stick to that, and, if the exchange goes down below two shillings, then they can sell these Reverse Bills. Sir, the Hon'ble Member has admitted that the first Reverse Bills were given to people in proportion to the tenders which they submitted. Later on, the policy was changed, and, as there was a lot of speculative demand, the Government decided to give only to the genuine people and for not less than £10,000 tenders. Sir, there is a strong feeling among the commercial community that the other policy should be adopted, namely, that of selling Reverse Bills by tenders and accepting the tenders of the lower amounts. I thank the Hon'ble Member for doing his best and approaching the Secretary of State, and I am sure he will be able to induce the latter to agree to his proposals.

"The Hon'ble Member also complained that no constructive proposals had been made to him. Sir, I had made one or two proposals, the first was of not selling Reverse Bills under two shillings which was the rate fixed by the Currency Committee, and the other was of fixing the acquisition rate of gold at from Rs. 10 to Rs. 12. There was another proposal, to which I referred in my budget speech about bringing the exchange down to 1*s.* 4*d.* When I spoke about that I never meant that it could be done within six months or twelve months; I know that it is not practicable to bring down the exchange to 1*s.* 4*d.* without inconvertibility; that is impossible now; but in the distant future it is the belief of many people, including myself, that silver prices will go down, when India will largely import gold; and if India is not a big buyer of silver. surely the silver rate will go down. Mexico is also producing more; the total production before the war was 220 millions and during the war it came down to 170; but now Mexico is trying to produce more, and I believe that if India one of the largest consumers, is not buying largely and if the silver comes down the Government will not try to keep up the exchange to 2*s.*, if it is naturally coming down to 1*s.* 4*d.*, 1*s.* 6*d.*, or 1*s.* 8*d.*, later on in two or three years I am entirely against inconvertibility or debasement of the coin, because that will be misunderstood in a country which is uneducated and will bring more trouble, and that is the opinion also of many of the members of our Indian Chamber.

"Sir, as I said before, I do not wish to argue all the other points mentioned in the debate, but I want to know if the Hon'ble the Finance Member is going to sell Reverse Bills at the approximate near rate of the real exchange, how he is going to keep in with the policy of having the rates kept up with a cross exchange rate."

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. Vice-President, I beg to move for an adjournment of this debate. My reason for it is this, Sir. I have not been able to understand that there was any necessity to have this debate continued at this late hour in the evening. I find several members have not been able to come here; the Hon'ble Sir Dinshaw Wacha, who is a great authority on this question, is not here; the Hon'ble 9-50 P.M.

Mr. Surendranath Banerjea is not here. Of course if there is a necessity for continuing the work of the Council till late in the evening no member would object and we might sit till the next morning. But I have not been able to find in the circumstances so far appearing in the debates or in the work of the Government, that there has been any actual necessity to justify our being called to meet this evening at this hour. I may say that ordinarily when we finish our work day after day in the day time, unless there is some very overpowering reason, the continuance of the meeting at a late hour results in unfairness to those members who may want to continue the debate at some length. It necessarily leads to a desire to shorten the discussion and not to prolong the debate. For these reasons I beg to move an adjournment of this debate."

The Vice-President:—"I am afraid the Hon'ble Member does not understand our position; he has not been present at many of our meetings this Session and does not know how very full of work we are. It is quite impossible to adjourn now. We have got a very full day to-morrow, and unless we sit late to-night we shall have to stay late to-morrow."

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. Vice-President, of course it is for you to decide whether the meeting shall be adjourned or not and the motion is to be put to the Council; if it is so, I shall only say this; I have unfortunately not been able to attend a few meetings of Council this Session; but from what I see of the importance of this discussion on the subject that is sufficient to justify my request. Once a year we meet for the budget; the resolutions put down relate to the budget and full opportunity should be given to discuss these resolutions; and I have not been able to see any justification for the view that the Government work is so heavy that one day more, or a few hours more, could not be set apart for this discussion to-morrow. If there is work set down for to-morrow, I do not know why this should not have taken precedence over that work; at any rate I do not see any justification, and I think the matter must be put before the Council, unless the rules enable you, Sir, to decide the matter without reference to the Council. I have nothing more to say, but I think the matter is one which should be put to the Council."

The Vice-President:—"It is for the President to adjourn the Council and not for the vote of the Council. If the Hon'ble Member desires to speak on this Resolution, I give him the opportunity now."

The Hon'ble Pandit Madan Mohan Malaviya:—"Mr. Vice-President, I should like to say what little I can at this hour on the question which is now before the Council. The Hon'ble Finance Member has placed the history of the whole question of exchange admirably before us; he has also told us enough to remind us of the difficulties which surround this problem of exchange. The calamities which India and Indians have suffered and the heavy losses they have had to pay for on the score of exchange is all matter very well known to members of this Council. At this juncture the point before the Council is not what the right policy to pursue is in regard to the general question of exchange. The issue before the Council raised in the Hon'ble Mr. Sarma's resolution is a very simple one and has reference to the sales of reverse councils. Now, Sir, with a great deal of what the Hon'ble Finance Member has said nobody would disagree, and I think I may also say that every body sympathises with the difficulties of the situation which he has to meet. I think most people, if not all, will agree also that he has put the whole case with admirable clearness, and that he has enabled us to understand the question in a better form than probably we may have been able to do without such a clear statement. They will also agree that the question is not free from difficulty and that with the two alternatives which the Government had before them if the Government decided to adopt the report of the majority, not many people will be inclined to quarrel with the Government. But the question before the Council is, as I said, a very short one; and in discussing this question Members of this Council might very well, though they might reject the attack made in strong language on the action of the Government, they might be excused for not being responsible for those attacks, and they might therefore not take upon themselves to answer them either. I think the strong language used, as the Hon'ble Finance Member pointed out, seemed to my mind unjustifiable. There is no suggestion that members of the Government or the Finance Member or those who preceded the Hon'ble Mr. Hailey have intentionally done anything against which they have to defend themselves As the Hon'ble the Finance Member himself said, he would welcome criticism relating to the proposals before us. We, Members of this Council, find it a difficult task to offer such criticism. But there are certain points which emerge from the discussion and from the statement. So far as the sale of reverse councils is concerned, I find it stated in the summary of conclusions to the Report of the Committee appointed to inquire into Indian Exchange and Currency, that the 12th conclusion runs as follows :—

> 'Council drafts are primarily sold not for the convenience of trade, but to provide for the Home charges in the widest sense of the term. There is no obligation to sell drafts to meet all trade demands; but if, without inconvenience or with advantage, the Secretary of State is in a position to sell drafts in excess of his immediate needs, when a trade demand for them exists, there is no objection to his doing so, subject to due regard being paid to the principles governing the location of the reserves.'

"Now Sir, that is the recommendation of the Committee, the question then arises; were these drafts sold to meet trade demands, the balance of trade, the principle that we apply to direct sale would also apply to reverse sales. The question as it is raised here is that we have to see now what these reverse sales come to. My point in drawing attention to this recommendation was that there is no obligation to sell drafts to meet trade demands, that is the point which I wanted to make. The recommendation is that if it is necessary to sell reverse Councils in order to adjust balance of trade, that if it would be to advantage of India to sell reverse Councils, then only should reverse Councils be sold. That I take it is the recommendation. What has been done here? Have the reverse Councils been sold solely in favour of India, for the benefit of India.

"I find it said here in page 127, paragraph 20, of the Statement of the Hon'ble the Finance Member that 'when we are selling reverse Councils, our accounts will show a credit of rupees 150 lakhs for every million sterling we have sold, whereas the actual payment made to us by the purchasers of the reverse drafts only amount to Rs. 75 lakhs, the difference being debited as loss on exchange.

"Now, Sir, that is the real result of reverse sales, and further we find it stated that during January and February the Government sold 16½ millions of reverse Councils on which they would incur a loss of 12 crores. At page 125 we again find the Hon'ble the Finance Member saying 'The much greater amount of sterling that could be purchased by a given number of rupees naturally provided a great incentive to people, with accumulated funds in India, to remit these to England. The demand for reverse Councils came unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of reverse Councils which we sold during February. This fact resulted in a considerable divergence between the gold rate at which, following the Currency Committee's policy, we have been selling reverse Councils at the actual market rate. Speculators and profiteers have not been slow to take advantage of the situation. Then it comes to this that it has not been shown that it was necessary to sell reverse Councils to the extent that they have been sold in order to keep the exchange where it could have been kept, and that is the question on which we wanted to have a Committee. Up to this time we do not see any justification for the extent to which the reverse Councils have been sold. I hope when the Hon'ble the Finance Member speaks again he will try to help us with further nformation on this point. It is clear from the Statement that speculators have come in to profit by the reverse sales; it is clear that a great deal of money has gone to them. If it is not merely to help trade altogether it has been to the advantage to the persons who had accumulated funds in India and as it is stated when they accumulated funds in India they tried to remit these to England, and in this connection they have been stimulated and encouraged to remit these funds to England because of the reverse sales. I hope I am quite right in stating this. If this has been so, it is obvious that there has been too much of reverse Councils sold, and am glad to find that the Hon'ble the Finance Member has told us that he is in communication with the Secretary of State in order to bring the rate as near the actual market rate as possible. The difference which has been lost, unfortunately the amount that has been lost, I fear, is irrevocably lost, but it is great consolation to know that it is going to be rectified and I hope it will be rectified, but on the general question I hope that this discussion will have the result of preventing reverse Councils sales to the large extent to which they have been sold unless there is a real and just explanation forthcoming."

10-15 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—" Sir, in putting forward this Resolution before the Council my attempt is to represent the interests of the general tax-payer; of course the general tax-payer's interest and the commercial man's interest are to some extent identical, although they may not necessarily be always so. We desire to promote the interest of commerce consistently with the general safety of the country and that is the reason why I did not go into the intricate question as to whether a high exchange or low exchange rate would be beneficial to the country. It is a very controversial question and is not one that is likely to be satisfactorily settled in the very near future or by a short discussion on it here. But Sir, the point that I tried to make was that there is no reason whatsoever for the sale of Reverse Councils here at all, because the position justifying their sale has not arisen. The Hon'ble Mr. Hailey said that it is difficult to discriminate between what is required for genuine trade purposes and what is not. If there be any difficulty about discriminating between the two, assuming that there is a genuine trade purpose, then the argument will go to some extent in explaining the position of the Government. But Sir, my point is that there can be no genuine trade purpose at all under the circumstances, having regard to the existing state of the export and import market.

" Then the other important argument which has not been clearly met by Mr. Hailey is that we are not linked to any particular market, whether it be a British market or any other market. If our exchange were linked on to sterling then I can understand the necessity for an obligation on our part to maintain the exchange level at that rate. I take it that we are linked on to gold, and the duty of the Government of India would be to maintain exchange at the gold rate. In that case the United Kingdom or any other country would stand on exactly the same footing, from the legal as well as from the commercial point of view. Therefore we shall have to maintain the rate of exchange with gold at 2 shillings or so many grains of gold per rupee and keep it there. There is no tendency of weakness in the exchange market for the rupee going below 2 shillings, and apart from the question as to whether there is any adverse trade balance against India which justified the sales of these Reverse Councils, I ask the Government to consider whether the recommendations of the Currency Committee would support their selling reverse bills and at the present rates. The Government of India is not bound to maintain, from moment to moment, from day to day the course of the exchange rate as between England and America, I think that will be too much for us to undertake. Even at the rate of 2 shillings the Commissioners were extremely doubtful whether the Industrial interests of India would not be jeopardized, and Indian industrial interest would be seriously hampered by the high rate of exchange. That they would be hampered was admitted, and the only question was whether they would be seriously hampered or only slightly hampered. Therefore, we shall have to be very chary in fixing our rate of exchange so that we shall not kill our nascent industries and also turn the balance of trade against us and make us a debtor country instead of a creditor country in at least those matters where we occupy the position of creditors.

"The other point is that we are really abandoning the only solid advantage we might get under the recommendations of the Currency Committee, namely, that we shall get gold into India comparatively cheap so as to link our currency really with gold in the true sense of the term, by possessing at the back of our currency gold in circulation and in the reserves so that we might make silver to a large extent—gradually, completely, subsidiary in the true sense of the term. That advantage we are absolutely foregoing in addition to undertaking the burdens and disadvantages attendant upon a high exchange. The recommendations of the committee are that the paper currency reserve a proper proportion of the gold reserve must be in India, at any rate half the metallic portion must be in India; therefore anything in excess of the treasury balances required for the Secretary of State purposes must be sent on to India. Then again we need not worry ourselves very much just now about the gold standard reserve, because there is no gold there. The net result is, and must always be the dissipation of our gold stock or what was intended to be converted into gold. For otherwise how is the Secretary of State to meet the Reverse Councils? either with the gold there or by the sale of Treasury Bills. That means in effect that we are intercepting the imports of gold or virtually exporting gold, you may put it that way if you like, intercepting gold which might have come to India or really encouraging the exports of gold, assuming that it has come here technically. But I think these are the further considerations that I place before the Council in addition to those which I have already urged. The main position stands, namely there is no adverse balance, there is necessity for importing more gold into this country, there is no real export point, and consequently the conditions under which the Reverse Councils have to be sold do not exist.

"Then, again, if I understood rightly Government themselves admit that the world's market rate for gold is more closely approximate to the rate at which Government has been selling it. If so, the observations which have fallen from the Hon'ble Sir Fazulbhoy have considerable weight. We shall be in adopting this fictitious rate about which experts themselves are so very dubious landing ourselves in an endless sea of trouble. We are launching ourselves in a sea of speculation and we need not add to our troubles, I think, by losing so heavily from day to day in order to support a theoretical standard which does not really exist."

The Hon'ble Mr. W. M. Hailey:—"Sir, I began my first answer 10-30 P.M. to the Hon'ble Mr. Sarma at an early stage of the discussion in the evening by expressing my gratification at the opportunity which his resolution afforded us of explaining our views, our position and our intentions with regard to the sale of Reverse Councils. I reiterate that sentiment of gratification now. I do so because it has brought from Mr. Sarma, I think, a recognition of some of the difficulties of our position. It has brought from him also, I think, a recognition of the fact that our intentions in this matter were clear and aboveboard; that there was no desire or intention on our part of supporting European trade, there was no intention of doing anything else, than to attempt to support the rate of exchange which was indicated by the Report of the Currency Committee. I welcome the expression of opinion which has fallen from the Hon'ble Pandit Malaviya that the prejudice which it has been attempted to import into this question was in itself unjustified. I welcome also what the Hon'ble Sir Fazulbhoy said in the same sense. I intended to take, I hope I did take, particular pains to explain that in what I said in the latter part of my speech regarding the manner in which this question had been treated outside this Council, I was dealing entirely with outside criticism; I was taking the only course which it is possible for a member of the Government to take in dealing with criticisms of that nature, and I was in no sense resenting, criticising or in any way objecting to the manner in which that question had been approached by members of this Council.

"Now, Sir, in my speech I tried to place before the Council very frankly and fully each and every one of the objections which I thought could be brought by the public against our present policy, and I tried to meet those objections. I am still left with a doubt as to whether the Hon'ble Mr. Sarma and his friends who have supported him here, think that we are bound immediately to stop the sale of Reverse Councils. They have advanced considerations as to the undesirability of our action, but they have not in my opinion met the substantive arguments which I put forward to show that for the present it was our duty to attempt to support the policy of the Currency Committee. It is true that the Hon'ble Sir Fazulbhoy Currimbhoy did suggest an alternative course of action; but he himself did not seem to be very strongly persuaded of its feasibility. He suggested that we should endeavour to work back to the old parity of 1*s.* and 4*d.* sterling. But he admitted that it would be many years before we could work back such a figure, even if we decided to attempt to do so. He recognised, I think, that in the interval we must give up any idea of realising our anticipated gains from exchange, and I have already emphasised here the importance which we attach in connection with the development of the country to making some of those gains from exchange; the uses to which we intend to put them, are, I believe, such as will commend themselves to the Council. He will, I believe, agree with me that a return to the 1*s.* 4*d.* rupee, even if possible, would involve a rise in prices of food grains and the like which might provoke severe social disorder in this country. His ideal of an eventual 1*s.* 4*d.* rupee, as he himself admits, depends entirely on a heavy fall in the price of silver. The Currency Committee very carefully considered the possibilities of the fall in the world price of silver; they themselves were pessimistic on the subject; he is much more optimistic. I can claim no gift of prophecy and must leave others to judge between the two views. But he himself, as I think his speech has clearly shown, admits that if we try to work back to a low exchange and if silver does not fall, then we will have to face inconvertibility, and he himself, (and I heartily welcome his statement on the subject) is of our own opinion on this subject; he himself fully admits that neither inconvertibility nor a debased coin is a desirable thing for India.

"I find it necessary to refer—I do not intend to keep the Council at any length—shortly to what the Hon'ble Pandit Madan Mohan Malaviya said on the subject of our obligations to issue Reverse Councils. He read from the report of the Currency Committee an extract referring to direct councils He did not refer to the following paragraph in which that Committee lays down its policy in regard to Reverse Councils, and I will trouble the Council with it. You will remember that the Hon'ble Pandit said that we were under no obligation to issue Reverse Councils merely to provide facilities for trade. What they actually said is this:—

> 'The Chamberlain Commission recommended that the Government of India should make a public notification of their intention to sell in India bills on London' (that of course is Reverse Councils), 'at a price corresponding to the gold export point whenever they were asked to do so, to the full extent of their resources. We agree entirely with this recommendation.'

"Now the Hon'ble Pandit would have put the case very much more completely . . . ."

The Hon'ble Pandit Madan Mohan Malaviya:—"May I, Sir, invite the attention of the Hon'ble Member . . . ."

The Vice-President:—"The Hon'ble Member is only entitled to make a personal explanation; I will not hear him on anything else."

The Hon'ble Pandit Madan Mohan Malaviya:—"I wanted to draw his attention."

The Vice-President :—"I call upon the Hon'ble Member to resume his seat while I rule."

The Hon'ble Pandit Madan Mohan Malaviya :—"Thank you, Sir, I beg your pardon."

The Vice-President :—"I will allow the Hon'ble Pandit to make any personal explanation he desires to do, but I cannot allow him to make any other speech."

The Hon'ble Pandit Madan Mohan Malaviya :—"I wanted to explain what I said on the point which is being dealt with by the Hon'ble Finance Member; I wanted to invite attention to this sentence in the report of the Currency Committee at page 3."

The Vice-President :—"Really, really, this is not a personal explanation."

The Hon'ble Pandit Madan Mohan Malaviya :—"Very well, Sir, if it is not then I have nothing more to say."

The Hon'ble Mr. W. M. Hailey :—"I am not, Sir, accusing the Hon'ble Pandit of attempting wilfully to mislead the Council; I am only pointing out that he has made a mistake, and that the policy of the Currency Committee actually was that we should sell reverse councils up to the extent of our resources whenever we were asked to do so. And that is emphatically what we have been trying to do. If we have failed in narrowing the gap between the market price and the theoretical gold price of the rupee, if we have failed to do that, it is not because we have sold too many reverse councils, as I think the Hon'ble Mr. Sarma suggested; it is because we have sold too few. I put it to any member of the commercial community here, and I put it without fear of contradiction, that if our resources had enabled us without unduly tying up the Indian money market, to sell straight away 20, 30 or 40 millions of reverse councils, we should probably have had no gap between the market price of the rupee and the theoretical gold price of the rupee at all. One of our difficulties has been, not that we have sold too many reverse councils, but that we have been obliged to sell too few.

"Then, Sir, I have one remaining point. The Hon'ble Sir Fazulbhoy Currimbhoy stated that he approved of the intention to which I had given expression of attempting to narrow the gap between the market rate and the theoretical rate of the rupee; he assumed that we should endeavour to do this by selling reverse councils by tender. He has jumped somewhat hastily at a conclusion which I do not think was fully justified by the statement I made to Council. I merely said that we were in correspondence with the Secretary of State; that we had put before him a proposal which I hope would have this result; but as to the exact methed which we have recommended to the Secretary of State, I am not at present able to make any communication at all. Sir, I leave the matter at that. I have, as I said before, tried to explain the whole case very fully and very frankly to the Council. I think the Hon'ble Mr. Sarma would himself admit that I have put before the Council practically every objection that he or any of his friends could think of to our policy of reverse councils. I have asked, and I think I have asked in vain, for some clear indication from the Council as to what policy we should adopt instead of selling reverse councils, and failing any answer to that question, failing from them any clear indication of policy, failing from them any indication of a better line of action than we ourselves have been pursuing, we, I think, are only able to continue in the course which we have mapped out for ourselves."

The Resolutions were put and rejected

RESOLUTION *RE* GOLD MINT AT BOMBAY.

11 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Well, Sir, I understand that there is no objection to making some provision for the continuance of the establishment of a Gold Mint in Bombay, and some provision is intended to be made. The figure 120,000 in my resolution ought to be Rs. 1,20,000, and I shall formally move my resolution and leave it to the Hon'ble Mr. Hailey to explain what he wishes to do. I beg to move formally the following resolution:—

> 'This Council recommends to the Governor-General in Council that the budget figure during 1920-21 under Expenditure 17—Mint be increased by Rs. 1,20,000 to provide for the charges for a Gold Mint'.

11-1 P.M. **The Hon'ble Mr. W. M. Hailey:**—"Sir, I have to thank the Hon'ble Member for the succinct and very friendly way in which he has moved this resolution. It is a fact that we have no objection whatever to making such provision as is necessary for the re-opening of the Gold Mint. May I explain the following facts to the Council? I shall not occupy much of their time in doing so. The proclamation opening a branch of the Royal Mint at Bombay was issued on the 16th February 1918. A certain number of sovereigns were coined, but the greater part of the time of the Mint was occupied in coining Gold Mohurs, which had to be issued at a time of exceptional pressure for currency and before the arrangements for the issue of sovereigns were fully completed.

"It was closed in March 1919. The only reason why it was closed was that the two officers sent out from Home were in ill-health and had to return to England. It is our intention to follow the recommendations of the Currency Committee's Report and re-open the Mint as soon as it is required. I may say that it can hardly be required in the immediate present because we have a large holding of sovereigns in our Currency Reserves. It was eight millions up to a week or so ago, and, of course, owing to the fall in the internal premium on gold that number is likely to be augmented by the presentation of sovereigns for notes in our treasuries. But, Sir, as soon as a state of things arises when gold is likely to be presented at the Mint, we shall apply to the Secretary of State for the services of officers to replace those who have gone Home ill and we shall re-commence operations. Last year we budgetted for an expenditure of Rs. 1,20,000—I do not know whether the Hon'ble Mr. Sarma would like us to include in the Budget any definite sum on this account; if he would, as a guarantee that we intend to continue the operations of the Mint, I shall be very glad to put a sum of say Rs. 50,000, which, I think, will be quite adequate for the purpose, into the Budget. If that will satisfy him, I shall be very glad to accept his Resolution to that extent."

The Hon'ble Rao Bahadur B. N. Sarma:—"I accept that with thanks."

The Vice-President:—"Does the Hon'ble Member wish to press his Resolution? I cannot accept an amendment under the Rules."

The Hon'ble Rao Bahadur B. N. Sarma:—"Except with the permission of the Council and with your permission."

The Vice-President:—"The Budget Resolution rules do not provide for amendments at all. I suggest the Hon'ble Member may be satisfied with the Finance Member's assurance that he will provide Rs. 50,000 in the Budget for this purpose."

The Hon'ble Rao Bahadur B. N. Sarma:—"I am satisfied."

The Vice-President:—"I think I may say that the Resolution is by leave of the Council withdrawn."

The Council adjourned till Thursday, the 11th instant, at 11 A.M.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

DELHI :
The 24th March, 1920.

SGPI, Delhi—460 L D—27-3-20—750.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Thursday, the 11th March, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 58 Members, of whom 50 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :— 11-3 A.M.

1. "(*a*) Has the attention of Government been drawn to unstarred question No. 42 of the 3rd February last in the Bengal Legislative Council, and the reply thereto?

Increase in the price of rice in Bengal.

(*b*) With reference to Statement B laid on the table in reply to the said question in the Bengal Legislative Council, are Government in a position to state if the recent comparative increase in the price of rice in Bengal indicated therein has been accompanied by a similar rise in the other provinces? If so, to what extent in the different provinces?

(*c*) Are Government aware of any special circumstances making for such increase in Bengal?

(*d*) In view of the admission made by the Government of Bengal in reply to clause (*g*) of the said question, that speculators are holding up stocks of rice in certain places, and that large traders have acquired stocks 'in the hope that free movements of food-stocks would be allowed to other provinces and abroad', do Government propose to make a reference to the Local Government urging an immediate and detailed inquiry into the situation?"

The Hon'ble Sir Claude Hill replied :—

"(*a*) The Government of India have seen the question and answer referred to.

(*b*) A statement is laid on the table* illustrating the extent to which the price of rice has risen in the various provinces since 1915.

(*c*) No.

(*d*) The Government of India do not think it necessary to intervene in the matter, which is essentially one for the Provincial Government."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Number of steam navigation or shipping companies.

2. "(*a*) What is the number of steam navigation or shipping companies started during the last twelve months, the amounts of their nominal capital and paid-up capital, and what insurance facilities exist at present?

(*b*) What steps, if any, do Government intend taking to help shipping enterprise in India?"

The Hon'ble Sir George Barnes replied :—

"(*a*) The number of navigation companies registered during the twelve months ending on the 31st December, 1919, was ten, with a nominal capital of Rs. 23,29,00,000. The amount of paid-up capital is not shewn in the statistical returns. Insurance facilities are offered by the companies doing marine insurance business.

(*b*) With regard to the encouragement of shipbuilding, I would refer the Hon'ble Member to the remarks I made in this Council on the 24th of September 1918 in connection with the Resolution moved by him, since when the position has not materially changed. I would also refer the Hon'ble Member to the reply given on the 8th March by His Excellency the Commander-in-Chief to the Hon'ble Mr. Patel's question with regard to the creation of a mercantile marine in India."

The Hon'ble Mr. Surendra Nath Banerjea asked :—

Raids by trans-border gangs in the North-West Frontier Province.

3. "(*a*) Are Government aware of the sufferings caused to peaceful Indian traders and residents in the North-West Frontier Province by the raids of trans-border gangs?

(*b*) If so, do Government propose to take adequate measures for their protection?

(*c*) Will Government be pleased to indicate in general terms the measures which they propose to initiate?"

The Hon'ble Mr. H. R. C. Dobbs replied :—

"(*a*) Yes.

(*b*) As the Hon'ble Member is aware Government are at the present moment undertaking extensive operations for the punishment of those tribes which have chiefly been guilty of raids and other offences against British subjects.

(*c*) The whole question of future policy on the North-West Frontier, which has for its primary object the greater security of the border, and therefore the better protection of British subjects living in the Frontier districts, has for some time past been engaging the anxious consideration of Government. The ultimate decision rests with His Majesty's Government, and it is not possible at present to make any final pronouncement on the subject; but the Hon'ble Member may rest assured that the policy of the Government of India will be directed towards obtaining better control of the predatory frontier tribes."

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* *Vide* Appendix A.

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Establishment of free public libraries in Municipal towns.

4. "(*a*) Did the All-India Libraries Conference held in Madras in November last recommend that free public libraries be established in Municipal towns?

(*b*) Do Government propose to suggest to Local Governments to recommend this being done by Municipalities?"

The Hon'ble Mr. Shafi replied:—

"It is not the policy of the Government of India to intervene in such matters and they do not propose to take any action. The Hon'ble Member's question will, however, be brought to the notice of the Local Governments."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Maintenance of bulls and cows for breeding purposes.

5. "Will Government state what steps have been taken and are proposed to be taken—

(*a*) for the provision and maintenance of stud-bulls or bulls for breeding purposes?

(*b*) for the provision of pasture land?

(*c*) for the prohibition of the slaughtering of prime cows fit for breeding purposes and calves?

(*d*) for the establishment and maintenance of veterinary dispensaries and hospitals?

(*e*) for cheapening the cost of transport, by railways and steamers, of cattle-fodder, milk and milk products from one place to another?

(*f*) for the prevention of the adulteration of milk and milk products?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) Cattle breeding farms are maintained by Government in most provinces and stud bulls are obtainable from them. An extensive scheme for the development of cattle breeding and dairying in India under Imperial control is about to be inaugurated.

(*b*) As I pointed out in reply to the Hon'ble Mr. Khaparde on the 25th February 1920, this matter concerns Local Governments.

(*c*) No action has been taken or is contemplated. I would refer the Hon'ble Member to the answer which I gave to the Hon'ble Sir Gangadhar Chitnavis on the 22nd March 1918.

(*d*) This matter also concerns Local Governments.

(*e*) Special concession rates are allowed for the carriage of fodder in time of famine. Otherwise, no action is considered necessary or feasible in the direction indicated.

(*f*) The question of legislation with this object has been left for Local Governments to decide. Legislation has been undertaken in most of the provinces."

The Hon'ble Mr. V. J. Patel asked:—

Exemption of factories from certain provisions of the Indian Factories Act, 1911.

6. "(*a*) Is it a fact that some factories, textile and non-textile, have been exempted during the war, from certain provisions of the Indian Factories Act, 1911, specially section 24, relating to employment of women during night time?

(*b*) If so, will Government state the names of such factories?

(*c*) When will Government withdraw such exemptions?"

The Hon'ble Sir Thomas Holland replied:—

"It is true that under section 56 of the Factories Act, Local Governments exempted certain factories during the war from different provisions of the Act, but the Government of India have no detailed information beyond that given in the Annual Provincial Reports on the working of the Indian Factories Act. If the Hon'ble Member so desires more detailed information will be obtained from the Local Governments and Administrations and placed on the table in the September Sessions of the Council."

The Hon'ble Sir Fazulbhoy Currimbhoy asked:—

Grant-in-aid to the Indian Tea

7. "(*a*) Was the amount of Rs. 15,000 paid as a grant-in-aid to the Indian Tea Association by the Agricultural Department during 1918-19? If so, what were the circumstances under which this payment was made?

(*b*) Is it proposed to make this grant a recurring one?"

The Hon'ble Sir Thomas Holland replied:—

"(*a*) Yes. The amount has been paid as an annual grant-in-aid to the Indian Tea Association since 1906 for the prosecution of scientific investigation and research into the cultivation and manufacture of tea.

(*b*) No decision has yet been arrived at regarding the further continuance of this grant. The question will be considered by the Government of India next year when the present sanction, which was given for a period of five years with effect from the 1st April 1916, expires."

The Hon'ble Sir Fazulbhoy Currimbhoy asked:—

Export of Indian groundnuts.

8. "Have Government received any proposal for Imperial preference in the matter of the export of Indian groundnuts as referred to in their letter No. 58221, dated 15th October 1919, from the British Colonial Office to the Liverpool Chamber of Commerce?"

The Hon'ble Sir George Barnes replied:—

"The Government of India have not seen a copy of the letter referred to by the Hon'ble Member. Inquiry was made by His Majesty's Government in September last whether it was intended to restrict the export of groundnuts in any way, and a reply was sent in the negative."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Construction of a railway line from Karachi to Bombay.

9. "Do Government contemplate the construction of a railway line from Karachi to Bombay in the near future?"

The Hon'ble Sir Arthur Anderson replied:—

"The reply is in the negative, but Government propose to carry out a reconnaissance of the area west of the Rajputana Malwa Railway with a view to finding the most suitable alignment for a broad gauge railway connecting Gujrat with Sind."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Waiting-room at Naundero.

10. "Has the attention of Government been drawn to the fact that considerable inconvenience is felt by passengers in general and by pleaders and zamindars in particular, for want of a waiting-room at Naundero? If so, do Government propose to take early steps to provide a suitable waiting-room at the Naundero station?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The reply is in the negative,

(*b*) The present traffic does not justify the provision of a waiting-room for upper class passengers as a permanent measure, but orders have been issued to allow the railway officers' rest-room to be used as a waiting-room when necessary."

The Hon'ble Haji Chaudhuri Muhammed Ismail Khan asked :—

Travelling allowance of the officers of the Provincial Services.

11. "(*a*) Is it a fact that by the recent revision of the travelling allowance rules by Government Notification No. 1809-E. B., dated 30th September, 1919, gazetted officers, who, before the revision, had been enjoying the privileges of first class officers while travelling on steamers, are put in the same category with ordinary ministerial officers drawing a pay of Rs 30?

(*b*) Is it not a fact that the liberalisation of the travelling allowance rules was the intention of Government as expressed in the said notification?

(*c*) Is it a fact that officers drawing a pay of less than Rs. 200 per mensem get travelling allowance for their family, whereas members of the Provincial services have been denied that privilege?

(*d*) Do Government propose to modify the rules so as to place the Provincial Service officers in the same position as before the issue of the revised rules?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) Under the old rules an officer of the second class was generally entitled to one second class fare for himself and lowest class fare for one servant, and an officer of the second class whose pay was not less than Rs. 200 might claim instead one first class fare for himself, which was subject to deduction of table money, and lowest class fare for two servants. Under the rules as revised all officers of the second class receive double the fare of the class in which they travel. For all, excepting those drawing Rs 200 or more, this is a considerable improvement on the old conditions The latter also benefit in comparison with the old rules whenever they happen to travel first class. This is invariably the case when there are only two classes on the steamer, and Local Governments have been specially authorised in cases in which arrangements for accommodation on the steamer make it desirable, to raise the class of an officer.

(*b*) The intention of Government was to simplify the rules and at the same time to make them more liberal.

(*c*) Under existing rules travelling allowance is not granted to families except in the case of transfers of non-gazetted subordinates on salary not exceeding Rs. 400 subject to certain conditions. Officers of the Provincial services like other gazetted officers are not eligible for such allowances, but the question of the general grant of travelling allowances to families in the case of transfers has been under consideration, and the orders of the Secretary of State are awaited

(*d*) Attention is invited to my reply to clause (*a*). No change appears to be necessary."

The Hon'ble Haji Chaudhuri Muhammed Ismail Khan asked :—

Exemption of Members of Council under the new Arms Act Rules.

12. "(*a*) Have Government framed new Rules under the Arms Act?

(*b*) Do they propose to include Hon'ble Members of the Imperial and the several Provincial Legislative Councils, whether elected or nominated before the introduction of the new Rules, in the list of exempted persons under Schedule No. 1 of the Rules?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The Arms Rules have recently been revised to give effect to the new policy of administering the Arms Act, which was explained in the Home

Department Resolution No. 2125-C, dated the 21st March 1919. The revised rules were published on the 1st January 1920 as 'the Indian Arms Rules, 1920.'

(*b*) The Government of India have no such intention. If the Hon'ble Member will read the Resolution to which I have referred he will see that one of the essential features of the new policy is the rigid restriction of the number of exempted persons."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

Railway connection between Barisal and Calcutta.

13. "(*a*) Is it a fact that Barisal is not connected with Calcutta by Railway?

(*b*) If so, what steps do Government intend to take to connect Barisal with Calcutta by railway?

(*c*) Was a survey made for such a railway and, if so, with what result?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The reply is in the affirmative.

(*b*) and (*c*) A survey for a railway connecting Khulna with Barisal and Faridpur was carried out in 1914. The project was ultimately abandoned for the reasons stated in Sir Robert Gillan's reply to the Hon'ble Maharaja Sir Manindra Chandra Nandi's question of the 11th September 1918, of which I shall be glad to send the Hon'ble Member a copy if he so desires.

The Government of Bengal have since recommended an alternative scheme for connecting Barisal with Calcutta by means of an extension of the existing railway from Faridpur, and the possibilities of such a connection are at present under investigation."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

Complaints about Postal irregularities.

14. "What is the number of complaints about Postal irregularities received during the last year and the year before?"

The Hon'ble Sir George Barnes replied:—

"The attention of the Hon'ble Member is directed to paragraph 31 of the Annual Report of the Posts and Telegraphs in India for last year. I shall be glad to send the Hon'ble Member a copy of the Report if he so desires."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

Introduction of a new set of rules for the grant of certificates of auditorship.

15. "(*a*) Do Government intend to introduce a new set of rules for the grant of certificates of auditorship by revising the old set of rules framed by Local Governments after the Indian Companies Act, 1913, came into force?

(*b*) If so, will these new rules apply to provincial certificate holders at present practising in India and result in the withdrawal of privileges hitherto enjoyed by some of them, *e.g.*, the holders of unrestricted certificates?

(*c*) In this matter, do Government propose to consider the question of following the precedent of the Institute of Chartered Accountants in England and Wales as laid down in clauses (*3*) and (*4*) of section 5 and clauses (*1*) and (*2*) of section 6 of the Royal Charter of 11th May, 1880?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Any rules issued under section 144 (*2*) of the Indian Companies Act regulating the grant of auditors' certificates are made by the Local

Governments concerred. In connection with the scheme for the utilisation of the Sydenham College of Commerce as a central examining body in Accountancy, a letter has been addressed by the Government of India to the Local Governments suggesting the desirability of amending the existing rules in certain respects.

(*b*) The revised rules will apply to all persons holding certificates under the Companies Act. It is proposed to issue no unrestricted certificates in future except to holders of the Government diploma in Accountancy. Permanent unrestricted certificates already granted will not be withdrawn. Temporary unrestricted certificates will be replaced by the temporary restricted certificates, until the holder qualifies himself for a permanent unrestricted certificate by obtaining the prescribed diploma.

(*c*) The question of granting exemptions in certain cases is under the consideration of Government."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

Number of Mussalmans employed as judges in various courts.

16. "Will Government state for each province the number of Mussalmans employed as (*a*) judges of (*i*) High Courts, (*ii*) Courts of Small Causes, (*ii* Chief Courts; (*b*) District and Sessions Judges, and (*c*) Subordinate Judges?"

The Hon'ble Sir William Vincent replied:—

"I lay on the the table a statement* giving the information desired."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

Rice in the Madras Presidency.

17. "Will Government lay on the table a statement for each of the last ten years showing—

(*a*) the total quantity of rice exported from and imported into the Madras Presidency;

(*b*) the retail rates of the different qualities of rice in each quarter of a year; and

(*c*) the total consumption of rice in each district of the Presidency?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) A statement† is laid on the table giving the information required for the ten years ending 1917-18, the latest year for which full figures can at present be obtained.

(*b*) and (*c*) The information asked for is not available."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

Electrical treatment of seeds.

18. "Will Government state:—

(*a*) whether they are aware of the process of the electrical treatment of seeds?

(*b*) whether it has been tried in India and with what result? and

(*c*) whether they propose to consider measures for the introduction or extension of the process?"

The Hon'ble Sir Claude Hill replied:—

"The answer to (*a*) is in the affirmative and to (*b*) in the negative. As regards (*c*) the Wolfryn process to which the Hon'ble Member presumably refers has failed to give the results claimed for it when tested at the experimental stations of Rothamsted and Wye in England. It is, therefore, premature to consider measures for its introduction here."

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*Not included in these Proceedings.

† *Vide* Appendix B.

The Hon'ble Mir Asad Ali, Khan Bahadur, asked:—

Government's Excise Policy.

19. "Will Government state:—

(*a*) whether their present abkari policy aims at the diminution in the consumption of liquor?

(*b*) whether the high duty policy has succeeded in checking consumption, and if so, whether a statement can be furnished showing the effect of the increase of revenue upon consumption during the last ten years? and

(*c*) whether it is the policy of Government to encourage abstinence?"

The Hon'ble Sir George Barnes replied:—

"(*a*) and (*c*) The Government of India have not deviated from the policy outlined in the speech of His Excellency the Viceroy published along with papers relating to Excise Administration in India, 1914, and issued as a Supplement to the Gazette of India, dated the 13th March, 1915 From His Excellency's speech it will be observed that the settled policy of the Government of India has been that of securing maximum taxation with a minimum of consumption, and the chief means adopted for the prevention of any undue expansion of consumption has been a steady and judicious raising of the duties on all classes of intoxicants accompanied by a reduction in the facilities for obtaining them. This policy is still being kept steadily in view.

(*b*) A statement[*] is placed on the table giving the figures for the consumption of country liquor and the gross revenue derived from this source during the ten years 1909-1910 to 1918-19. The Hon'ble Member may perhaps be able to draw his own conclusions from these figures."

The Hon'ble Mr. G. S. Khaparde asked:—

Termination of contract with the Great Indian Peninsula Railway.

20. "(*a*) What is the date on which the present contract with the Great Indian Peninsula Railway will terminate?

(*b*) Will Government lay on the table a statement showing the names of the Indians in the superior Traffic, Engineering, Locomotive and Medical Departments, with the dates of the commencement of their service and their present pay?

(*c*) Is it true that the new European entrants are given better rates of pay than those already in service?

(*d*) Is it true that the Chairman of the Home Board of the Great Indian Peninsula Railway is on a visit to India? If so, what is the object of his visit?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The date on which the present contract with the Great Indian Peninsula Railway Company is terminable is the 30th June 1925.

(*b*) A statement[†] of the Indians holding superior appointments in the several departments of the Company's service and giving the information asked for by the Hon'ble Member is laid on the table.

(*c*) It is not the case that new European entrants are given better rates of pay than those already in the Company's service.

(*d*) The Chairman of the Home Board of the Great Indian Peninsula Railway is in India on business connected with the Company."

The Hon'ble Mr. W. E. Crum asked:—

Roads and railways in Burma.

21. "(*a*) Are Government prepared to give a guarantee that sufficient funds will be allotted in the next three years to complete the railway from Moulmein to Tavoy?

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[*] *Vide* Appendix C.

[†] *Vide* Appendix D.

(*b*) Will Government state their policy with regard to the assignment of receipts from capitation and thathameda taxes to local funds?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The Railway Board are well aware that there is an urgent need for more railways in Burma as well as in India, and in fixing priority of construction for various competitive schemes they consult with the Local Government as to which scheme is most urgent. The proposed railway from Moulmein to Tavoy has not been placed by the Local Government in the first rank of urgency, and no guarantee can be given that sufficient funds will be allotted to complete it within the next three years.

(*b*) The final policy of the Government of India in the matter has not yet been determined."

The Hon'ble Maung Bah Too asked:—

Disposal of profits derived from the control of Burma rice.

22. "(*a*) Will Government be pleased to state if they have made any profit from the control of Burma rice during the years 1919 and 1920, and, if so, in what way it is proposed to dispose of the same?

(*b*) In disposing of the profit, do Government propose to consider the claims of Burma to a preponderant share of the same?"

The Hon'ble Sir Claude Hill replied:—

"(*a*) The system of control of Burma rice adopted in 1919 did not involve purchase of rice by or through Government, and no profits were therefore made by Government in that year. As regards 1920, the Hon'ble Member is referred to the Press Communiqué of the 24th December last, a copy of which was laid on the table on the 18th February last in answer to a question by the Hon'ble Sir Gangadhar Chitnavis.

(*b*) The Hon'ble Member is referred to the reply given to the Hon'ble Mr. Crum's question on the same subject on the 8th March."

The Hon'ble Maung Bah Too asked:—

Funds for railway extensions in Burma.

23. "(*a*) Is it a fact that there is no provision in the present Budget for Railway extensions in Burma?

(*b*) When is it intended to allot the necessary funds to start work on the proposed line from Moulmein to Ye?"

The Hon'ble Sir Arthur Anderson replied:—

"(*a*) The reply is in the negative. A sum of R26 lakhs has been provisionally allotted for new construction in Burma during next year.

(*b*) The Hon'ble Member is referred to the answer given to the question by the Hon'ble Mr. W. E. Crum in respect to the proposed Moulmein-Tavoy Railway."

MESSAGE OF APPRECIATION *RE* ROYAL PROCLAMATION ON THE GOVERNMENT OF INDIA BILL.

The President:—"On the 30th January last this Council adopted a Resolution recommending to the Governor General in Council that he should transmit through the proper channel to His Majesty the King Emperor a message of its sense of profound gratefulness for the Royal Proclamation issued by His Majesty on the occasion of his having given his Royal assent to the Government of India Bill. The message was duly communicated to His Majesty's Secretary of State, who submitted it to His Majesty the King Emperor, together with an account of the proceedings which took place in this Council on that day. I have been commanded by His Majesty to inform the Council that he has received with deep appreciation their loyal Resolution." 11-20 A.M.

IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

11-21 A.M. **The Hon'ble Sir George Barnes** :—"I beg, my Lord, to present the Report of the Select Committee on the Bill to extend the operation of, and otherwise to amend, the Import and Export of Goods Act, 1916."

WORKMAN'S BREACH OF CONTRACT (AMENDMENT) BILL.

11-22 A.M. **The Hon'ble Mr. W. E. Crum** :—"My Lord, I beg to move the following amendment to the Bill further to amend the Workman's Breach of Contract Act, 1859, as amended by the Select Committee:—

'That in clause 3, proviso (*b*) to new section 2 (*1*) be omitted.'

This is a section which was introduced into the Bill during the meetings of the Select Committee, and, as far as I remember being a member of that Select Committee, it was introduced by a small majority. Now what I want the Council to understand is the effect of the amendment which has been introduced into the Bill. The clause to which it refers is the clause dealing with what the Magistrate should do when he is satisfied that a labourer has committed an offence under the Act, and the effect of this proviso will be that, if a labourer has once been convicted of an offence under the Act on the complaint of an employer, that employer will never be able again to make a contract with the labourer, because he will not be able to enforce that contract. Now, Sir, it seems to me that such a clause can be of no advantage either to the labourer or to the employer. A punishment is supposed to be inflicted for the purpose of deterring either the man who has done wrong from doing wrong again, or by way of example to prevent other people from doing wrong. Presumably, in a case like that, if an employer thinks that an employé has received a sufficient lesson by being punished, there is no reason why he should not employ him again, and it seems to me that it is really putting the labourer to a disadvantage to prevent the employer so employing him. It is really putting a black mark against the labourer's name, because there is nobody who knows the labourer better than the employer who has made a complaint against him, and, if that employer is willing to employ the labourer again, I think it is evident that he would only do so because he is satisfied that it is very unlikely that the man, with the threat of a further punishment over him such as he has just received, will again commit that offence. For these reasons, my Lord, I suggest to the Council that this amendment which was only put in, as I say, in the Select Committee is very little of apparent value either to the employer or to the employé, and may be distinctly an advantage to both, and I therefore suggest that it should be deleted."

11-25 A.M. **The Hon'ble Sir William Vincent** :—"My Lord, I should like to explain the attitude of the Government towards this amendment at the earliest moment, because it is important that I should let all official members of this Council know that on this occasion, as on other occasions in connection with this Bill, they are at absolute liberty to speak or vote as they think fit. If I had not taken an early opportunity of speaking, possibly some official members might not have been aware of their rights in this matter. The particular provision of the Bill to which the Hon'ble Mr. Crum takes exception, was introduced in the Select Committee, I think at the instance of the Hon'ble Mr. Sarma—I speak from recollection. The intention underlying the modification is this, that if an employer has made an advance to an employee once on a contract and the latter breaks that contract fraudulently, there is reason in punishing him for it, but if the employer likes, with his eyes open, to go to the same employee a second time and make him a second advance, he ought not to be able to take advantage of the penal provision of this Act again. His rights under ordinary civil or criminal law will remain, and it is perhaps not quite accurate to say that the employer will be prevented by this proviso from giving a second advance to a labourer or from entering into a second contract. The only point really is, if he does so, he will not be able to seek the special protection which is given to employers by this Act. The clause under examination was supported with some vigour in the Select Committee and, on the whole, the official members of the Government, at any rate the members of the Executive Council, thought it was a fair proposition, and for that reason we accepted it as a reasonable proposition. I feel myself that there is a good deal to be said for the idea when the man who deliberately with his eyes open makes a second advance to a labourer or workman who has once deceived him, that the employer should not be at liberty to take the employee before the criminal Courts for the enforcement of the second contract. I do not believe myself that the proviso will prove so disadvantageous to the labourer as has been suggested by the Hon'ble Mr. Crum, and in the circumstances, I shall myself vote against the amendment proposed by him, but I feel that Government should allow complete latitude to official members to vote or speak as they like, nor do I attach, if I may say so, very much importance to this amendment. I do not think it will make a very great difference whether it is passed or not."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I think it is my duty to say a few words about this amendment. In the first place, may I be permitted to observe, my Lord, that the question whether a particular proposition was carried by a narrow majority or by a large majority and other matters of detail gone into by the Select Committee, might perhaps not be brought into the arena of discussion in the general Council here. That, I believe, was the procedure followed on previous occasions. But as a departure has been made, I have to say a word in defence of my position. 11-28 A.M.

"Well, I was lucky in the beginning on this as well as on several other amendments in securing the sympathy and support of, perhaps, a large majority, but the interests of the planters advocated strongly on the Council led several Hon'ble Members to change their views. Now on this question I think it is not to the interests of the labourer. I do not think we would be serving him by deleting the clause added by the Select Committee. The Hon'ble Mr. Crum seems to be labouring under some misapprehension with regard to the ineligibility of an employee for employment again by the same planter or employer. What we say is that if the employer chooses to give an advance to an employee who has misbehaved once, then the only remedy that ought to be open to him should be in a civil Court. Having with his eyes open entered into a contract and given the advance, he should not be able to invoke the penal provisions of this Act a second time. My Lord, the question as to whether advances being given to labourers is economically sound was discussed to a certain extent on a former occasion. I cannot help thinking that the general consensus of opinion is against encouraging the giving of advances. There may be exceptional circumstances, but we have made provision for such exceptional circumstances in the Bill as it stands amended. It was said that the planters and others would have to get employees from long distances and therefore make advances. Well we have made provision for that. It is only the coolie who comes from a long distance, has worked out his contract and the advance having been paid off who re-engages himself to whom the added proviso applies. There is no necessity for an employer giving any advance again to the coolie who has already come from a long distance. The employer should enter into an ordinary contract and engage the man on the current wages, and the coolie would not be hurt, he would be a free man the moment he worked out the contract on the plantation, having received an advance and having come from a long distance. I think, therefore, that the Bill as amended would provide all that is necessary for absolute freedom between the employer and the employee once the original contract is worked off. There would be freedom of action for both parties, and only the ordinary remedies open to any employer or employee would be open to them. I do not think the penal laws should be invoked a second time."

11-32 A.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"My Lord, I confess I feel some difficulty about this matter. So far as the particular line of argument of my Hon'ble friend Mr. Crum is concerned, I do not think I have much to find fault with. But my difficulty lies here. It may be that my interpretation is wrong, but I should like to know whether this proviso, as drafted by the Select Committee, does not include a case of a second complaint on the same contract. That is to say an employer complains against a labourer that he has committed a breach of a particular contract and he is convicted, he is sent to jail. Is it open to the same employer to have a second complaint in regard to the same contract? As I think, my Lord, that this proviso, if it is allowed to stand, will prevent any possibility of that, on that ground I wish to support this proviso, and I shall place before the Council a reported case to show that there have been cases where an employer has obtained more than one conviction in regard to the same contract. This practice was becoming common in the district with which I am familiar, Cachar, and in 1893 a case was contested. A coolie woman of the name of Tezia Dosadh was prosecuted by a European planter, Mr. Griffiths, for a breach of contract and was sent to jail. After she came out of jail Mr. Griffiths again sent for her and she again refused to go to work, and then Mr. Griffiths again obtained a warrant against her on the same contract. When the case was tried, the Deputy Magistrate who tried it was one of the most conscientious Magistrates we have ever had. He discharged the woman and dismissed the case. But Mr. Griffiths was not satisfied and moved the Deputy Commissioner against the order of discharge, and the Deputy Commissioner set aside the order of discharge and directed a further inquiry. On this occasion Mr. Griffiths engaged two senior pleaders of the bar to support his case. It was a small point of law. I happened to be in Court at the time, and at the request of the Magistrate I appeared as *amicus curiæ,* and the case was argued and the Deputy Magistrate dismissed the case and acquitted the woman. But Mr. Griffiths was not satisfied; he moved the Indian Tea Association, and at their instance an appeal was filed against acquittal in the Calcutta High Court, and a well-known counsel Mr. Henderson was engaged to argue the case The High Court decided that the Magistrate was right and that there should not be a second conviction on the same contract. This case is reported in Indian Law Reports, 21 Calcutta 162. I referred to it because there is a possibility of cases like this coming up if you remove this proviso . . . ."

The President:—"Will you get on to the proviso now, Mr. Chanda? All this is a little far off the point at issue."

The Hon'ble Mr. Kamini Kumar Chanda:—"The argumen is in point in this way, My Lord. If this proviso is removed it is possibl to construe that this ruling of the Calcutta High Court is not law. Therefore it would be possible to have a second conviction. That was the point, my Lord. If that interpretation which I now suggest is not possible without this proviso, well, I need not press it, but my difficulty is this that you cannot say that it will not be contended that if it is proved that the complainant has on any previous occasion obtained an order under this section against any labourer there will be no second prosecution on the same contract. That is my difficulty. If it appears that my interpretation is impossible, then I do not press it, but my difficulty is that if you remove this proviso, cases like this may crop up, and therefore I oppose this amendment."

The Hon'ble Mr. B. C. Allen :—" My Lord, I think that I can give 11-37 A.M. the Hon'ble Mr. Chanda a guarantee that no Magistrate in Assam would ever twice convict a coolie on the same complaint. Mr. Chanda can rest quite assured on that point. Turning now to the motion before the Council I should like to explain to the Hon'ble Mr. Sarma precisely how the clause which he desires to have inserted in the Bill will work. Let us take the case of a coolie who has broken his agreement wilfully and without lawful and reasonable excuse, and has been ordered by the Magistrate to return to the garden. He obeys the order and goes back. It is said in the Statement of Objects and Reasons that an employer who deliberately engages a dishonest employee against whom he has previously taken proceedings, does so with his eyes open. I do not, however, suppose that we are to understand that to mean that when the coolie is ordered to return to the garden the Manager is to decline to take him. We can assume therefore that we have got our coolie back again on the garden. At the end of the agreement two things may happen : the coolie may either decide that he wishes to leave the garden, or he may decide that he wishes to remain. If he wishes to leave the garden, the clause on which Mr. Sarma lays so much stress will do no harm at all, but neither will it be productive of any good. My experience of garden coolies, however, leads me to the conclusion that in the great majority of cases they will prefer to remain. When they break their agreements, they generally do so because they have been enticed away or because they have left the garden in a fit of pique, and once they have returned to their old surroundings they generally settle down again quite happily. I am sure that in the majority of cases the coolie will settle down on the garden to which he has returned and at the end of the agreement he will come up and ask for a new advance and a new agreement. But if this clause is passed into law the Manager will have to refuse to give a new advance for he will have no security. The Hon'ble Mr. Sarma says that he will have the security of the ordinary law, but when you are dealing with a tea garden coolie that security amounts to nothing at all. He has no property against which you can proceed, not at any rate in a civil court. The coolie, therefore, must be refused an advance and again he will have the option of doing one of two things. He can either leave the garden which, *ex hypothesi* he does not wish to do, or, if he remains, he must remain on there working as a free coolie and without an advance. Now, the person who would suffer most from that is the coolie himself. The advance is more in the nature of a bonus than an advance as ordinarily understood. There is a fixed standard rate of wage on tea gardens, and when a coolie gives an agreement and undertakes to work for a fixed term, say a year certain, he is given a lump sum down; that amount is never recovered from him and no interest is charged upon it. What it amounts to is that a coolie who agrees to work for a year certain is paid a rupee a month more than a coolie who works under the ordinary master and servant contract and is free to leave whenever he pleases. If, therefore, the coolie remains on the garden without taking an advance, it merely means that he is staying there and working for less pay than he would be entitled to receive. If the law allowed him to enter into a new agreement and receive another advance, I submit, my Lord, that the effect of this clause would simply be to penalise the coolie; it will either drive him away from the garden against his will, or it will entail his staying on there and working at a lower rate of wages than he would otherwise have received.

"For these reasons, I hope that the Council will support the amendment of the Hon'ble Mr. Crum."

The Hon'ble Mr. C. A. Kincaid :—" My Lord, I was not on the 11-41 A.M. Committee of the Bill nor did I intend to take part in this debate. But, since the Hon'ble the Home Member has given official and nominated members the right to speak and vote as they please, I will detain the Council for a couple of minutes while I put before it the views of the Court from which I have just come. I must preface my remarks by saying that in the

Bombay Presidency, owing to the rulings of the High Court the present Act is more or less of a dead letter. Nevertheless, the Judicial Commissioner's court in Sind, after considering this particular suggestion when it was made, before matters had got as far as the Select Committee, was of opinion that the proviso should not be introduced. As the Hon'ble Mr. Crum has said, the real effect of this proviso is to make a coolie who has been once imprisoned unemployable. The Hon'ble the Home Member has said, if your employer is such a fool as to employ a man who has once been convicted he does so with his eyes open, and has only himself to thank if he is cheated again. But with all deference to the Hon'ble the Home Member, that is not the point. The point is that the employer will not be such a fool and, as the Hon'ble Mr. Crum has said, that coolie will not be employed again.

"Then, my Lord, looking at it from the Judge's point of view, I would put it this way. To punish a man for the first offence and not to punish him afterwards is a reversal of the ordinary criminal law. Now, under the Criminal Procedure Code, the Court is empowered to bind a man or woman down for his or her first offence and to call him or her up for judgment in the event of recidivism. Under this proviso you are expected to punish a man for his first offence and to let him off for every offence which he commits afterwards. For these reasons, my Lord, I support the amendment."

11-43 A.M. **The Hon'ble Sir George Lowndes** :—"My Lord, I think there are one or two other things that ought to be said in answer to these arguments. In regard to the speech of the Hon'ble Mr. Chanda I am inclined to say 'Heaven defend us from our friends!' The object of this proviso was not to prevent a second prosecution for the same offence, which, I think, there is really no reason to anticipate. I understand that the Calcutta High Court, so far as I could gather from the Hon'ble Mr. Chanda's speech, very properly turned down that suggestion at once. It is not, therefore, to meet the danger that the Hon'ble Mr. Chanda anticipates that this proviso has been suggested.

"With regard to the point made by my Hon'ble friend Mr. Allen, I doubt if that is an argument of great cogency. I always understood that the coolie in Assam has a very definite value and, when you have got him there, you want his labour and there is no chance of his being unemployed. If you have to pay the ordinary coolie one rupee a month more because he promises to stay for a year you will have to pay this man one rupee more, and you will do that presumably because it is worth your while to pay a coolie whom you have got already on your estate rather than have to bring another coolie from outside Assam to take his place, and this at a great cost, as we have been told on several occasions. Therefore, really it would be to the employer's interest to employ the coolie again, possibly giving him the extra rupee without the opportunity of recovering it under this particular Act.

"As regards the Hon'ble Mr. Sarma's suggestion, I do not think it is quite correct to say that the employer will only have his civil remedy; he will have the ordinary criminal remedies if he has been cheated by his employee.

"It also appears to me, with great deference to those who have taken the opposite view, that these extra payments to coolies on the understanding that they will stay for certain periods are hardly in the nature of the advances that we have been dealing with under this Act. I always understood that the kind of advance which it is necessary to give special power to recover under this Act was an advance to a man whom the employer had brought to the estate, and to whom he had given a sum of money to provide for the maintenance of his family during his absence. That is the typical case and not the case of a coolie to whom an employer has paid a slightly higher remuneration on the ground that he had promised to stay for a fixed period."

11-46 A.M. **The Hon'ble Mr. W. E. Crum** :—"My Lord, I am glad that the Hon'ble Sir. George Lowndes has put the Hon'ble Mr. Chanda right over the intention of this clause as regards a second complaint under the same contract.

I certainly understood that, when the amendment was put in, it was meant to refer purely to a fresh contract.

"As regards what the Hon'ble Mr. Sarma said about my misapprehension of the position, I do not think I agree with him. He says that the employer is not debarred from making a contract, but that he is debarred from making an advance to the employee. But, as a matter of fact, the two are the same thing; they are synonymous, because as I think the Hon'ble Mr. Allen has clearly pointed out, there is no possible chance of a coolie making a fresh contract without taking a further advance. Again, I do not think it is really a fact, as the Hon'ble Mr. Sarma pointed out, that this clause would only apply to a coolie who had remained in Assam and was ready to take up a fresh contract in Assam. It is quite conceivable that he might have gone back to the country whence he came, and that this clause might apply again if you were making an entirely fresh contract with him.

"As regards what the Hon'ble Sir George Lowndes said, I am not in a position to argue this from a legal point of view, but I would put it to members that this Bill is not simply a Bill which is for the benefit of the employer; it does confer very distinct benefits on the coolies as well, and it is certain that the coolies will not get these advances unless the employers are protected under the Act.

"Well, my Lord, I have got nothing more to say on the subject and, for the reasons which I have put forward and which have been very ably seconded by the Hon'ble Mr. Allen, I suggest again that this clause should be deleted."

The amendment was put and declared carried.

The Hon'ble Sir William Vincent :—"My Lord, I ask for a division."

The Council divided as follows :—

Ayes—20.

Hon'ble Sir Gangadhar Chitnavis.
„ Mr. W. E. Crum.
„ Mr. H. Sharp.
„ Mr. H. McPherson.
„ Mr. A. H. Ley.
„ Mr. R. A. Mant.
„ Major-General Sir Alfred Bingley.
„ Mr. C. A. Barron.
„ Mr. N. E. Marjoribanks.
„ Mr. N. F. Paton.
„ Khan Shahib Shah Nawaz Bhutto.
„ Mr. C. A. Kincaid.
„ Mr. P. J. G. Pipon.
„ Sardar Sundar Singh.
„ Mr. H. A. Casson.
„ A. E. Nelson.
„ Mr. B. C. Allen.
„ Mr. K. K. Chanda.
„ Mr. G. F. S. Christie.
„ Maung Bah Too.

Noes—26.

His Excellency the Commander-in-Chief.
Hon'ble Sir Claude Hill.
„ Sir George Lowndes.
„ Sir George Barnes.
„ Sir William Vincent.
„ Mr. Shafi.
„ Mr. W. M. Hailey.
„ Sir Arthur Anderson.
„ Pundit M. M. Malaviya.
„ Mr. E. Burdon.
„ Sir Sydney Crookshank.
„ Mr. H. Moncrieff Smith.
„ Mr. A. P. Muddiman.
„ Mr. S. Sastri.
„ Mr. R. Ayyangar.
„ Mr. B. N. Sarma.
„ Mir Asad Ali, Khan Bahadur.
„ Mr. V. J. Patel.
„ Sir Fazulbhoy Currimbhoy.
„ Mr. K. C. De.
„ Maharaja Sir M. C. Nandi.
„ Nawab Ali Chaudhuri, Khan Bahadur.
„ Chaudhri Mohamed Ismail Khan.
„ Sir Umar Hayat Khan.
„ R. B. K. V. Reddi.
„ Mr. G. S. Khaparde.

The amendment was therefore negatived.

11-58 A.M. **The Hon'ble Sir William Vincent:**—"My Lord, I now move that the Bill further to amend the Workman's Breach of Contract Act, 1859, as amended, be passed. It would have been open, of course, to any Hon'ble Member, if the last amendment had been carried, to ask that the motion to pass the Bill should not be made to-day; but that contingency has fortunately not arisen, though I must say that in so far as the Government is represented by the member in charge, we secured a victory by the narrowest margin, particularly having regard to the fact that members of the Executive Council do as a practice always vote with the Government. The amendment was not, however, of very great importance; we have now discussed in this Council the Bill at very great length, and it only remains for me to assure members of this Council once again that the Bill is intended to relax the severity of the present law in so far as the labourer or workman is concerned, and that this has been our aim throughout our deliberations, both in this Council and before the Bill came before the Council. Throughout our examination of the question indeed we recognised that the retention of this Bill on the Statute-book is probably a matter of time. I am aware that many members, at least some members, would like to have introduced further amendments. It is open always to any member to do so by a separate Bill, but I hope that they will not deny support to the present measure on that ground. I shall be prepared, however, to address Local Governments pointing out that the policy of the Government of India is to administer this Act with the greatest leniency possible. I hope in these circumstances that my motion that the Bill be passed will receive the support of members of this Council."

The motion was put and agreed to.

LEPERS (AMENDMENT) BILL.

12 P.M. **The Hon'ble Sir William Vincent.**—"My Lord, I beg to move for leave to introduce a Bill further to amend the Lepers Act, 1898.

"In addressing this Council on this motion at present I do not think I need advert to more than three important clauses of the Bill. If Hon'ble members will take the trouble to study the Statement of Objects and Reasons which is annexed to the Bill, they will really see what the intention of the present legislation is. Under the law as it stands restrictions may be imposed upon the liberty of pauper lepers and further, lepers may be prohibited from following certain trades and exercising certain callings. They are referred to in section 9 of the Lepers Act and include the preparation of articles of food, driving in public carriages and exercising any trade or calling which is specifically prohibited. These provisions are, of course, enacted for the public benefit and for the prevention and spread of this really terrible disease. It has been found, however, that owing to the definition of the term lepers in the Act the present law is inadequate. If Hon'ble Members will refer for one moment to the definition of leper in section 2, they will see that it is there described that 'leper' means any person suffering from any variety of leprosy in whom the process of ulceration has commenced. Medical investigation has proved that leprosy is not only contagious when the patient is in the condition I have described, but even when these signs of disease are not apparent, and it is therefore proposed, in the public interest, to impose the same restrictions which the law now lays down on the pauper lepers and others in respect of lepers in whom this process of ulceration is not apparent although the disease is existent and there is the same danger of contagion. In these circumstances, we propose to amend the definition of the term 'leper' in the manner explained in the Bill.

"The next amendment is that of section 3, which provides for leper asylums being established in places where Local Governments are satisfied that adequate arrangements for the accommodation and medical treatment of the lepers have been made. That is a small change, but I think one for the good.

"The Council may be interested to hear that our latest information on the subject of the treatment of this disease, to which Surgeon-General Edwards referred the other day, is very satisfactory in many cases. A new treatment over which Sir Leonard Rodgers spent much labour seems to have had most beneficial results, but it would be too early for us to make any definite statement as to the completely successful nature of this treatment. I may say, however, the results so far at any rate are very encouraging.

"The only other amendment to which I draw attention is the amendment of section 12. At present when a leper is liable to arrest under the Act, any police officer will arrest him It has been found in some provinces that police officers have, what may appear to Members of this Council, a somewhat natural repugnance to this work and are reluctant to execute this extremely unpleasant duty. We propose, therefore, to allow Local Governments to authorise specially qualified persons to assist the Police in effecting these arrests.

"The motion before the Council at present is only for leave to introduce and publish the Bill in the Gazette of India and in the local official Gazettes. Both Local Governments and charitable organisations have, I may say, taken the greatest pains to do all that is possible to ameliorate the condition of these lepers and to provide for their accommodation and treatment; and we have been particularly asked by one of these organisations, with which, I think, some Members of this Council are familiar, to effect these amendments in the law to enable them to carry on their beneficent and charitable work with greater success.

"With these words, my Lord, I commend this motion to the Council."

The Hon'ble Mr. Nigel F. Paton :—"My Lord, I very heartily welcome the introduction of this Bill. I have had a good deal to do with lepers, having for the last twenty-five years or more been intimately associated with the management of the Acworth Leper Asylum in Bombay and I can with truth assure the Council that there is a very real need for this Bill, and I think I can also assure the Council that the general population of the country stand in far greater danger of infection from leprosy than is generally understood. 12-6 P.M.

"In my humble opinion I do not think the Bill goes as far as it should, but I am well aware that to endeavour to extend its scope would present very considerable and far-reaching difficulties. So far as the Bill goes, however, I trust, my Lord, that it will be passed into law at the earliest possible moment."

The Hon'ble Pandit Madan Mohan Malaviya :—"My Lord, I heartily support the motion moved by the Hon'ble the Home Member and I congratulate the Government upon having decided to introduce this Bill. I hope that on the passing of this Bill we shall hear before long that many more Leper Asylums have been provided to ameliorate the condition of those poor sufferers of this foul disease and that organisations for administering relief to those sufferers have increased." 12-8 P.M.

The motion was put and agreed to.

The Hon'ble Sir William Vincent :—"I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit?"

The motion was put and agreed to.

JAGANNATH COLLEGE BILL.

12 9 P.M. **The Hon'ble Mr. Shafi** :—"My Lord, I have the honour to move for leave to introduce a Bill to transfer the Jagannath College at Dacca from Trustees to the Governor of Bengal in Council.

"Hon'ble Members are no doubt aware that there exists in the town of Dacca a first grade collegiate institution of which my Hon'ble Friend Rai Lalit Mohan Chatterjee Bahadur is Principal. This college owes its existence to the public spirited generosity of the late Kishori Lal Rai Chaudhri, a Zemindar of Dacca who founded this institution in the year 1884 and, in order to perpetuate the memory of his father, gave it the name of Jagannath College.

"Later on, in the year 1907, the Board of Trustees of the institution formulated a scheme of expansion, and in connection with that scheme the Local Government of East Bengal and Assam made a large building grant to the institution and also a permanent recurring grant of Rs. 1,000 per mensem towards its maintenance.

"My Lord, this college is at present affiliated to the Calcutta University, but under the new condition of affairs which is about to come into existence in consequence of the establishment of the proposed University at Dacca, a material change in the state of affairs will be brought about. Under clause 48 of the Dacca University Bill, Hon'ble Members are aware, no educational institution can continue its existence within a radius of five miles from the Senate Hall of the new University and also continue to be associated with any outside University. But in order not to hurry the Trustees, Hon'ble Members will have noticed, we introduced a proviso to this clause giving them three years within which to make up their minds and during this period of three years the Jagannath College was to continue its association with the Calcutta University. Soon after the publication of the Bill, the Trustees of this college protested by telegram against its non-inclusion as one of the original Halls of the university, and when we were at Dacca during the Christmas week, two of the leading trustees accompanied by Rai Lalit Mohan Chatterjee Bahadur had a consultation with the Secretary in this department, as the result of which certain arrangements were entered into. Following upon those arrangements, a deed has already been executed between the Government of Bengal and the trustees putting an end to the trust under which this institution has been hitherto administered. And now the present Bill is introduced in this Council in order to enable the Jagannath College to enter the proposed university as one of the original Halls of that University. The arrangements arrived at may be summed up in a very few words. The third and fourth year classes of this college will be transferred from the existing institution to the University, and will constitute what is to be called the Jagannath Hall of the Dacca University. The first and second year classes will remain in their present habitation in the city of Dacca and will constitute an Intermediate College connected with the Dacca University and will form one of its principal feeders. In consequence of this arrangement, it must be obvious to Hon'ble Members that certain changes with reference to the management of the property now attached to the Jagannath College and the grant which is received by it from Government will have to be undertaken. It may be that part of the college library, a portion of the assets in its hands, and a portion also of the permanent recurring grant which is at present made by Government to it will have to be transferred to the University. Be that as it may, whatever the nature of those arrangements which may hereafter be entered into between the Local Government and the trustees—I cannot at this stage bind the Local Government in any way in connection with those arrangements—it is essential that a legislative enactment should be passed authorising the changes which are contemplated and in consequence the present Bill is presented to this Council. The principal provision in this Bill is embodied in clause 2, and thereby the properties at present attached to the Jagannath College are transferred to the Local Government, and, under sub-clause (2) of this clause, all debts and liabilities of the Jagannath College shall, from the commencement of this Act, be transferred to the Local Government, which shall thereafter discharge and satisfy all such debts and liabilities out of the aforesaid properties. This is the main provision of the Bill designed to carry out the intentions both of the Trustees and of the Local Government and of the Government of India as well, and I have no doubt that the motion will meet with the unanimous approval of this Council."

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—"My Lord, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The Hon'ble Mr. L. M. Chatterjee :—"My Lord, if I may speak a word in connection with the first part of the motion brought forward by the Hon'ble Member for Education . . .

The President :—" It has already been adopted by the Council. If Hon'ble Members would only rise in their seats, I could see them, but I cannot be certain that they wish to speak. I can only see them when they rise in their seats."

The motion was put and agreed to.

GOLD IMPORT (AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey :—"My Lord, I beg leave to introduce a Bill to amend the Gold Import Act, 1917. I do not propose to detain the Council for more than a very few minutes over this Bill. In the first place, the merits of continuing temporarily the present control over the import of gold were the subject of a debate in this Council on February 24th on a Resolution moved by my Hon'ble friend Mr. Sarma, when I tried to show why it was necessary to maintain control so long as the internal price is above the new gold value of the rupee, namely, 10 rupees to the sovereign, which is equivalent to about Rs 15-14-0 per tola of fine gold. The present price is about Rs. 18 per tola. I should, by the way, like to emphasise the fact that this temporary restriction is distinctly in accordance with, and not, as has been supposed in some quarters, contrary to, the recommendations of the Currency Committee. The Currency Committee recommended as follows:— 12-17 P.M.

> 'We accordingly recommend that the Gold Import Act should be repealed as soon as the change in the statutory ratio of the rupee to the sovereign to which we refer below has been effected.'

"That change in the statutory ratio has not, of course, yet been effected. But I have another reason, and that is, that when we decided to introduce this Bill, it was thought that the present Gold Import Act would probably expire before the next Session of the Council. Up to the present, however, no official notification has been made of the date fixed for the termination of the war, and, that being so, it is likely that the present Act, the duration of which is up to six months after the date fixed for the termination of the war, will continue in force until the Simla Session. In view of this, I propose merely to introduce the Bill, but to take no further steps in the matter during the present Session. By the time that the Council meets at Simla the position will probably be very much clearer. It may be that it will then be unnecessary to continue any legislation of this sort at all. Should, however, we decide that it is so necessary, then we shall, of course, have to justify the course to the Council, in the light of such circumstances as may then exist."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I now beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

INDIAN SECURITIES BILL.

12-20 P.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to consolidate and amend the law relating to Government securities be taken into consideration.

"As I said in moving that this Bill should be referred to a Select Committee, it is very largely technical; it has met with no public criticism; and it is fortunately not controversial. It has been considered in great detail and with great thoroughness by the Select Committee (to whose sedulous care I venture to pay a tribute); and, though improvements have been effected in detail, no change of principle has been made which I feel it necessary to bring to the notice of this Council. I believe that the Bill will, if accepted by this Council, prove of great value by rendering it easier to deal with our public securities, by clearing up outstanding difficulties about title, and by creating generally conditions likely to encourage investment in our loans. I beg, my Lord, to move that the report of the Select Committee be now taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill, as amended, be now passed."

The motion was put and agreed to.

PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

12-21 P.M. **The Hon'ble Sir George Lowndes**:—"My Lord, I beg to move that the Bill further to amend the Presidency-towns Insolvency Act, 1909, be taken into consideration. When I introduced the Bill I pointed out that it was merely supplementary to the Provincial Insolvency Bill which was passed in this Council. We have received no comments or criticisms upon it, and it is not necessary for me to say anything further to the Council on the subject. I move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Lowndes:—"My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

INDIAN INCOME-TAX (AMENDMENT) BILL.

12-22 P.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, I beg to move that the Bill further to amend the Indian Income-tax Act, 1918, be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Moncrieff Smith, the Hon'ble Mr. Paton, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks and myself, with instructions to report on or before the 20th March, 1920.

"In proposing that this Bill shall be considered by a Select Committee, I do not wish to repeat the general remarks which I made in introducing it to the Council. There is no outstanding change of principle, and the details are such as may somewhat more suitably be perhaps considered in Select Committee than in the course of a general discussion in Council. "I only desire here to refer to some criticisms, or perhaps I should say interpellations, which have been addressed to us on the subject. The first refers to an apprehension that our reference to agricultural income in (x) of sub-clause (2) of clause 3 portends a change in the treatment of incomes of companies engaged in agricultural operations. That is not the intention. The change is being made simply to make it clear that agricultural income shall not be taken into account for any purpose at all, including the determination of the rate of tax to be paid. In other words to carry out fully the decision of this Council on the Resolution of the Hon'ble Rai Sita Nath Ray Bahadur. The definition of 'agricultural income' in section 2 of the Act will of course remain unaltered. We have, secondly, been addressed on the subject of the definition of 'registered firms.' The definition is of importance, as I shall subsequently explain to-day in connection with the assessment of the revised super-tax. Our main object in drawing a distinction between registered and unregistered firms is to afford the Collector clear evidence as to the shares on which income or profits are divided. We have been told that the necessity for registering instruments of partnership may form an obstacle in the case of firms operating in this country whose head offices are situated abroad. We propose to leave this question for discussion in the Select Committee.

"I beg, my Lord, to move that the Bill be referred for the consideration of the Select Committee named by me."

The motion was put and agreed to.

SUPER-TAX BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the law relating to super-tax be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Moncrieff Smith, the Hon'ble Mr. Paton, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks and myself, with instructions to report on or before the 20th of March 1920. 12-24 P.M.

"In introducing this Bill, I offered a few general remarks on its purport, and I now propose shortly to supplement these The main purport of the Bill is, as the Council are already aware, to substitute a super-tax at a flat rate of one anna on the income of companies for the present rate of from one to three annas on the undivided profits. We have been reproached with departing from the true principle of the super-tax, which is taxation of the individual; but I am not sure that the Council will demand any justification of our action in proposing the present taxation. The old tax was admittedly undesirable, and we were under an obligation to amend it, but we cannot afford to forego the revenue which companies brought us under the super-tax head. It is not a question of economic propriety; and I do not therefore here enter into the discussions which have engaged the energies of economic writers, on the subject of corporation taxation; it is a question mainly of convenience. I do not believe that the incidence of the tax is such that it will either form a burden to existing, or hamper the creation of new, industries. At the worst, I expect to see only some slight re-adjustment in the capital value of shares.

"It will be noted that while taxing companies on the new basis, we at the same time retain the existing super-tax on individuals, unregistered firms and on Hindu undivided families. We continue to treat the unregistered firm as an individual for super-tax purposes, because we have no means of accurately gauging the shares of its component members. It is for the same reason that we continue to treat the Hindu joint family as an individual The Council will remember the long discussions which took place on this subject in connection with the Hon'ble Mr. Sarma's amendment on the Income-tax Act of 1918. We did our best to meet the case as then presented to us we considered with great care the various suggestions for treating the members of these families on an individual basis. We took into consultation several Hindu gentlemen skilled in the law; and we came reluctantly to the conclusion that there was no practicable or workable method of doing so. Indeed, we doubted whether a strictly legal interpretation of the law regulating such families would allow us to do so. We have gone further, and have not reproduced in the present Bill the provision of the existing Act, which allows of the deduction from the income of a Hindu joint family of any sum expended for the maintenance of any member of a family or finally allotted to him. We are advised that such deductions are liable to abuse; that it is possible to write off as expenses large sums which cannot properly be so called.

"Now as to registered firms; we have decided, since they do not stand in the same position in regard to corporate effort and protection against liabilities as companies, to treat their component shareholders as individuals. Some doubts have been expressed as to the meaning of the words registered and unregistered. The definition will be found in the amended Income-tax Bill which I have introduced to-day, and as I have said in introducing that Bill, if the definition presents difficulties, we hope that the matter will be considered, and the difficulties removed, by the deliberations of the Select Committee.

"So much for the main effect of the Bill; a second point at which we aim is the simplification of procedure by basing the Super-tax Act on the new Income-tax Act instead of the obsolete Act of 1886 The simplification in working will be great, since the assessment will now be on exactly the same basis as the ordinary income-tax. The point is not without importance in connection with an enquiry which has been addressed to us as to the definition of the term 'Income' for the purpose of the new super-tax in regard to companies, particularly insurance companies. The assessment will be on the same basis as now in force for the income-tax; the word is not defined in the Act, but I shall be glad to lay before the Select Committee the current instructions in regard to the method of assessment. Here I merely wish to emphasise that there will be no change of method.

"There is one final point, but an important one. The new form of taxation involves in some cases a payment of both kinds of super-tax; that is to say, an individual whose dividends have already paid the flat rate of one anna in the rupee, will, if his income exceeds Rs. 50,000, be called upon to pay super-tax also as an individual. The Council will not, I think, consider this to be an undue hardship. The double payment will affect only those whose income, including income from dividends, are over Rs. 50,000, and will affect them only to the extent that such super-taxable income is derived from dividends. In the most extreme case, and I take an extreme case so as to show the matter in its worst light, one of our millionaire friends would pay three annas in the rupee on so much of his income as exceeds two lakhs a year, while so much of his income as is derived from the dividends of companies whose total income is over half a lakh will have paid at source one anna in the rupee.

"I now beg to move that the Super-tax Bill be referred to the Select Committee named by me."

12-33 P.M. **The Hon'ble Rao Bahadur B. N. Sarma.**—"My Lord, I had hoped that the Government would have been in a position to consolidate the Income-tax Act and the Super-tax Act so as to bring the tax-payers under one enactment and free the income-tax payer and the super-tax payer from many of the difficulties to which they are exposed under the present laws. I suppose pressure of work in the Council might have prevented the Government from undertaking that task. I hope, however, that will soon be undertaken, "To the regret of Hindu joint families we find that the Hon'ble the Finance Member chooses to go further and make their position more intolerable than it has been under the previous Act. We were complaining that the effect of the law was practically to discourage the continuance of the Hindu joint family system as it was. The Government expressed their sympathy with us and said that the only obstacle was the inability on our part to point out a method whereby they could adjust taxation so as to fall on the right shoulders. I believe, my Lord, that that is not an insuperable task, and if the brains of the Government officials, let alone those of the poor non-officials who are not well versed in the intricacies of the problem of taxation, are exercised in the matter, and for the benefit of the Hindu joint family taxpayer, I think some relief can be afforded. There seems to be no justification, my Lord, for removing the few safeguards that were provided for in the present Act. I hope the Select Committee will give further consideration to the matter and not make the position worse in the case of Hindu joint families.

"Then another point which would strike one is that individual firms, whether they are Hindu joint family firms or individual traders, are perhaps put in a worse position than companies under the present system. I hope I am mistaken in forming that impression, but it seems to me that an individual trader would have to pay one anna to three annas, whereas a company would be liable to pay only one anna, and therefore could compete more successfully with the individual or firm in business. Whether that would be the effect I cannot exactly say, but I hope the Select Committee will look into that matter and not expose the individual trader, whether joint family trader or otherwise, to this new risk. I am sure that there is no necessity at the present moment for tightening up the law in order to bring in more money under the Super-tax Act. It may be necessary to administer the Income-tax Act more efficiently. I believe the Government have taken steps to do that and plenty of money is coming into the exchequer. I hope, under those circumstances, that the Government would not remove the few safeguards provided under the old Act and make the law tighter so far as super-tax taxation is concerned?".

The Hon'ble Mr. Kamini Kumar Chanda:—"My Hon'ble friend Rai Sita Nath Ray Bahadur is ill and may not be able to take an active part in the deliberations of the Select Committee. In these circumstances, may I have the leave of the Council to propose the name of another Indian member in the person of my Hon'ble friend Mr. B. N. Sarma?" 12-38 P.M.

The Hon'ble Mr. W. M. Hailey:—"My Lord, we have had no notice that the Hon'ble Rai Sita Nath Ray Bahadur will not be able to attend the meetings of the Select Committee. But if, with the Hon'ble Mr. Sita Nath Ray's own consent, the Hon'ble Mr. Chanda makes the proposal that the name of the Hon'ble Mr. Sarma should be substituted for his, I, of course, should have no objection at all. I should not like, however, to ask the Council to remove the name of the Hon'ble Rai Sita Nath Ray Bahadur until I was assured that he himself had consented to that course."

The Hon'ble Mr. Kamini Kumar Chanda:—"I do not propose the substitution but the addition of the name of the Hon'ble Mr. Sarma."

The Hon'ble Rao Bahadur B. N. Sarma:—"May I say, my Lord, that the Hon'ble Rai Sita Nath Ray Bahadur may find himself in a position to come. I have enough work to do and hope I may be excused."

The President:—"Does the Hon'ble Mr. Hailey wish to reply on the debate?"

The Hon'ble Mr. W. M. Hailey:—"I entirely understand, my Lord, the attitude that the Hon'ble Mr. Sarma has taken up on the subject of our treatment of the Hindu joint family; I know from the previous discussions on the subject how strongly he feels on that matter. I can merely assure him that, with the kind assistance of my Hon'ble friend Sir George Lowndes and at considerable personal trouble to several gentlemen whom we asked to come up from great distances to advise us in the matter, we did our very best to get over this difficulty.

"If, however, the Select Committee can demonstrate that they have better brains than we have, if they can find any working device for getting over the difficulty, if they can surmount the obstacle which I may say has baffled each and every one of the Local Governments that were consulted on the subject and each and every one of the persons whom the Local Governments themselves consulted, if they can find any such device, and it will not cause the loss of any considerable amount of income, we shall be glad to adopt it. I think, with your permission, my Lord, I should like to fall in with the suggestion put forward by Mr. Chanda and add the name of Mr. Sarma to the Select Committee if he will consent to serve on it, in order that he may put his views on this particular subject fully before them."

The President:—"I understood that Mr. Sarma did not wish to serve on the Committee."

The Hon'ble Rao Bahadur B. N. Sarma:—"My Lord, I never said that I refused to serve upon the committee; I only said that if it were possible some one else might be appointed. I mean that I shall never say that I do not have the time or that I shall not undertake that business."

The Hon'ble Mr. W. M. Hailey:—"I take it, my Lord, that that amounts to a consent, however unwilling, on the part of Mr. Sarma to give way to the calls of public duty. As to the point in regard to unregistered firms, that also will be considered duly by the Select Committee. There is no further point that has been raised in Council to-day, and I have merely to ask that the matter may now be referred to the Select Committee for further consideration."

The amended motion* was put and agreed to.

IMPERIAL BANK OF INDIA BILL.

12-39 P.M. **The Hon'ble Mr. Hailey**:—"My Lord, I beg to move that the Bill to constitute an Imperial Bank of India and for other purposes be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Muddiman, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Sarma, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks, the Hon'ble Sir Thomas Holland and myself, with instructions to report on or before the 20th March, 1920.

"My Lord, in introducing this Bill on March 1st I explained, I think very fully, the general outlines of the scheme to form an Imperial Bank of India out of the three existing Presidency Banks of Bengal, Madras, and Bombay. I described to the Council the great importance we attach to this scheme as marking a very definite step forward in the direction of providing this country with the banking facilities of which she is admittedly so much in need This latter is such a truism that I am quite sure that any measure which promises to give substantial results in this direction will engage the good-will of all

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*That the Bill to amend the law relating to super-tax be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sitanath Ray, the Hon'ble Mr. Moncrieff Smith, the Hon'ble Mr. Paton, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks, the Hon'ble Mr. Sarma and the Hon'ble Mr. Hailey, with instructions to report on or before the 20th March 1920.

Members of this Council. In such criticisms as I have seen of the scheme, and of the present Bill which seeks to give effect thereto, I have nowhere seen it denied that this measure is undoubtedly a very substantial step forward in the right direction.

"In my introductory speech I also referred to certain other beneficial results which we look for from the scheme. The most important among these is the opportunity it will give to the young men of this country to be trained in modern methods of banking. I will not repeat what I said on this point on March 1st. Further, by bringing together all the classes and interests which are now variously represented in the three Presidency Banks, we hope to do something to nationalize our premier banking institution, and to secure that co-operation among the various communities and interests which is an indispensable factor in promoting the economic interests of this country.

"I do not propose, therefore, to say anything more about the general character of the scheme, the broad outlines of which have been before the public for some months. All that I need do, I think, on the present motion is to say a few words about the way in which the Bill itself seeks to give effect to the scheme. Here, again, my task has been lightened by the very full description of the provisions of the Bill given in the Statement of Objects and Reasons which the Hon'ble Members will, no doubt, have read. The preparation of the Bill has presented peculiar difficulties, and if I may, with propriety do so, I should like to compliment the Legislative Department on the very effective piece of drafting which they have evolved. A large number of the provisions of the Bill itself, and of the Schedules, relate to matters which are more or less of a technical character, which have to be provided for in the constitution of all large corporations, and which are designed to regulate the conduct of the every-day business of the Bank, its relations with shareholders, the issue of capital, transference of shares, board meetings, the winding up of the existing three banks, and so forth I do not think I need trouble the Council with any explanation of those provisions; they will be carefully examined in Select Committee, and the advice and criticisms of the non-official Members on that Committee will be most valuable.

"Before, however, I come to the clauses of this Bill which, from the point of view of the general tax-payer are the most important, there is one matter to which I ought to refer, namely, the various restrictions which it is proposed to impose on the business of the Bank. Generally speaking, these follow the restrictions of the existing Presidency Banks' Act. Subject to any suggestions of detail which the Select Committee may put forward, I am sure the Council will agree with me that a central institution of this character, which is to be entrusted with very great responsibilities in the matter of acting as Government's banker, cannot, in the interests of the tax-payer, be allowed to engage in business which may be quite right and proper for an ordinary joint stock bank (such as advances on shares or land or house property), but which is not desirable for an institution which is meant to be pre-eminently a banker's Bank and must therefore keep its resources fluid. There is one restriction, indeed, which has evoked some criticism in certain quarters, though it is not a new restriction, namely, the restriction that the Bank shall not do foreign exchange business with the ordinary public. I referred to this matter in my speech introducing the Bill on the 1st March, and I will not repeat what I said then in the matter. I will only point out that the new Bank, unlike the present Presidency Banks, will be able to engage in foreign exchange, though not with the general public. I doubt if there is any *quasi* State Bank which goes into the market and buys foreign exchange bills from the ordinary public. It uses its resources in such a way that banks doing foreign exchange business rely thereon for re-discounting or acceptance of their bills, and that, I submit, is the proper function for a Bank of this sort.

"While, however, we have preserved the general character of the present restrictions, the Bill proposes to relax these in certain directions which, I think Hon'ble Members will agree, are well within the limit of safety. These are mentioned in the notes under clause 8.

"I must also mention another very important matter in which the new Bank will differ from the existing Banks. I refer to the establishment of a London office. This matter has a long history behind it, with which, however, I do not think I need trouble the Council, except to say that it is common knowledge that the Presidency Banks have for many years desired access to London and have hitherto been refused it, for reasons which seemed good to previous Secretaries of State and former Governments of India. In our despatch to the Secretary of State of 25th June, 1919, which Hon'ble Members have seen, we stated that in our opinion the grounds for accepting the proposal for a London office were irresistible, and we added 'we feel confident that you will agree that in the case of a national institution like the Imperial Bank of India the denial of a London office, which would be represented as dictated by excessive care for the interests of non-Indian concerns cannot be contemplated.' The Council will probably join with me in a feeling of satisfaction that the present Secretary of State has agreed to the new Bank being represented in London. My Hon'ble friends, when they next visit London either for their own purposes, or as many of them have done lately in the cause of India, and when they go down Fleet Street or the Strand, will not only see the board of the Union Bank of South Africa, or the Commonwealth Bank of Australia, or the Dominion Bank of Canada, but the board of the Imperial Bank of India.

"I now turn to those provisions of the Bill which are likely to be of special interest to the general public. The first of these is clause 10, which declares that it shall be lawful for the Bank to enter into an agreement with the Government to act as Government's banker and to undertake any other business which Government may from time to time entrust with the Bank. That clause goes on to lay down that the Governor General in Council shall have power to issue instructions to the Bank in respect of any matter which in his opinion vitally affects the financial policy of the Government or the safety of the public funds, and that, in the event of the Bank disregarding such instructions, such agreement may be declared void. Further, it requires that within five years from the commencement of this Act the Bank shall establish and maintain not less than 100 new branches, the location of at least one-fourth of which shall be decided by Government. I think the Council will agree that they are very important provisions. They enable us, through our representative on the Central Board, to ensure that the Bank's business is not conducted in such a way as to be injurious to the public interests. They further ensure an immediate progress in the matter of increasing banking facilities. I need not dilate on this point; all I would add is that the mere starting and manning of a minimum number of 100 new branches within five years must necessarily of itself lead to a very large increase in the employment of Indians, and I foresee that one of the first tasks which the Central Board of the Bank will have to undertake, when it is constituted, is to take immediate steps for the training of young Indians in banking business; I do not know how otherwise they will be able to recruit the required staff.

"My Lord, the other important point is the constitution of the governing body of the Bank. The Council will recollect what I said on this matter on March 1st. The Central Board is to consist of 14 members, of whom 4, namely, the Controller of Currency and the Secretaries of the three local Boards, will have no vote, the remaining 10 will be the presidents and vice-presidents of the local Boards, two managing governors, and two non-officials to be nominated by Government. I explained in my introductory speech why we have provided for these two non-official governors, and if the Council will allow me I will read what I said on that occassion :—'We have been told by certain critics that if the governing body is limited to the constitution I have described this institution will have what the writers are pleased to call an entirely European character. I must delay the Council while I examine this objection. In one of the constituent Banks, the Bank of Bombay—Indian shareholders are already in a majority, and 3 out of the 6 Directors of that Bank are Indians, one of whom, besides being one of the leaders of industry in this country, is a prominent Member of this Council. I am again glad to hear that the Bank of Madras has recently invited an Indian gentleman to join its directorate. The Council will, I think, agree that it is not for Government to dictate to the shareholders whom they should or should not elect as directors, and I can see no justification for any attempt to legislate in the direction of compelling the shareholders to exercise their choice in favour of members of one class of the community rather than another. But we desire to see the new Bank start under the most favourable auspices. We desire that there should remain no doubt or suspicion, justifiable or unjustifiable, that the interests of the general tax-payer, who will contribute a considerable portion of the Bank's resources in the shape of Government balances, are not sufficiently represented. While, therefore, we do not intend any dictation to the shareholders regarding their own representatives on the governing body, we have decided to take power in the Bill for the Governor General in Council to nominate two additional members to the governing body of the Bank. These members will be non-officials; they will be nominated for a year; but can be re-nominated; and the provision will, as I hope the Council will agree, amply meet the desire that the interests of the general tax-payer will be sufficiently represented.

"I see, my Lord, that the Hon'ble Mr. Patel has an amendment the effect of which will be to postpone the passing of this Bill. I shall not attempt to anticipate any arguments we have to urge on that cause, but I think I have said enough already to convince the Council that it is a measure which has been long looked for and the consummation of which if it can now be achieved will be of great benefit to India. If delay is caused by any action of this Council it can be nothing but detrimental to the interests of India.

"I commend this Bill, my Lord, to the Council in the full conviction that it is one which very definitely makes for the furtherance of the country's economic interests, and I beg to move the motion which stands in my name, namely, that it should now be referred to a Select Committee."

The Hon'ble Mr. V. J. Patel :—"My Lord, I have the honour to move an amendment that in the motion to refer the Bill to a Select Committee all words beginning with 'with instructions to report' till the end of the motion be omitted. 12-55 P.M.

"My Hon'ble friend, Mr. Hailey, has very rightly pointed out that this is a very important and useful measure. He has laboured at length to explain to this Council the various provisions of the Bill. There are, as this Council will see, as many as 34 clauses to this Bill. The Bill was published for the first time on the 1st March—I do not know whether it was published in the Gazette of India on the 1st March—but it saw the light of day for the first time on that date and probably after two or three days it was published in the Gazette of India. Well, ordinarily the practice of this Council is that a Select Committee to whom a Bill is committed by this Council, is not to report on it until the expiration of three months from the date of the publication of the Bill in the Gazette of India. I refer this Council to Rule 25 of our Council Rules printed at page 91 of the Legislative Council Manual. It reads, 'After publication of the Bill in the Gazette of India, the Select Committee to which the Bill may have been referred shall make a report thereon. Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.'

"Now, my Lord, ordinarily as I say, the Select Committee can report on the Bill after the expiration of three months from the date of publication of it in the Gazette of India. Power is, however, given to the Council to ask the Select Committee to report earlier if there are special circumstances in the case of any Bill. The whole question therefore before this Council at present is whether there are in this case any special circumstances which would justify this Council to give special instructions to the Select Committee to make its report earlier than the prescribed period of three months. And, my Lord, the Bill has not been before the public even for a week. Many people have hardly seen the Bill. The public must have reasonable time to express their views on the various clauses contained in this Bill. There are a good many points involved in the Bill; in the first place, there is the question regarding the constitution of a Central Board on which there should be at least half the number of Indian representatives. I understand the Indian commercial community of Bombay has already kicked up a row in the matter. Then, again, there is the similar question as to the constitution of local boards. In Madras, there is no Indian as director, nor in Bengal, though as my Hon'ble friend, Mr. Hailey, says there are three Indian gentlemen as directors in the Bombay Bank . . . .

The Hon'ble Mir Asad Ali, Khan Bahadur :—" In Madras one director has been appointed."

The Hon'ble Mr. V. J. Patel :—" Then, again, there is the question as to whether there should be a separate gradation at all for the European and Indian staff. Then there is the further question that there should be no importation of Englishmen till a larger element of Indians has been trained up for the higher administrative posts in the service of the new Bank. There is also the question whether the new hundred branches proposed to be opened should not be manned by Indians alone, and again whether any restrictions should be put upon the right of shareholders for the inspection of the Bank's registers. We had recently had some trouble in Bombay over this question, and therefore the matter requires to be made quite clear. Then, again, there is an important question whether the Imperial Bank should be allowed to do exchange business or not, and that is really a very difficult question. As I say, my Lord, this Bill which is of such magnitude and of such far-reaching consequences has hardly been before the public for a week. My Hon'ble friend, Mr. Hailey, has referred in his speech to the criticisms that he has received in connection with this Bill. I do not know from whom he has received criticisms. The Bill has hardly been before the public, except perhaps the Delhi public, who might have had copies of the Bill a couple of days earlier than people in Bombay, Bengal or Madras. However that may be, I have ventured to bring forward this amendment, because I know there is a strong feeling in Bombay that this Bill should for the present be deferred, and that the opinions of the public be invited. Very recently, your Excellency, the Industrial Conference met in Bomb y under the presidency of my Hon'ble friend, Sir Fazulbhoy Currimbhoy, at which the following resolution was unanimously adopted :—

> ' This Conference considers that the Bill dealing with the proposed Imperial Bank should be published in full detail and criticisms invited from the public before any definite action is taken.'

This resolution was moved by a friend of mine, Mr. S. R. Bomanjee, and unanimously adopted by the Industrial Conference. I do not know what view my Hon'ble friend, Sir Fazulbhoy, takes on this question now, but that was the view he took only a month ago when he presided over the Conference. And of course I shall not blame the Government if they do not take the resolutions of the Congresses and Conferences very seriously when their own Presidents choose to repudiate them. This is, however, by the way, but the fact remains that the people in Bombay do demand that this Bill ought to be published and criticisms invited.

" Then, again, in the three Presidency Banks which it is proposed to amalgamate into one Imperial Bank represent a capital of 15 crores of rupees. My Hon'ble friend has just stated that so far as the Bombay Bank is concerned, the majority of the shareholders are Indians, and I cannot understand why a scheme affecting the whole commercial community, the shareholders, customers, and also I venture to say, the general tax-payer, should be given legislative sanction so hurriedly and without giving the people concerned ample opportunity to place their views before this Council and the Select Committee. I should very much like that a measure of this kind should be left over to be considered by a somewhat more representative Council such as we are going to have shortly. But as that cannot be, my Lord, I want the

Government to accept this motion which merely asks this Council to follow the ordinary rules of business. I do not want anything more. I want that this Council should follow its ordinary rules of business and should not go out of its way to give special instructions to the Select Committee that they should report on or before such and such a date. It seems to me perfectly clear, my Lord, that the Government is determined to have this measure through this Session of the Council, and therefore they want the Select Committee to report by the 20th of this month,—I think it is the 20th,—and we close the Sessions on or about the 22nd instant. If it is not the intention of Government to have this Bill passed through this session of the Council, there is no justification for asking the Select Committee to report by the 20th March. I have no doubt, therefore, that the Government seriously intend to have this measure placed on the Statute-book before the close of the present Sessions.

"I do not know, my Lord, why we should not in this case follow the ordinary procedure that is usually followed in other cases in this Council. There is no such hurry in regard to this Bill. Then, again, the question whether there should be a State Bank, or whether there should be an amalgamation of the three Banks into an Imperial Bank as proposed by this Bill, is one which is pending consideration for the last so many years. What is there in this Bill which calls for so much haste? Why does my Hon'ble friend, Mr. Hailey, say that delay in this case is detrimental to public interests? What were Government doing for so many years? Why did they not bring forward this or a similar measure years ago? And now, when the public ask for some time, we are told, 'Oh, delay is dangerous to public interests.' Well, if public interests were the guiding and deciding factors we should have seen a State Bank long ago. Even now the Government does not come out with that proposal. When was the amalgamation scheme published? The full scheme was published on the 12th of January, I believe, and the share-holders of the Bank of Bombay were asked to consider the matter then and there and sanction it. Is that fair, my Lord? And the Council will be surprised to hear that the scheme was found printed in June last and it was placed before the share-holders on the day of the meeting, that is the 12th of January.

"I do not know why all this secrecy? I cannot understand it. Why not do things straight? Take the opinions of the people, give them some time; let them consider the Bill, and we shall consider all their objections and decide the matter. Well, my Lord, I do not think I can usefully add anything more to my arguments. As I say, there is absolutely no urgency about the matter and the Bill might as well wait. Let the Select Committee be appointed now and let that Select Committee report as usual according to the usual procedure. The Bill will then come up in September. I do not say there should be no Select Committee now. That is not my motion Let there be a Select Committee, and let that Select Committee do its work in the ordinary course."

[At this stage the Council adjourned for lunch.]

The Hon'ble Mr. W. M. Hailey:—"I desire, my Lord, to answer at once certain considerations that have been put forward by the Hon'ble Mr. Patel in regard to his amendment, and I desire to speak only on the amendment. I desire to do so at an early opportunity because, I think, the Hon'ble Mr. Patel has not given us credit for our endeavours to get this matter properly put before the public. Let me recite the facts The amalgamation was hinted at in Mr. Howard's speech in the discussions in Council last September. Early in the winter, towards the end of November or the beginning of December, the banks published a very full summary of the scheme containing all the essential information. That summary was printed in the newspapers; it was discussed and it was criticised. The Hon'ble Mr. Patel asked me whence I got the criticisms to which I referred. Well, my Lord, criticisms are frequently welcome to us; I often find them very helpful; I always ask my friends to produce any criticisms they have. But I am a somewhat busy man and I do not go out of my way to invent criticisms. I found those criticisms to 2 30 P.M.

which I referred in the newspapers; they are a proof that the scheme had been fully ventilated in the press, and I am bound to say that while I found criticisms I found also at the same time very many favourable comments on the scheme. I maintain that the public has, for some months, been in full possession of all the essential features of this scheme. It is perfectly true that the despatches between us and the Secretary of State were not published until February, the 12th. Those despatches were useful for a consideration of the scheme; they were not essential to it. Our Bill has, I admit, only recently been published, but if Hon'ble Members will cast their eyes over the Bill they will see that the greater part of it refers almost entirely to what I may call the domestic affairs of the banks. The features which interest the public have already been before the public for some months.

"Now, what are the points on which Mr. Patel thinks that the public should have time for further consideration? They are such points as these, whether there should be a definite number of Indians on the Board of Control, whether there should be a definite Indian representation on the local Board; whether it should be laid down that there should be a definite number of Indian managers on the establishment of the bank; whether or not it should be laid down that there should be no differential scales of pay between Indians and Europeans in the bank. That is the type of matter on which he wishes the public to have further time for consideration. Now, I wish to be perfectly frank about matters of this sort. We believe the Bill as it stands to be a useful one, but I must say at once on behalf of the Government that they would be reluctant to proceed with a measure which for the first time in the history of Indian legislation provided by Statute for discrimination between Indians and Europeans. So much for that point.

"He then said that he thought that the public ought to have further time to consider a somewhat controversial point, a point which has at all events proved controversial in the past, namely, the right of inspection. If Mr. Patel had done us the bare honour to read the Statement of Objects and Reasons, he would have seen that that statement prominently called attention to the fact that the right of inspection was provided for in the Bill.

"Then, again, he referred to the question whether or not the new bank should have the right of dealing direct in exchange. I have dealt with that twice; I do not wish to trouble the Council with it again now. I will only repeat what I have said before, namely, that the shareholders in the banks have not themselves asked for that.

"Now, my Lord, may I turn from these criticisms for a minute to what I consider to be the constructive reasons why we should not delay this legislation. This is an amalgamation which has been pending for many years. It has been defeated in the past more than once by local, by inter-provincial, jealousies. It has, I think, on one occasion been put aside through what perhaps we should regard now as the undue caution of the Government of India and of the Secretary of State. We now see ourselves within reasonable reach of consummating that amalgamation. But it is a business matter and I appeal to any business man here to say whether when, after careful negotiation, after smoothing down inter-provincial jealousies, after providing for a number of divergent interests in regard to the participation in capital, an amalgamation is arranged, he would venture to suggest that it should be delayed for some months; that the market for the shares of the interest should be unsettled; that the shareholders should not know where they are, that the managers of the banks should not know whether they are or are not to make arrangements for an increased staff, or new buildings for their branches. I say that is no way whatever for the Council to deal with a business proposition. Mr. Patel would not only delay it for the immediate present, but he expressed a desire that it should be referred to the Reformed Councils. I do not know, my Lord, what attitude he thought those Reformed Councils would take on the subject. I think perhaps in his mind he has some suspicion that they would form a better judgment on it than the present Council. I myself am prepared to entertain every confidence in the common sense and the political wisdom of the new Councils, but I see no reason to suppose that they will exhibit either greater common sense or greater political wisdom than this Council. I say to this Council that it has here a chance of passing a useful piece of legislation. There will come a time when the records of this Council will be scanned by historians, and I say it 'Do not miss the opportunity . . . .'

The Hon'ble Mr. V. J. Patel:—"I rise to a point of order, my Lord. My case is not that this Bill should go to the next Council. Then, why all this argument? My case is that the Select Committee should meet later on and report by September."

The Hon'ble Mr. W. M. Hailey:—"My Lord, I have, I think, a good memory. I remember distinctly, and I do not fear any contradiction on this point, that Mr. Patel suggested that it might well be left to the new Council. If I am mistaken about that, no doubt the records of this Council will put me right. I say it would be well if this Council could assure itself that, when its records come to be scrutinised in the future, there should be found on its records so useful and so constructive a piece of legislation as this."

The Hon'ble Mr. G. S. Khaparde:—"Your Excellency, I wish to support the motion to drop the words indicated so as to admit of this Bill reaching this Council again at Simla. And my reason for this, in addition to the reasons given by the Hon'ble Mover, is, among others, that in the despatch of the Government of India it is stated (I read from page 3) that 'we do not claim that this widespread extension of branches will work a sudden miracle or will immediately prove itself the long-sought talisman to charm the wealth of India from its hoards. We do not look for rapid or dramatic results.' I read this sentence out to show that no immediate results are expected from the passing of this Bill, and the Government of India themselves do not expect—or do not appear to show here—that there is any great urgency about that matter. Then I have a difficulty which I have always felt and which from a commonsense point of view I put forward to-day, and I think it will require a good deal of consideration too. From the memorandum of the Directors submitted to Government, I read paragraph 2—'The amalgamation appears to be not only desirable, but also inevitable. It is highly probable that powerful banking interests in London will before long obtain control of certain Indian interests, more particularly those of certain Indian Exchange Banks. The probable acquisition of interests in India by some of the large London Joint Stock Banks renders it imperative that the Presidency Banks should close their ranks, consolidate their position, and present a united front.' Now what is this united front to be presented for? To prevent London Banks from acquiring interests in India. What is the objection to London Banks acquiring interests in India? I cannot conceive of there being any, even so far as I am concerned. I am not a business man nor a financier, but so far as I can see, if more capital comes in and there is, so to speak, a competition among capitalists, we who borrow will be benefited thereby, and will be able to get it at smaller rates of interest Obviously these three bank people are doing good trade I believe, and they do not want London Bankers to come here and take a share of it. At least that is how I read this paragraph. So, looking at it from both these points of view, I do not see that there is any urgency about the matter. Nor do I fear that London Bankers acquiring interests in exchange or other things in India will be an evil. To my mind it will be a distinct benefit. It will bring in more capital, there will be competition, and we shall get the capital cheaper. Also, I suppose something of that kind was also in mind in the case of the proposed amalgamated bank because they also propose to have an office in London. So obviously having connection with London will be advantageous in all ways I believe. So the reasons for urgency do not appear to be present and 2-39 P.M.

in the ordinary course, during which the Bill is published, there is two or three months' time for people to consider and give their opinion and we talk about it and debate on it. I think that course is the right course to follow in this particular instance. People like me would like to have some time to think out whether it would really be an evil for London Bankers to acquire interests here At present I am persuaded that it would be distinctly beneficial. There may be other people also I believe more or less of the same opinion as myself. So on these grounds I support the motion that this Bill may go to a Select Committee, but that that Select Committee should not be directed to submit their report before the 20th instant. So I support the amendment."

2-44 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"My Lord, I wish at the outset to state that I am placed in this Council in a very delicate position. I am the Vice-President of the Bank of Bombay. At the same time I represent the commercial interests of the Indian community in this Council. I am glad that the Hon'ble Mr. Hailey has corrected the statement made by my friend, the Hon'ble Mr. Patel. He mixes up the two notifications. One was the scheme which was sent to the shareholders of the Bank of Bombay in India—a Government notification based on the Secretary of State's despatch in regard to the scheme. That scheme of Mr. Montagu's was published on the day when the general meeting of the Bank of Bombay was called in February. Then the scheme of the shareholders of the Bank of Bombay was sent to them in India and they were asked to express their opinion in February. That is the difference between the two. I will now come to the position in Bombay. As the Hon'ble the Finance Member has told us in his speech, the majority of the shareholders of the Bank of Bombay are Indians. They can appoint any Directors or all the Directors if they want, and therefore they can have no objection to the scheme. There are already three Indian Directors on the Board—one is a Hindu, one a Parsi, and one a Muhammadan. Then about the staff. The Bank of Bombay for the last three years have elaborated a new scheme by which new candidates who pass through the College of Commerce in Bombay are being taken up and gradually they will be able to occupy the higher posts. Some of the higher posts (such as the sub-managerships of the branches) have been given to Indians, and I think, on that score too, my Lord, I can say with authority, as being on the Board, that the Indians will have their due share in the management and in the clerical staff also The only apprehension of the Bombay people is that they should not have an adequate portion, that is nearly half, of the appointments in the Central Board. I am glad to find from the Bill that two members are going to be put in by the Government of India. Of course they cannot in the legislation put in any racial distinction because if gradually all the shares are acquired by Indins there will be nearly all Indians, therefore to protect other interests they can put in Europeans. So there is no objection on that point and these questions can be discussed at the Select Committee meeting. Now I come to the question of the general feeling of the commercial community in India on this subject. In the Bank of Bengal and in the Bank of Madras there have been no Indian Directors for several years. The first reason is that nearly 3-4ths of the shareholders in Bengal and in Madras are Europeans, and, if the shareholders wish to appoint Europeans, surely they can do so. But, at the same time, as the Hon'ble the Finance Member has told us, there is another side to the question, namely, that the public moneys are being put in these banks and therefore it would be advisable if the management in Madras and Bengal could include some Indian Directors. I am glad to find that the Bank of Madras has already got an Indian Director. I hope the Bank of Bengal will also have Indian Directors, so that there can be no complaint. Not only that, but in the interests of these banks, I am sure that if they appoint Indian Directors it will be advantageous to them, because they will have to deal largely with Indians in giving out the money, also borrowing the money, and therefore the Indian Directors will guide the European Directors in regard to the Indian people.

"My Lord, now in regard to the amendment of my friend, Mr. Patel. As we find in the Currency Committee's report on the last occasion, it has been clearly pointed out that our banking facilities are very meagre. While in other countries, where there is a small or much smaller population than ours, they have got in proportion a larger number of branches of the banks. In India, there are only 165 towns with bank offices, while in the United States there are 9,138 and in Canada 4,000 branches. That clearly shows that banking facilities are very urgently needed in this country and that also very soon because the war is over and there is an industrial boom, and we want more money for the trades, commerce and industries. And therefore for the expansion of trade we want that a lot of money, which is lying dormant in the country, should filter down to the banks and be fully utilised for trades' purposes.

"Therefore, my Lord, I am anxious that the scheme should be carried through as soon as possible; but if there is a strong objection by the Indian members and if they feel that we ought to postpone this for at least three or four months, I shall not strongly oppose it, though I am not in favour of it."

The Hon'ble Rao Bahadur B. N. Sarma :—"My Lord, in addressing a few remarks at this stage, I shall have regard almost entirely to the consideration of the question from the general tax-payer's point of view. To me, My Lord, looking at it from the general tax-payer's point of view it does not make much difference as to whether the shareholders are Indians or Europeans. Shareholders, whether Indians or Europeans, would like to make as much profit as they can, receive as much dividend as they can, and the anxious care of the Government seems to have been to protect by means of the constitution of the Central Board the general policy of the banking system, so that the pecuniary interests of the shareholders may not obtain an ascendancy in the actual decision of the various questions which may come up before them. Looking at it from the general tax-payer's point of view, although perhaps it is a vain regret, I cannot help thinking that the Government might have assimilated the constitution of the Imperial Bank to what obtains in several of the continental countries, *viz.*, while retaining the powers of the shareholders in purely domestic and local concerns, practically taking over the central management of the whole business under Government guidance, of course with expert control provided for. Two questions confront the tax-payer at this juncture, namely, as to whether his general interests are likely to be protected under the scheme as formulated in this Bill, and as to whether he is not surrendering a little too much for practically nothing; that is, as to whether there is a sufficient *quid pro quo* in this bargain between the three Presidency Banks and the Government as representing the tax-payers. Now, this question of the amalgamation of the banks dates from as early a period as 1867, and although the Government of India favoured the amalgamation and tried to encourage it, I think the Hon'ble Mr. Hailey was right in saying that it almost always eluded their grasp owing to the provincial jealousies of the several banks. Therefore there is no doubt much to be said in favour of the view that when once we could get the three banks together we must not allow the opportunity to slip, if there were sufficiently cogent considerations in favour of this being the only feasible plan, and if there is any real danger of the shareholders backing out of this bargain, which to my mind seems to be rather a remote contingency, having regard to the fact that they obtain too much rather than too little by way of *quid pro quo*. To make the position clear: Hon'ble Members will admit that if we take into consideration the history of other countries we find there is a limitation upon the interest which on private capital the shareholders are allowed to draw in these semi-state banks, in Imperial banks. The actual dividends paid to the shareholders was never, I think, allowed to exceed 9·8 in Germany within a period of about eight years, although it ran so low as 6·95 in one year; and various schemes of division of profits have been provided in the 2.50 P.M.

various proposals, so that the State may receive a portion of the profit for the benefit of the general tax-payer. Here what is it that has been done? We are not legally bound to place with the banks all put together more than 75 lakhs of rupees. For sundry other services the banks have been receiving from the Government remuneration for the work discharged by them; and even now the Government provide for the continuance of such remuneration in cases where there is a fair method of estimation such as in the case of public-debt work. Therefore the only new thing that you have provided for here is to start 100 branches in the course of five years; the location of 25 alone of which would be defined by the Government; and the ground on which all profit has been surrendered is that, firstly, it is difficult to ascertain exactly what is the profit which the banks are likely to reap from Government funds, and secondly, that this promise to start 100 new branches is likely to result in some loss and consequently we must encourage the banks to undertake that work, and that this would be a sufficient *quid pro quo*, and the whole thing would be revised at the end of three years. Hon'ble Members will see that although the statutory minimum was so very low, generally the Government have been in the habit of keeping a crore and a half or so, sometimes two crores, sometimes three crores with the banks; it is only latterly that the Government have found themselves partly encouraged by the Chamberlain Report, partly on account of the enhanced taxation bringing in larger revenue, and the consequent increase in the treasury balances able to keep with the banks very much larger sums. I do not think there is any reasonable ground for considering that the sums which the public treasuries would be able to place at the disposal of these banks would be any the smaller in future than in the past for the simple reason that our revenues are growing, and therefore the balances would necessarily be larger. Now, in 1917-18, we find that the average was 12 crores, 82 lakhs; in 1918-19 the average was 10 crores, 30 lakhs. The Bill makes provision that the capital should be 11¼ crores. All that would not be paid up immediately. Therefore my point is that the Government is practically putting in as much as the prospective capital of all the banks put together, and consequently are perfectly entitled to receive at least half the net profits. Hon'ble Members will see that profits have risen to as much as 16 per cent. and 17 per cent. and we have only recently passed an enactment to prevent usurers from receiving undue profits. There does not seem to be any very great reason why we should encourage shareholders, whether brown or white, to receive unduly from the general public in India. Consequently, my Lord, I think the question as to whether the interest on the 10 crores of rupees is to be surrendered on such easy terms, is a matter on which the public might just as well be asked to express their opinion. We find at page 21 of the memorandum that was circulated among us the deposits in the Presidency Banks on the 31st December of each year. I tried to work out the figures from the currency reports, and I find that the average is very much larger than the figures mentioned in the 4th column here.

"We find that the averages during the last two or three years as I have mentioned a little while ago are about 12 crores and consequently that is the basis upon which we shall have to proceed. There is another matter to which I should also like to invite the attention of the Council and that is this; that if they turn to the currency report for 1918 they will find that the smallest sum which in any one month was kept in the Presidency Banks was 657 lakhs in one year and 757 and odd in another year. Therefore, there is this certainty that the average on which the bank would receive profit would be the interest on 10 to 12 crores and never would it be in any month less than six or seven crores. Therefore, they have a definite basis on which they can proceed. Then what is the loss in starting these new branches? There may be 20, 40 and 60 banks which they can start during the first three years My submission is that it might be well worthwhile to guarantee them against any loss, I do not expect there would be much, and ask for a fairer share in the profits of these banks. But that is a subsidiary point. The more important question to my mind seems to be as to whether the Government has kept in their hands sufficient control to be able to formulate any policy.

"I think Hon'ble Members will remember the keen discussion which took place when the Reform question was under consideration, as to what provision was to be made to secure for the Government in the new Council affirmative power of legislation. The Government wants that power and I find it stated that a Controller is to be placed upon the Central Board who can hold up anything but is not to have a vote. He can report to the Government and the Government may dictate a certain policy and the agreement will have to be cancelled if the bank does not obey. That seems to be, my Lord a worse thing than the veto which was sometimes jealously contended to be absolutely insufficient for all practical purposes. I think even before the Bombay Bank failed in the good old days—I think it was in the sixties,—there was a Government official on the staff of the bank to watch the interests of the bank, but I don't think it did any great good to keep him there. I do not think between so many things that the Controller or any officer deputed by him may have to do, the provision will be of much value or that control can be so effectually exercised as to be worth much in actual practice. My submission is, therefore, that this Bill cannot be satisfactory from the general tax-payer's point of view unless the Government, and the Government has every justification for insisting upon it, has at least half the voting strength on the Central Board, if not more. I am not asking here that it should consist of Indians or Europeans. What is it now? You have ten men—of course you have a number of officers as secretaries and others, who do not vote and do not matter—you have ten men of whom six would be representatives of the local boards. Things may change in case new local boards are started, but I assure you that there will be such jealousy, in letting in new people to start new local boards, on the part of the existing local boards that I think we might have branches but not many local boards. I think that is the point of view from which the Government might well look at it. As it is we are placing far too much power in the hands of the local boards which might be detrimental to the starting of new local boards, but apart from that we find from the figures kindly furnished to me by the Hon'ble the Finance Member that the number of shareholders in the Bank of Bengal is about 1,975 Europeans and 556 Indians, so that there is not much chance of an Indian being returned unless he is such a genius and diplomat as to be able to secure the absolute confidence of all the shareholders. The Madras capital is divided up in the proportion of 92 to 28 among Europeans and Indians, there also there is no chance of an Indian being returned though a Director may be nominated by sufferance. In Bombay, I take it, one would be an Indian and the other a European and it is not likely that both would be Europeans. The net result would be that amongst the six you would have five Europeans and one Indian. Then it may be said that the Government have power to nominate two. I shall assume for the moment that the two will be Indians, I do not frankly like the position that the term should be only one year; if any one of them is a little too independent he would not have much chance of being re-nominated, but that is a matter which can be discussed later. Then there are two general managers who will have to be nominated by this Board. The majority of the electors being Europeans it necessarily follows that the nominees would ordinarily be Europeans, and the clause 'subject to the acceptance of the Governor General in Council' does not give any power of initiative. The net result would be that the Central Board would be practically in the hands of Europeans. I am not raising the question from the point of view of general efficiency, from which standpoint there may be no need to draw any distinction between Europeans and Indians, and I am not at the present stage suggesting any distinction, but I am only placing the facts before you in order that there may be no misunderstanding or mistake on the subject. The point is that there is absolutely no chance of Indians having even a reasonable representation on the Central Board, and even the Government for that matter will have no real power unless of course they exercise the power of *veto* But on the questions of Bank rates and general policy, which according to the memorandum circulated among the shareholders, are to be left entirely to the control of the Central Board. I would ask, has the Government retained in its hand any power to effectually control them? Therefore, my Lord, my difficulty is that even if we do not go so far as in France, Germany and other countries in taking private capital but putting the control under state nominees that this Bill does not go far enough and cannot be at all satisfactory, and I should not for a moment be sorry if it is wrecked unless the Government representing the general taxpayer has the whip hand in the matter. The control must be essentially provided for and it does not matter so much whether it is Indian or European; that is a secondary consideration. I submit that having regard especially to the large surrender of funds, to the general Imperial interests, to the large powers which we propose to convey gradually, *viz*, management of paper currency, etc., special care should be taken to secure effective control. I submit, my Lord, it is necessary that the central office in London should be only a banking concern pure and simple, and I do not think we need complicate at present the position by a conflict with the Exchange Banks. The question came up before the Chamberlain Commission and on previous occasions more than once and the Government felt themselves absolutely powerless against the vast vasted interests of the Exchange Banks. The Exchange Banks have their branches all over the east, the best experts are in their hands and any scheme will be wrecked at any rate temporarily, which assails their power notwithstanding the best will of the Government of India. The vested interests of these Banks in London, having their tentacles all over the world, get Indian money with very little money put in here by them. I should be very sorry to adopt the view that it would be desirable to have another powerful banking concern having its head office in London operating in India, and I welcome the amalgamation of the Presidency Banks for whether the shareholders are Indians or Europeans the Banks are Indian in their interests although in practice in the distribution of favours there may be some little difference, but that is a secondary matter. That makes no vital difference and I think that we should not let slip this opportunity and allow rival organisations to be established which may become too powerful for us hereafter. I think, my Lord, that it would have been a very much more agreeable proposal to the general Indian public if the Government had been able to start a State Bank on the lines suggested by Professor Keynes. There is no half-way house, you have to take absolute control and avoid half-hearted control; appearing to control but doing nothing effectually seems to be merely to irritate and do no good. But even assuming that you can do something more than that, under the scheme and have power to assume real control it would have been better if the bank had been a State Bank pure and simple, but perhaps that was not to be under the existing conditions.

"It may have been found necessary to work upon some existing basis, and there is much wisdom in that course. Therefore, my Lord, I should have greatly wished that a State Bank with private capital as its basis on the lines suggested had been started, and been provided with the safeguards which I have alluded to; I think so modified this ought to be a welcome piece of legislation. But this much is certain that Indian interests ought in any event to be safeguarded and inasmuch as the Banks are likely to gain so much, there won't be, I think, any risk of their withdrawing from their agreement to amalgamation. It would be extreme folly on their part if they were to do so, and possibly Indian sentiment would be satisfied if the safeguards I have suggested are provided for, as they would remove the suspicion, right or wrong, that is entertained in certain quarters, that another new East India Company is to be started in our midst for the purpose of securing the grip which is being lost by the reform concessions. Well, my Lord, there is, right or wrong, that impression that inasmuch as the Government have granted with one hand reforms, steps are being taken to tighten the grip in other forms at least during the ten years' period. I do not think anybody's interests would suffer if Mr. Patel's motion is acceded to by the Government."

3-12 P.M. **The Hon'ble Mr. Nigel F. Paton:**—"My Lord, it has been represented to me that the Hon'ble Mr. Patel in his speech conveyed the impression to the Council that he spoke on behalf of the commercial community of Bombay. I have not the least doubt that he intended to speak on behalf of a section of the Bombay commercial community . . .

The Hon'ble Mr. V. J. Patel :—"May I rise to make a personal explanation, my Lord? I did not speak on behalf of any community. I merely quoted a resolution of the Industrial Conference of which my Hon'ble friend Sir Fazulbhoy was the President. It is for the Council to say whether the Industrial Conference represents any section of the commercial community."

The Hon'ble Mr. Nigel F. Paton :—"I am much obliged for Mr. Patel's explanation, but the impression I have mentioned was conveyed to the Council. I would, however, merely like to say, my Lord, that a very large number of Bombay commercial men, Indian and European, are very anxious for the early passing of this Act."

The Hon'ble Mr. Srinivasa Sastri :—"My Lord, I was 3-13 P.M. greatly interested in one of the arguments employed by Mr. Patel for the adjournment of the motion. If I understood him aright, I thought he wished that this Bill, which touches so closely the interests of the public of India, had better be considered by the larger Council which will be inaugurated next year. I am gratified to observe the faith that that implies in the coming Council. May I remind the Hon'ble Mr. Patel that this Council has before it a Bill called the Hindu Marriage Validity Bill? Would he exercise the same patience with the people who have urged that that Bill should be considered by the larger Council in which he has so much faith?"

The Hon'ble Mr. V. J. Patel :—"I again rise to a point of order, my Lord. My motion is for deferring the matter till the September Sessions, and not till the new Council meets in 1921."

The Hon'ble Pandit Madan Mohan Malaviya :—"My 3-15 P.M. Lord, I rise to support the motion of the Hon'ble Mr. Patel that in the motion to refer the Bill to a Select Committee all words beginning with 'with instructions to report' till the end of the motion be deleted. My Lord, the measure before the Council is admittedly of very great importance, and no sufficient reasons have been advanced by the Hon'ble the Finance Member why the course provided for for dealing with legislative matters in the Rules and Regulations of this Council should be departed from. Rules have been laid down that in matters where the public is concerned, there should be full opportunity given to them to consider the proposals and to invite any criticisms which they may have to offer. The rules also provide that when the public have expressed their opinions, the Select Committee which would be appointed should have sufficient time to deal with the opinions which have been expressed by the public. That is the reason for the provision in Rule 25 to which the Hon'ble Mr. Patel referred. The legislature has in its wisdom laid down that a Select Committee shall not report within three months of the publication of the Bill in the Government Gazette, unless the Council should direct it to do so earlier. I have not seen any adequate reasons advanced why the Select Committee should not be allowed to take the ordinary time to deal with a matter of such importance. On the contrary, my Lord, I think that there is ample reason why the usual course prescribed should be followed. I do not yield to anybody here in my desire to see banking facilities increased in India. I have long regretted that these facilities are very small compared to the needs of the country. Compared to the banking organizations that have grown up in other civilized countries in the west, we stand nowhere, and for that reason I would welcome any proposal which is likely to develop banking facilities in India. But, my Lord, this is a proposal which has a great significance attached to it by reason of the intimate connection which the Government, as it is proposed should have with the proposed Imperial Bank. So far as the mere amalgamation of the Presidency Banks is concerned, nobody can have any objection to it. The Presidency Banks are entitled, they are free, to amalgamate themselves and to pool their resources. The wisdom of the course adopted in America has shown the advantage of pooling resources by large Banks, and that policy has been found useful in England and other countries. If therefore this was merely a private Bill introduced on behalf of the three Banks supported by the unanimous opinion of the share-holders of those Banks, or if any private member or any representative of the three Banks had introduced this Bill, this Council would have been glad to consider it on that footing. But, my Lord, it is proposed to call this Bank the Imperial Bank of India. It is proposed that the Government should have more intimate relations with this Bank than they have had with the Presidency Banks, at any rate very intimate relations with this Bank. This proposal comes at a time when the recommendations of the Royal Commission on Indian Finance and Currency and the question of a State Bank have been pending consideration. The proposal for a single Bank of India to take the place of three Presidency Banks has been before the Government on many previous occasions. When the question was taken up by the Royal Commission, they expressed the opinion to which I invited attention on a previous occasion. They said as follows:—

> 'We regard the question, whatever decision may ultimately be arrived at upon it, as one of great importance to India which deserves the careful and earnest consideration of the Secretary of State and the Government of India. We think therefore that they would do well to hold an inquiry into it without delay and to appoint for this purpose a small expert body representative both of official and non-official experience with directions to study the whole question in India in consultation with the persons and bodies primarily interested in such as the Presidency Banks and either to pronounce definitely against the desirability of establishing a State Central Bank in India at the present time, or to submit to the authorities a concrete scheme for the establishment of such a Bank, fully worked out in all its details, and capable of immediate application.'

"This was in 1914. Owing to the war, I presume the Government could not take any action on this, but when the war was happily over we did expect and we did urge at the meeting of the Council last year that this question should be taken up by Government and that a small expert body should be appointed to report upon the desirability or otherwise of establishing a State Bank in India. Now, my Lord, what has happened? From the correspondence which the Government of India has published, and for a copy of which we are indebted to the Finance Secretary to the Government of India, we find that on the 25th of June 1919 the Government of India addressed a despatch to the Secretary of State on the question of the amalgamation of the three Presidency Banks of Bengal, Bombay and Madras; that they put forward the proposal for the amalgamation of these Banks and that the Secretary of State gave his sanction to the formulation of those proposals. We find that the question of appointing an expert committee recommended by the Royal Commission on Indian Currency has been put aside. We find it stated in the despatch of the Government of India as follows. After referring to the memorandum, they say they have communicated with the Secretary of State and obtained his sanction to the idea of the amalgamation of these Banks, and then they say they have received from the Directors of the three Banks a joint memorandum embodying the scheme which, with the approval of the Secretary of State, they propose to lay before their shareholders. And the Government of India go on in their despatch to say:—

> 'The Memorandum is to a large extent self-explanatory, and we need not, therefore, recapitulate it item by item, but proceed to express our views upon some of its more important aspects, in so far as these affect the interests of ourselves and of the general public. Before doing so, however, we consider it important to emphasise that the present movement is purely spontaneous, that it is the natural growth of banking evolution, and that though it would be unwise to attempt to force the process, what is now happening will be a most valuable foundation for any later movement which may eventuate in the direction of a State Bank.'

"So that they do not entirely give up the idea of a State Bank in the future, but they proceed to deal with it with this proposal for amalgamation, and my complaint is that they deal with it in a manner which will prejudice the question of the establishment of a State Bank. The despatch goes on to say:—'The proposals which have been placed before us represent merely a measure of consolidation which is primarily the domestic concern of the three Presidency Banks.'

"But the Government have made it clear in the despatch that they look forward to many advantages from this, and the proposals, taken together, as I have said, clearly would prejudice this question of the establishment of a State Bank. Now, my Lord, I think that this is therefore a matter which requires the closest scrutiny. I think this is a matter which should be discussed in the fullest way and the proposal should be put through the ordinary scrutiny of a regular course of Select Committee procedure before it is taken up by this Council The advantages resulting from the amlagamation of the Presidency Banks have been pointed out in the course of the despatch, but the disadvantages which arise from the absence of a State Bank have also to be considered. It was proved in the banking crisis of 1913 that the Presidency Banks were unable to help the other Banks with assistance during that crisis An official committee was appointed in Lahore to report upon the causes which had led to the failure of certain banks in the Punjab, and this Committee said:—

> 'During the crisis there was no co-operation between the Indian Banks themselves, or between them and the English Banks, or between them and the old-fashioned Indian Banks. We attach peculiar significance to the statements made by witnesses as to the position of the Bank of Bengal. While the fact that the Punjab National Bank has been received on the clearing list—only however after surviving the crisis—shows that at present good relations do exist, and that there is future possibility of better, yet the absence of a provincial Bank probably meant the downfall of sound Banks which might have been saved. The Bank of Bengal is too big, not local in its sympathy, ignorant of provincial conditions, and not susceptible to the influence of the Provincial Government. The Lahore Branch was willing to help and made recommendations to Calcutta, but these were rejected with curtness, and not even on the deposit of Government paper, would the Bank of Bengal consent to advance money to the Punjab National Bank.'

"This was a Committee over which Mr. Maynard presided. Summing up, that Committee said:—

> 'Thus, speaking generally our feeling is that the collapse can be referred to two fundamental causes, inexperience and defective machinery inevitable to the starting of every new venture, and the lack of policy or remedial measures such as Government itself or a quasi-Government institution, that is a State-supported Government Bank might supply.'

"Therefore we have been looking forward, those of us who are interested in the growth of facilities in the development of banking to Government taking action to provide this remedial action, by means of a State-supported Provincial Bank, and we find that that proposal has not received consideration; but a different proposal is being put forward and being pushed through this Council.

"In the despatch of the Government of India, referring to these Banks in the Punjab, I find it stated that it would not be altogether correct to describe the state of affairs solely to the ingrained habits of the people, namely keeping money sterile and hoarding it. The despatch says:—

> 'It would not, we think, be altogether correct to ascribe this state of affairs solely to the ingrained habits of the people, their ignorance, their conservatism and their suspicion, which can only be removed by the process of education. That the spread of education will work a steady and substantial change in the mental attitude of the people on this matter we have no doubt, but it is useless to educate people into a willingness to follow civilised habits as regards keeping their money, if there are not at hand banking facilities for them to do so. Progress in these two respects must go hand in hand. Even, however, in the present stage of educational development, there is undoubted room for a much larger supply of banking facilities as witnessed by the temporary success of certain banks in the richer agricultural districts of Northern India, the unsoundness of which, followed by their failure in 1913, had an unfortunate effect in retarding in those parts of the country the development of the banking habit.'

"I am sorry, my Lord, that the Government of India subscribe to this view. In the face of this report of the Committee to which I have referred and over which the Hon'ble Mr. Maynard presided, it should have been obvious to the Government of India that the failure of these banks was not due so much to the unsoundness of their management, at least not mainly due to that, but to their 'lack of policy or remedial action such as the Government itself or a quasi-Government agency, that is a State-supported Government Bank could supply.' Now, my Lord, I think it is due to these banks that asked for assistance to inform the Council that every single one of these banks has paid fully 16 annas in the rupee of the deposits which they had at the time they closed their business, and I am certain that it has now been demonstrated beyond dispute that, if there was a Government Bank which could look into the affairs of each of these banks and advance money to those who were in a sound condition, a great calamity which overtook many of those who had their shares in these banks could have been and would have been averted.

"Therefore, I submit, that when now the Government is looking forward to a great development in Indian industries, they recognise that there must be banking facilities multiplied. We quite agree in that view, but, I submit, that the right course to consider is not an amalgamation of the three Presidency Banks over which the Government can only have a very small and indirect control, but a State Bank, having all the support and all the resources of the Government at its back, in order to help industries and banking facilities to grow in all parts of the country. My Lord, as I said before, if the proposal was merely to amalgamate the three Banks, I would probably not be taking up the time of the Council at this length. But it is called the Imperial Bank of India, and it is giving the amalgamated banks all the advantages of the support of Government without all the advantages of a State Bank being secured to the public. That is my complaint with regard to this proposal.

"Now, my Lord, I submit that the proposal of the Hon'ble Mr. Patel that we should not be in a hurry to deal with this matter is absolutely sound, and I do hope that it will yet commend itself to Government. The disadvantages of proceeding to discuss these questions of finance in a hurry or under pressure of time are obvious, and I do not think I need dilate upon them. But I wish, as an illustration, to refer to what happened yesterday in regard to a discussion relating to reverse Councils. In speaking in that connection, I unfortunately made a wrong quotation and when my friend the Hon'ble Mr. Hailey drew my attention to it, I wanted opportunity to correct it. But I could not get an opportunity by reason of the strict enforcement of the rule by the Vice-President who presided. Now, my Lord, I just want to give that as an illustration to show that we should not be in a hurry to discuss these proposals of finance . . .

The President:—"Order, order. The Hon'ble gentleman has no right to criticise the ruling of the Hon'ble Sir George Lowndes who was in the Chair."

The Hon'ble Pandit Madan Mohan Malaviya:—"My Lord, I bowed to that ruling yesterday, so there is no question of my questioning it any longer now. I was only mentioning this as an illustration of the danger which is involved in our proceeding to discuss these great financial questions in a hurry. My Lord, I hope I will not now be regarded as even by thought attempting to disregard the ruling because I bowed to it yesterday. But your Excellency will see that what I am now going to put before the Council as an illustration will be of great help in determining our attitude in this matter of the proposal put forward by the Hon'ble Mr. Patel. Here was a question of the sale of reverse Bills. Now, my Lord, as I said, I misquoted and when it was pointed out to me, I wanted to complete what I should have said in the beginning. I just want to draw attention to this. With regard to the sale of reverse Councils I quoted one passage which was wrong; my friend the Finance Member quoted another and he did not complete it. The result was that he left the Council under the impression that the Chamberlain Commission had recommended that the Government of India should make a public notification of their intention to sell in India Bills on London at prices

The Hon'ble Mr. W. M. Hailey :—"May I rise to a point of order? Is the Hon'ble Member in order in continuing a discussion which I thought had terminated yesterday and continuing it in a manner which will leave me no right of reply?"

The Hon'ble Pandit Madan Mohan Malaviya :—My Lord, if I cannot make myself clear on this point the fault will be entirely mine. I am urging that the proposal of the Hon'ble Mr. Patel should be accepted by this Council. The substance of that proposal is that a matter of the importance which is involved in the Bill should receive careful consideration extended during the ordinary period of time. In support of that proposition I am giving an illustration which shows clearly the danger of a discussion of an important financial question being hurried through . . . .

The President :—"Is not that a platitude? I think it is quite unnecessary to produce instances to show that there is danger in being in a hurry over the discussion of any matter, financial or otherwise. It is therefore unnecessary to refer now to what occurred yesterday."

The Hon'ble Pandit Madan Mohan Malaviya :—"I submit it is not; I am not out of order. That is all I submit."

The President :—"Well supposing you do not proceed with that."

The Hon'ble Pandit Madan Mohan Malaviya :—"I will bow to your Excellency's decision, and thank you, my Lord. Now, I will not give illustrations, as your Excellency has been pleased to point out that it ought to be accepted without doubt on all sides that these important matters involving large questions of finance ought to receive consideration such as is provided for for all important matters under the rules of our Council. I therefore submit that the proposal before the Council is one which the Council should accept. What does it come to? It comes to this. Mr. Patel has not gone into the merits of the question whether the proposal for amalgamation ought to be abandoned or not. The Bill is there; the Bill was published only very recently. The shareholders of one bank, it is pointed out, had not sufficient time to consider the Bill. They had not the details of the Bill; though the details had been published much earlier, they had not the Bill in its details before them when they were asked to express an opinion as to whether a body in which they are financially interested should be amalgamated with two other bodies, namely, the Bank of Bengal and the Bank of Madras. An objection was taken on that score and it has been pointed out that even now the shareholders have not had sufficient time to study the details of the Bill. Now, my Lord, at this stage the Government put forward this measure and it is proposed by the Hon'ble the Finance Member that the ordinary rule should be departed from, that the Bill should be referred to the Select Committee to-day, namely, the 11th March, and that the Select Committee should be instructed to report on this very complicated and very important proposal by the 20th, evidently so that the matter may be pushed through in this Session of the Council. The Hon'ble the Finance Member when he spoke on the second occasion did not say that it was not intended that this Bill should not be pushed through in this Session. If that is the position, we shall feel grateful to know. But if the object is, as the Hon'ble Mr. Patel indicated it was, namely that the Bill should be pushed through in this Council, then I submit, my Lord, a very wrong procedure is being followed. There is no political matter involved in this question. The whole question is whether the advantages which are to result from the amalgamation of three powerful banks should be secured in their entirety at once without any delay, or whether those advantages should come a little later. During the great crisis of the war with these banks, unamalgamated and working independently and yet collectively, we passed through the crisis through which the country had to pass. There is no complaint on any side that by the non-amalgamation of these three banks any interests have suffered. Why then this hurry? It may be said that the Hon'ble the Finance Member has pointed out that there is the proposal to start 100 branches in different parts of the country and that it would be a pity to delay carrying out that proposal. My Lord, that is undoubtedly an advantage, but we should not be in a hurry to achieve this advantage at the sacrifice of the larger, the greater, advantage which will result to the country as many of us believe if there is a State Bank with branches in every province and with branches in all the districts of British India.

"The Government receives money on account of revenues and taxes. There is a Government treasury either in the district or close to it and all these should eventually become branches—the district branches—of the State Bank of the country. The advantages will be so great, so lasting, so comprehensive that it seems to me it will be a pity if this question of a State Bank is not considered fully on its merits by reason of a desire to secure the advantages which are likely to result from this comparatively smaller measure of an amalgamation of the three branches. Those advantages are prejudiced—so that the question of the establishment of a State Bank is prejudiced by the Bill. The amendment of Mr. Patel, therefore, I submit, is entitled to serious consideration and is worthy of acceptance. Let the Bill be referred by all means to a Select Committee. Let the Select Committee examine the various aspects which have been dealt with. I have no doubt the Hon'ble the Finance Member has achieved wonderful results during the few months that he has been in charge of his high office. I do not mean anything but what I say: a real compliment to him that he should have grasped the question to the extent which he has done in the course of this short time, considering he was not dealing with finance when he assumed this office. I hope he will not consider that I am wanting in courtesy to him when I say that, considering the nature of this question and the complexity of the problems involved, he would be wise if he allowed time for a full discussion of the various aspects involved in this question. It would be wise, my Lord, if, when the Select Committee has been formed, it should invite the opinion of those who are interested in it and weigh those opinions at leisure fully and then submit its report to the September Sessions of this Council. I do believe that in this matter the public should not have cause to complain that measures of importance are rushed through and the rules of the Council ignored Such a complaint was heard last year on another occasion. There is no reason on this occasion for the repetition of such a complaint. I hope that the Hon'ble the Finance Member and the Government will give its best consideration to the proposal of Mr. Patel and allow the words which he has pointed out to be eliminated from the proposal of the Hon'ble the Finance Member."

3-42 P. M. **The Hon'ble Sir Dinshaw Wacha**:—"My Lord, I have no hesitation in saying that this Bill, which purports to amalgamate all the three Presidency Banks, with certain powers and limitations and constitute them into an Imperial Bank, is welcomed by the country as a whole. We are entering on a new era altogether as far as industrial evolution is concerned; but industrial evolution without banking facilities will be a failure, and, therefore, from that point of view this amalgamation scheme is to be greatly welcomed. So far as I can see, the whole question here is whether the scheme, as it is now put forward in this Bill, should be passed at once, or whether it should be postponed for some time to come. Before I deal with that question, I should like to make one observation. This proposal to have a State Bank is a very old one. It began with Lord Herschell's Committee. That was the first Currency Committee that was appointed to investigate the whole question of what the future currency for India should be. It goes as far back as 1894 or thereabout. But Lord Herschell's Committee had, I think, so many other problems to consider at the time, that the question of a State Bank was dropped. Later on, when the question of a gold standard had to be considered, this matter was again mooted at the Committee presided over by Sir H. Fowler. Hon'ble Members, who may have taken some pains to look into the old Blue Books on currency cannot be unaware that the Fowler Committee did discuss this question. And I think, if I remember rightly, it was Mr. Hambro, a very influential and prominent member of that Committee, who made a separate minute to the effect that there should be a State Bank. He did not content himself with stating that there should be a State Bank. He gave his own opinion on the basis or principle that such a bank should be established. Of course, since that time there has been a variety of opinions on the subject. Mr. Hambro's minute for the time being was relegated to the limbo of oblivion. Afterwards, the amalgamation of the three Presidency Banks was again mooted. Thus, it is not a new question at all. It was mooted ten or fifteen years ago: not once, but more than once; but for one reason or another, specially for the reason that the banks were not agreed among the members as to whether or not there should be any amalgamation. So the proposal had once more to be abandoned. Now at last all the three Banks have come to an agreement. I am very glad that they have reached unanimity. They have seen that in their own self-interest amalgamation is necessary in view of strong and influential competition in the near future. The Government also think it is necessary that a Central Bank of State should be established more or less on the principles adumbrated by Mr. Hambro. Of course, it may be observed here that a State Bank, pure and simple, is entirely a different organisation from the Central Bank which is contemplated by the Bill now under consideration. There are no two opinions about an independent State Bank and a Central Bank. As a business man I know the difference between a State Bank, pure and simple, and a Bank of the character we are now considering. Of course, we know what the Imperial Bank of Germany is. That Bank also is constituted on a different principle. Then there is the great Federal Bank of the United States of America. In my opinion, talking personally, I should say that I would prefer the principle of the Federated Banks of the United States, which have some resemblance to the Bank under this Bill in one way. In the United States there were so many 'national' Banks. All the national Banks had to be amalgamated and their assets and liabilities made over to the new Federal Bank. And this Federal Bank has now 12 provincial banks under it, all these branches have one central board. There is something of that principle in this Bill though not quite akin to it.

"Well, my Lord, there is neither to be a State Bank nor a Federal Bank on the principle of that of the United States. That being out of the question, let us look at the practical aspect of the proposed central bank. That practical aspect is before us in the Bill. The only question therefore which the Council has to consider is : whether we should agree to the proposal of Mr. Patel that under present circumstances it would be better to postpone the final passing of the Bill till September instead of passing it now, or that a Select Committee might be appointed to deliberate only and make its report later on so as to allow the public the opportunity of a full and free discussion on the subject . . . .

The Hon'ble Mr. V. J. Patel :—"That is so."

The Hon'ble Sir Dinshaw Wacha :—"Now, the Hon'ble the Finance Member has given us his own views on the subject—why there is no further need for discussion by the public. From one point of view he is right. So far as the amalgamation scheme itself is concerned, how far the three Banks should amalgamate, what should be their object, how their business should be carried on and all the rest of the details concerning their internal management as an amalgamated body, he is quite right. The details are there. The business which the Banks should transact is given in the Schedules. But I am afraid Mr. Hailey has forgotten one important aspect of the Bill. It is this. The public have not yet been given full and fair opportunity to discuss the constitution of these amalgamated Banks. The constitution is one thing, while the details of the management of the Banks which are about to be amalgamated are another thing. As far as the constitution is concerned, we are now introducing therein a great deal of new matter. I think the Finance Member will agree with me that the public have had no opportunity to consider and criticise that part of the Bill. The composition of the Central Board, how far the Government control should be exercised and made effective ; whether the Board should be wholly European or Indian or part one and part the other and in what proportion—these and many other cognate matters connected with it,—belong to the constitution of the Bank, and I submit that in all constitutional questions relating to finance, it is far better—I only throw out my suggestion—that the Government should act wisely and in a statesmanlike spirit by going a little slower and allowing the enlightened public a full and reasonable opportunity to criticise. My particular reason for this suggestion is based on the ground that the constitution which is now limned or is prescribed in the Bill somewhat resembles the constitution of the old Banks—Presidency Banks—as they were before 1876. Some of the Members may perhaps remember what was the reason—the principal reason—why the old Bank of Bombay came to grief.

"I was then in the Bank of Bombay for being trained to take, later on charge of one of its branches, and I know the whole history of how the Bank of Bombay came to grief. I have written at large upon the subject in my history of the share speculation of 1863-64. There was a Bank of Bombay commission the reasons of the appointment of which are entirely forgotten now. But members might, I think, usefully and profitably read it at present. If they do so, they will easily find where are certain resemblances between the constitution drafted in the Bill and the old constitution of the Bank of Bombay as it stood before 1876. There was also then a Controller appointed by Government; the Accountant-General for the time being in each of the Presidencies was the chairman of the Bank of its respective Presidency. In the Bombay Bank there was one Mr. Sylvester Birch as Accountant-General at the most critical time in the Bank's history when speculation was rife and when the Government ought to have controlled the Bank in such a spirit as to have never allowed the Bank to come to grief. Unfortunately, things turned out differently The Controller was nowhere; he was in the hands of the directorate and the directors were almost all a body of speculators. If the Bank of Bombay came to grief it was entirely owing to the speculative element that was so largely predominant in the bank in those days. The Government Director, I repeat, was nowhere, as the report of the commission said Mr. Premchand Roychand, one of the two Indian Directors, was 'the Bank.' All that is writ large in the report of the Bank of Bombay commission of which Sir Charles Jackson was the president, so much so that I think Sir Charles Jackson said that Mr. Sylvester Birch was altogether an unfit officer of Government to control the Bank. Now, my Lord, what has happened once may happen again. I do not mean to say that it will happen. If possibly the Government are wise and appoint Controllers who will be thoroughly, competent and cautious, who will never allow a directorate which may tend to be speculative or embark on rash enterprises to gain the upper hand, it may not happen. There are however those dangers which must be avoided at all hazards. As the Hon'ble the Finance Member has rightly said we have to look carefully after the tax-payer's interests. It is the tax-payer's money which is largely to be entrusted to this Imperial Bank; the whole financial business of the State treasury and currency is to go to it. That means that the tax-payer's money will have to be watched and safeguarded with the unceasing vigilance of a watch-dog. Who is to be that watch-dog? If he is to be efficient and preserve the interests of the tax-payer, then, I consider that the Government must think twice and thrice before they finally pass this Bill. And it is for that reason, and that reason alone, *viz.*, that the tax-payer's interests must be watched vigilantly and carefully, that I think it would be better to proceed with the Bill a little slower, with caution at every step. Whether this Council will accept Mr. Patel's amendment or not, I do not know; but I do say this, and I do appeal to all the members of this Council, both on this side and on the other side, and I do appeal also to your Excellency, that it will be a wise and statesmanlike step on the part of the Government in the circumstances of the present situation that this Bill with a peculiarly brand new constitution, which the public have not had the slightest opportunity yet to examine and criticise should be postponed. It will be far better to await that volume of popular criticism. When that opinion is well focussed you can safely shape your course accordingly. My own opinion is that if the Bill is published later, and if criticism is invited and the public are allowed time to do so, nothing will be lost. On the contrary, my opinion is that the hands of the Government will be greatly strengthened; the Government will be in a stronger position than it is in to-day by having this Bill passed next September. The advantage will be this. In the first place, the public will not say 'Well, the Government gave us no time; the Government published this Bill on such and such a day and then within the short space of 10 or 12 days passed it.' I do say, my Lord, that the Government is certain to be reproached if it hastily passes the Bill. When the closure of the Mints Bill was passed, it was passed in half an hour at Simla, where the only non-official member of the then Council present was Sir James Mackay, who is now Lord Inchcape. There was a great hue and cry in the whole of India at the time. Why? Because the Government of the day legislated on an important currency problem, revolutionising the whole currency basis of the country, in half an hour with not one single non-official, except Sir James Mackay, to protest against its many overwhelming disadvantages! Sir James Mackay was, besides, a most interested party for passing the Bill. If Hon'ble Members will only read the contemporary history of those days in reference to the hurried passing of the Bill they will learn that I am in no way exaggerating the incident I am simply stating the bare fact. But that was the situation. In the matter of currency, in the matter of finance, particularly of State finance of the character we are legislating for, I consider it will be the part of wisdom to go a little slower and give the public the opportunity of criticising it, if they have any criticism to offer. The Government can then confidently proceed with the Bill. That will be the more advantageous course and the Government will escape the charge of rushing with it to which it is bound to be subjected otherwise. At the same time, I can assure the Government that if there be any weighty criticism offered the Government would attend to it and thus strengthen their hands. They would be able to carry it with greater confidence after hearing the voice of the country. Indeed, the country would far better welcome it than it could possibly do to-day and congratulate the Government. These are the reasons why I hope that the Government will, if they are wise, accept the amendment of Mr. Patel. I also appeal to your Excellency that in the present condition of things it will be most statesmanlike to do so. Whether your Lordship will respond or not to my appeal I cannot say; but I do say and most earnestly pray for the reasons I have already stated that it will be the wisest move on the part of the Government to accept the amendment."

The Hon'ble Mr. Surendra Nath Banerjea :—"My Lord, 3-55 P.M. in view of the feeling that has been expressed in this Council chamber and the weighty utterances of my Hon'ble friend, Sir Dinshaw Wacha, who is admittedly an expert on a subject like this, I do hope the Government will see its way to accept Mr. Patel's amendment. My Lord, I listened with very great care and respect to the speech of my Hon'ble friend, the Finance Minister. His argument, so far as I could follow it, was that this was more or less a business proposition and being a business proposition delay would be a disturbance, a dislocation and an inconvenience. I quite admit that it is a business proposition. But I venture to submit that it is something more; it is also a public consideration; and if it were not your Excellency's Government would not intervene in this matter. It has a business side; it has also a public side and to me it seems that either the two branches of this consideration are closely interlinked, or the public side overlaps the business aspect of this case. My Lord, the people of India are deeply interested in this matter. It marks a stage, as my Hon'ble friend has put it, in the evolution and development of our industries. Your Excellency's Government is anxious, and the gratitude of the people is due to your Excellency's Government for it. Your Excellency's Government is anxious to inaugurate a new system of industrial development. Your Excellency's Government is undertaking measures in that direction; in order to help forward this development banking facilities are absolutely necessary. Therefore it is a part, I take it, of that industrial movement with which the Government of India is identified, which again is a part and parcel of the larger political movement with which the best interests of the country are indissolubly linked. Therefore, my Lord, I am right in the contention that this is a great public consideration in which my countrymen are deeply interested. What is lost by giving them a little time? The work which has to be undertaken will not be started at once. It may be delayed two or three months; but, my Lord, the public will be taken into confidence; public feeling will be enlisted on behalf of this movement, public sympathy will be aroused, public gratitude will be awakened and the whole movement will march apace under the stimulating influence of public support and co-operation. Nothing is lost by a delay of two or three months; much will be gained by this little delay. Therefore, my Lord, it seems to me that it is wise in view of the almost unanimous feeling which prevails in this Council chamber amongst non-official Indian members and the complaint which is bound to follow if this feeling is disregarded, it seems to me it is wise and expedient that Mr. Patel's amendment should be accepted. The Government will then have enlisted public sympathy, and the banking movement will be all the stronger for it. I do hope, therefore, my Hon'ble friend will see his way to accept the amendment."

4 P.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, I am not perhaps in order in rising again at this time; if I am not, I hope that I may have your Lordship's indulgence in the matter. I think we are not unmoved by the appeals which have been made to us for more time for consideration of this Bill.

"We should be very unwilling to give the impression that we contemplated something, which we did not wish to place fully before the public of which we did not wish to give the public time to discuss fully.

"My Lord, I am convinced that if we created any such impression, it would be to the detriment of the Bill. With your Lordship's permission therefore I would propose that while we should have the Select Committee now because the Council is assembled, we should not proceed with further legislation on the report of the Select Committee until next Session. If the motion may be put on that particular form, and if it meets with the acceptance of members of this Council, I hope your Lordship will allow me to make that alteration."

The Hon'ble Mr. V. J. Patel:—"I am quite agreeable, your Excellency, and with your permission I will amend my motiom accordingly if necessary."

The President:—"I do not think it will be necessary for the Hon'ble gentleman to amend his motion, because I think Mr. Hailey has said that if the Committee will report on the 20th March, he does not propose to go further with the Bill this Session, but that in September the Government will bring it forward on the report of the Committee which will report by the 20th March."

The Hon'ble Mr. V. J. Patel:—"May I explain? That is not the position, as I understand it, my Lord. Mr. Hailey said that the Select Committee might meet now as the Council was in Session, but the report need not be made by the 20th and the Bill should be taken up only in September."

The President:—"I should like to hear from Mr. Hailey what it is he actually proposes."

The Hon'ble Mr. W. M. Hailey :—" My Lord, I have proposed that we should not proceed to legislation on the report of the Select Committee until September."

The President :—" You did not propose that the Select Committee should be appointed now and report by the 20th March. Is that so? "

The Hon'ble Mr. W. M. Hailey:—"No, my Lord, it is not absolutely necessary, from my point of view, that it should report by the 20th. If we were to maintain that point, namely, that the Committee should report by the 20th, it would not meet the point which has been put forward so strongly by Sir Dinshaw Wacha, namely, that it would not have given it sufficient time to consider the case. What I contemplated was that we should begin our meetings of the Select Committee now and that it should report to the Council at the beginning of the September Session, and we should then proceed to consider it in that Session."

The President :—" Do you accept Mr. Patel's amendment?

The Hon'ble Mr. W. M. Hailey :—" That is so, my Lord."

The President :—" I thought you were drawing a distinction. Do you want to speak again Mr. Patel? "

The Hon'ble Mr. V. J. Patel :—" No, my Lord."

The amendment was put and agreed to.

The motion as amended, *viz*, ' that the Bill to constitute an Imperial Bank of India and for other purposes be referred to a Select Committee consisting of the Hon'ble Sir George Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Mr. Sita Nath Ray, the Hon'ble Mr. Muddiman, the Hon'ble Sir Dinshaw Wacha, the Hon'ble Mr. Sarma, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Crum, the Hon'ble Mr. Cook, the Hon'ble Mr. Marjoribanks, the Hon'ble Sir Thomas Holland and the Hon'ble Mr. Hailey,' was then put and agreed to.

DACCA UNIVERSITY BILL.

The Hon'ble Mr. Shafi :—" My Lord, I have the honour to present the Report of the Select Committee to establish and incorporate a unitary teaching and residential University at Dacca." 4-5 P.M.

The Council then adjourned until Wednesday, the 17th March 1920, at 11 o'clock.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

DELHI;
The 25th March, 1920.

APPENDIX A.

[*Referred to in answer to Question No. 1.*]

Statement showing the wholesale price (in rupees per maund) of rice in certain provinces of India on the 15th January 1915, 1916, 1917, 1918, 1919, and 1920.

	Madras. (Madras City.)	Bombay. (Bombay City.)	Bengal. (Calcutta.)	United Provinces. (Cawnpore.)	Punjab. (Lahore.)	North-West Frontier Province. (Peshawar.)	Bihar and Orissa. (Patna.)	Central Provinces. (Jubbulpore.)	Sind. (Karachi.)
	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.
15th January 1915	5 9 0	4 12 2	6 4 0	4 14 0	5 11 6	6 2 5	4 11 0	4 3 5	5 7 0
„ „ 1916	5 4 10	4 10 3	7 0 0	5 4 0	5 2 6	5 9 0	4 10 6	4 3 5	5 4 0
„ „ 1917	5 13 3	4 14 1	5 14 0	5 1 0	4 9 3	5 9 5	3 5 0	4 11 4	5 5 0
„ „ 1918	5 1 7	5 7 7	4 8 0	5 2 0	5 0 0	5 5 4	3 1 0	4 3 5	5 9 0
„ 1919	8 7 6	7 0 10	6 4 0	7 2 0	9 6 6	9 0 0	6 2 6	8 6 8	8 0 0
„ „ 1920	8 6 11	7 0 5	8 0 0	6 14 0	8 0 0	9 0 3	6 6 0	7 4 4	9 10 0

APPENDIX B.

[Referred to in answer to Question No. 17.]

Statement showing exports from and imports into the Madras Presidency of cleaned rice during each of the ten years 1908-09 to 1917-18.

Period.	Exports from Madras Presidency.	Imports into Madras Presidency.
	Tons.	Tons.
1908-09	466,656	502,924
1909-10	435,043	733,459
1910-11	433,960	439,172
1911-12	469,961	502,706
1912-13	439,189	560,349
1913-14	548,369	588,998
1914-15	585,341	563,246
1915-16	805,553	677,262
1916-17	600,978	559,449
1917-18	670,791	562,377

NOTE.—The above figures represent exports and imports by sea to and from foreign countries, by sea to and from other Indian ports, and by rail to and from other Provinces.

The figures of rice in the husk have been converted into cleaned rice in the ratio of 7 to 6.

APPENDIX C.

[*Referred to in answer to Question No. 19.*]

Statement showing the consumption of country spirits in India and gross excise revenue during the ten years 1909-1910 to 1918-1919.

Year.	Consumption Gallons (London Proof).	Revenue.
		R
1909-1910	78,36,684	4,48,51,000
1910-1911	92,78,080	5,09,75,000
1911-1912	97,37,672	5,68,53,000
1912-1913	1,02,39,357	6,19,57,000
1913-1914	83,51,909	6,11,59,983
1914-1915	87,85,619	6,58,00,496
1915-1916	85,85,494	6,35,80,941
1916-1917	95,41,266	6,96,47,353
1917-1918	98,77,219	7,68,43,157
1918-1919	99,81,771	7,68,24,263

APPENDIX D.

[*Referred to in answer to Question No. 20.*]

Statement showing the names of Indians in the Superior Cadre of the Great Indian Peninsula Railway.

Name.	Designation.	Date of engagement.	Rate of pay.
	Traffic Department.		
			Rs.
Mr. Ganesh Narayen Paranjape .	Assistant Traffic Superintendent .	19-8-1914	350
Mr. S. M. Basrur	Traffic Probationer . . .	1-5-1917	300
Mr. Nalin Shanker Sen	Ditto.	1-5-1917	300
	Engineering Department.		
Mr. Shaik Sujandhin Belgrami .	Resident Engineer . . .	10-8-1895	600 Rs. 50 Acting allowance.
Mr. F. J. Mistry	Assistant Engineer . . .	7-7-1917	450
Mr. Naghia Singh	Temporary Engineer . . .	13-10-1902	450
Mr. M. S Kapadia	Ditto.	15-3-1917	450
Mr. Shaik Abdul Rahman . .	Ditto.	1-2-1900	350
Mr. Shaik Mahomed Abdulla . .	Ditto.	25-9-1912	300
Mr. Abdulla Masjid Belgrami . .	Ditto.	29-4-1912	250
Mr. Mahomed Ishak	Ditto.	28-11-1906	425
	Medical Department.		
Dr. B. H. Cooper	Resident House Surgeon and P. A. to Superintending Surgeon.	1-12-1893	530
Dr. S. C. Chatterjee	District Surgeon . . .	28-3-1918	530
Dr. S. C. Biswas	Ditto.	13-4-1918	530
	Locomotive Department.		
	Nil.		

SGPI, Delhi—460 L. D.—29-3-20—.750

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.

(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 17th March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 57 Members, of whom 50 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr Surendra Nath Banerjea asked :— 11 A.M.

Ishurdi-Shadhuganj Railway in the district of Pabna.

1. " (*a*) Has the detailed survey for the proposed Ishurdi-Shadhuganj Railway covering a distance of 46 miles in the district of Pabna in Bengal been completed?

(*b*) Is it a fact that the actual distance between Ishurdi and Pabna which is the headquarters of the district is only 16 miles?

(*c*) When do Government propose to begin operations in connection with this project?"

The Hon'ble Sir Arthur Anderson replied—

" (*a*) and (*b*). The reply is in the affirmative.

(*c*) Government are not in a position to say at present when the Ishurdi-Pabna-Sadhuganj Railway project will be proceeded with."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Constitutional Reforms in Ajmer-Merwara.

2. "(*a*) What constitutional reforms is it contemplated to introduce in the scheduled district of Ajmer-Merwara?

(*b*) Will these reforms be introduced in the district simultaneously with reforms in the other provinces?

(*c*) Will the reforms proposals be published before introduction, for the opinion and criticism of the people of that district?"

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member is referred to paragraph 198 of the report on Indian constitutional reforms. It is proposed, in accordance with the view there taken, to associate with the personal administration of the Chief Commissioner some form of advisory council adjusted in composition and functions to the local conditions. Details have yet to be settled and the Government of India are unable to say exactly when the advisory council will be constituted; but the matter is engaging their attention."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Ishurdi-Shadhuganj Railway in the district of Pabna.

3. "(*a*) Is it a fact that a detailed survey of a proposed railway line in the Pabna district (Ishurdi-Shadhuganj) was completed before the war?

(*b*) What is the present position in the matter?

(*c*) Do Government contemplate taking up the alignment of the proposed railway at an early date?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply given to a similar inquiry by the Hon'ble Mr. Surendra Nath Banerjea."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Financial effects due to increase of pay in certain services.

4. "Will Government be pleased to state the financial effects of the increase of pay of—

(*a*) the Indian Civil Service;

(*b*) the Indian Army;

(*c*) the Indian Police Service;

(*d*) the Indian Educational Service; and

(*e*) the Indian Medical Service;

and to lay on the table the correspondence on the subject between the Government of India and the Secretary of State?"

The Hon'ble Mr. W. W. Hailey replied:—

"(*i*) With reference to (*a*), (*c*), (*d*) and (*e*), the Hon'ble Member is referred to the answer given by me on the 1st March to a similar question by the Hon'ble Rao Bahadur B. N. Sarma. As regards (*b*), the process of revising the rates of pay of the personnel of the Indian Army and of the British Army serving in India is not yet complete. For the information which is so far available on the point, the Hon'ble Member is referred to the particulars given in my narrative introducing the Financial Statement.

(*ii*) Government are not prepared at present to lay on the table the correspondence regarding the Indian Civil Service, the Indian Police Service, the Indian Medical Service and the Indian Army. Correspondence relating to the Indian Educational Service was laid on the table by the Hon'ble Mr. Shafi on the 8th March in reply to a question by the Hon'ble Member."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Security taken in respect of newspapers.

5. " (*a*) Is it a fact that several Provincial Governments are refunding the security taken in respect of newspapers ?

(*b*) Do Government propose to take similar action in Delhi ? "

The Hon'ble Sir William Vincent replied :—

" (*a*) The reply is in the affirmative.

(*b*) No newspapers are under security in Delhi The Chief Commissioner reports that he is considering the action to be taken in respect of press securities on the lines adopted by the Governments of the United Provinces and that of the Punjab."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

The reply to the Reforms despatch.

6. "Will Government publish or place on the table the reply of the Secretary of State to the Reforms despatch of the Government of India ? "

The Hon'ble Sir William Marris replied :—

"The only despatch received from the Secretary of State on the subject of the Reforms is a despatch, dated December 25th, 1919. Some of the matters dealt with in this despatch are still under discussion between the Secretary of State and the Government of India, and publication, therefore, at this stage would be contrary to the standing practice in such cases. In this view the Secretary of State concurs."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Representation of the Assam Moslems on the Council of State.

7. " (*a*) Is it a fact that the Southborough Committee recommended the allotment of half a seat to the Moslems of Assam on the Council of State (that is one seat alternately to the Central Provinces and Assam Moslems) ?

(*b*) Is it a fact that as stated in the Communiqué, dated the 8th January, this proposed representation of the Assam Moslems is not to be given effect to ?

(*c*) Do Government propose to reconsider the question and allot one full seat to Assam Moslems or at least to give effect to the recommendation of the Southborough Committee ? "

The Hon'ble Sir William Marris replied :—

"(*a*) Yes.

(*b*) and (*c*) The Government of India have under consideration a proposal to allot half a seat to the Assam Moslem population."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked :—

Attendance of Indian clerks in Indian Costume.

8. " Is there any rule in the Government of India Secretariat against Indian clerks attending office in Indian costume ? "

The Hon'ble Sir William Vincent replied :—

"The reply is in the negative."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked :—

Refund of Press Securities.

9. " Do Government propose to instruct the Provincial Governments to refund the press securities held by them and to refrain from demanding such securities in the future ? "

The Hon'ble Sir William Vincent replied :—

"The Hon'ble Member is referred to the reply given to the Hon'ble Rao Bahadur B. N. Sarma, on the 1st March."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked:—

Appointment of a Telegraph Committee

10. "(*a*) Is it a fact:—

(1) that Government have appointed a Telegraph Committee; and

(2) that there are no non-official Indian Members on the Committee, while no less than three non-official members from the European and Anglo-Indian communities have been taken on it?

(*b*) Do Government propose to consider the propriety of having at least four non-official Indian members—two Muhammadans and two Hindus on the Committee?"

The Hon'ble Sir George Barnes replied:—

"The reply to both parts of the questions marked (*a*) (1) and (2) is in the affirmative.

In reply to question (*b*) Government consider that no useful purpose would have been served by appointing additional non-official members to the Committee. The sittings of the Committee have now been concluded and the report containing their recommendations is expected very shortly."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked:—

Railway communication with Pabna.

11. "(*a*) Is it a fact that the town of Pabna, which is the headquarters of the district, is situated at a distance of 16 miles from the nearest railway station (Ishurdi, on the Eastern Bengal Railway)?

(*b*) Before the outbreak of the war was a detailed survey for the proposed Ishurdi-Shadhuganj Railway contemplated?

(*c*) Do Government intend to take up the work of the proposed line in the near future?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply given to a similar inquiry by the Hon'ble Mr. Surendra Nath Banerjea."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked:—

Railway connection between Faridpur & Calcutta.

12. "What steps have been taken regarding the proposal to connect Faridpur with Calcutta by railway through Jessore?"

The Hon'ble Sir Arthur Anderson replied:—

"A reconnaissance survey for a broad gauge line connecting Jessore and Faridpur was carried out in 1916-17. The Government of Bengal, however, did not consider the project to be urgent, or the alignment selected to be likely to afford the most suitable connection between Calcutta and Eastern Bengal. Government have accordingly decided not to proceed further with the project at present."

The Hon'ble Chaudhuri Muhammad Ismail Khan asked:—

Provision for faster trains from Calcutta to Khulna.

13. "Do Government propose to consider the desirability of providing faster trains on the central section of the Eastern Bengal Railway from Calcutta to Khulna?"

The Hon'ble Sir Arthur Anderson replied:—

"Government are advised that the train service can only be appreciably accelerated by running through a number of stations without stopping, and while this would satisfy a limited number of passengers, it would inconvenience a considerably greater number. Government do not therefore propose to take action in the manner indicated."

The Hon'ble Mr. V. J. Patel asked:—

Mr. Bomanji's application for Sterling Bills

14. "(*a*) Is it a fact that the Deputy Controller of Currency, Bombay, recently refused an application for Government sterling bills by Mr. S. R. Bomanji of Bombay? If so, why?

(*b*) Did Mr. Bomanji send a telegram to His Excellency the Viceroy alleging that the Deputy Controller of Currency, Bombay, has made most invidious distinctions between European and Indian applicants?

(*c*) In that telegram does Mr. Bomanji state that such favouritism is extremely deplorable and bound to create great discontent, and solicit His Excellency's intervention?

(*d*) Do Government propose to institute a thorough inquiry into the truth or otherwise of those allegations and place the result before the public without delay?"

The Hon'ble Mr. W. M. Hailey replied:—

"The answers to (*a*), (*b*) and (*c*) are in the affirmative.

The Hon'ble Member's attention is drawn to the communiqué issued on February 23rd in which Government reserved the right to refuse any tender absolutely without assigning reasons. The Government of India do not propose to inquire from the Deputy Controller of Currency at Bombay why he considered Mr. Bomanji's tender as not being necessitated by genuine trade purposes. They have no reason to believe that that officer, in exercising the discretion given to him in this matter, made invidious distinctions between European and Indian applicants."

The Hon'ble Mr. V. J. Patel asked:—

The motion for leave to introduce a Bill.

15. "(*a*) Is it a fact that the power vested in the Presidents of Legislative Councils to dispense with the 'leave' stage of Bills has been freely exercised in the past in favour of Government Bills and never in favour of non-official Bills?

(*b*) Do Government propose to provide in the rules to be made under the new Government of India Act that there shall be a motion for leave to introduce every Bill, whether official or non official?"

The Hon'ble Sir William Marris replied:—

"(*a*) The reply is in the negative. Non-official as well as official Bills have in the past been published under Rule 23 of the Rules for the conduct of Legislative Business.

(*b*) It is proposed to provide that when a Bill, with the Statement of Objects and Reasons, has been published by order of the Governor General or Governor in the Gazette, it shall not be necessary to move for leave to introduce the Bill."

The Hon'ble Mr. V. J. Patel asked:—

Sittings of the new Legislative bodies

16. "In the rules and regulations now being made in connection with the new Legislative bodies, is it proposed to make provision enabling the respective bodies to fix for themselves the time when they are to sit, or to require the Governor General or the Governor, as the case may be, to convene a meeting on a requisition duly signed by a certain proportion of the Members?"

The Hon'ble Sir William Marris replied:—

"The answer is in the negative. The Hon'ble Member is referred to sections 8 (2) and 21 (2) of the Act from which he will see that the Act has left it to the Governor General and the Governor to appoint such times as they think fit for holding the sessions of the central and local legislatures, respectively."

The Hon'ble Mr. V. J. Patel asked :—

Residential qualification

17. "(*a*) Is it a fact that the recommendation of the Bengal Government in favour of the residential qualifications was not accepted by the Franchise Committee, while such recommendations by the Governments of Bombay, Central Provinces and the Punjab were accepted? If so, what are the reasons for this differential treatment?

(*b*) Is it a fact that the Bengal Presidency was represented on the Committee while the Presidency of Bombay, the Central Provinces and the Punjab had no representatives on it?"

The Hon'ble Sir William Marris replied :—

" (*a*) The answer to the first part of the question is in the affirmative. As regards the second sub-part of the question, the Government of India are not in a position to add anything to the statement of reasons contained in paragraph 29 of the report of the Franchise Committee.

(*b*) The Committee contained representatives of all the four provinces referred to."

The Hon'ble Mr. V. J. Patel asked :—

Abolition of separate leave rules for Europeans and Indians in mixed services.

18. "Do Government propose to submit fresh proposals to the Secretary of State for India in Council doing away with separate leave rules for Europeans and Indians in mixed services?"

The Hon'ble Sir William Vincent replied :—

"There are no separate leave rules for Europeans and Indians in mixed services. Separate long leave rules exist for what are described as European Services and as Indian Services in the Civil Service Regulations, but the terms European and Indian are not used in an exclusively racial sense. There are Indians in the former and Europeans in the latter. Within the same service and among officers holding the same appointments or class of appointments to which the rules apply, no discrimination is made between Europeans and Indians. The question of the maintenance of these separate rules and the classification of officers for this purpose are under consideration in connection with the recommendations of the Public Services Commission."

The Hon'ble Mr. V. J. Patel asked :—

Rise in the price of foodstuffs

19. "(*a*) Has the attention of Government been drawn to the following Resolution passed by the Joint Session of the Indian Industrial Conference and the Indian Commercial Congress recently held at Bombay :—

> 'This Conference views with great concern the alarming rise in prices of necessaries of life in India, specially in foodstuffs, and respectfully but emphatically urges the Government that export of all foodstuffs including dairy products and live stock may be regulated by a Committee of officials and non-officials and not by Government Departments as at present, and that only to the extent of the surplus over the requirements of the country.'

(*b*) What action, if any, do Government propose to take in the matter?"

The Hon'ble Sir Claude Hill replied :—

" (*a*) Government have seen in the press the Resolution referred to by the Hon'ble Member.

(*b*) The questions raised in the Resolution have been considered by the Committee of this Council on high prices, but I may say at once that Government do not propose to entrust the regulation of exports to any committee."

The Hon'ble Mr. V. J. Patel asked :—

Witnesses sent to appear before Lo Selborne's Committe

20. " What is the total amount paid by the Government of India to meet the expenses of witnesses sent to England to give evidence before Lord Selborne's Committee? Will Government be pleased to name the witnesses, with the amount paid for each?"

The Hon'ble Sir William Marris replied :—

" No persons were sent to England by Government to give evidence before the Committee and Government made no payments on account of the expenses of witnesses before the Committee."

The Hon'ble Mr. V. J. Patel asked :—

Position o a member charge of Bill under the new Act

21. "In the rules to be made under the new Government of India Act, do Government propose to provide that the member in charge of any Bill, whether he be official or non-official, shall invariably be a member as well as the Chairman of the Select Committee on that Bill?"

The Hon'ble Sir William Marris replied :—

" It is proposed to provide in the standing orders of the Legislative Assembly and the Council of State which will be made under section 24 (6) of the Government of India Act, 1919, that the Member of the Government in charge of the department to which a Bill relates shall be the Chairman of the Select Committee, and that the Member of Council, whether official or non-official, who introduced the Bill, shall be a Member of the Select Committee. The Government of India have suggested to Local Governments that the standing orders to be made under section 11 (6) by the Governor in Council should include a similar provision."

The Hon'ble Mr. V. J. Patel asked :—

An Imperi Court of Appeal

22. "Has Government received from the Lord Chancellor of England a memorandum regarding the proposal for an Imperial Court of Appeal as stated in Resolution 22 of the Imperial War Conference, 1918? If so, will Government lay it on the table?"

The Hon'ble Sir William Vincent replied :—

" Government has not yet received a memorandum from the Lord Chancellor of England: but the Secretary of State has been addressed again on the subject."

The Hon'ble Mr. V. J. Patel asked :—

Grant of th vote to women graduates

23. " (*a*) Is it proposed to include women graduates of seven years' standing in the electoral rolls for University seats in the local Legislative Councils?

(*b*) Is it not a fact that Lord Selborne's Committee has recommended the giving of the vote to all graduates of seven years' standing *irrespective of sex*?"

The Hon'ble Sir William Marris replied :—

" (*a*) No. As recommended by the Joint Committee, provision will be made in the rules under section 7 (4) (*c*) of the Government of India Act, 1919, for their inclusion in any province in which the Legislative Council may by resolution so recommend.

(*b*) The Joint Committee recommended that the franchise for the University seats should be extended to all graduates of over seven years' standing, but the Government of India understand that this recommendation, which does not include the three words italicised in the Hon'ble Member's question, is subject to the general proposal of the Committee in regard to the admission of women to the franchise."

The Hon'ble Mr. V. J. Patel asked :—

Bungalows requisitioned under Defence of India Act in Poona.

24. "(*a*) With reference to part (*b*) of the answer given on the 21st March, 1919 to my question regarding the bungalows requisitioned under the Defence of India Act in Poona, will Government say how the one representation received from lessees therein referred to has been disposed of?

(*b*) Were certain bungalows in Poona requisitioned from these lessees under the said Act?

(*c*) Is it a fact that in paying compensation the lessees in question were not recognised by Government as owners?

(*d*) Is it a fact that the said lessees were not given an opportunity of a hearing by the arbitrator appointed by the Government to decide this matter? If so, will Government state the reasons which led the arbitrator to deny the lessees a hearing?

(*e*) Do Government propose to reconsider the representation of, and pay compensation to, the said lessees?"

His Excellency the Commander-in-Chief replied:—

"(*a*) The representation was considered and rejected by the Government of India.

(*b*) Yes.

(*c*) Yes.

(*d*) The question of paying compensation to the said lessees was not referred to arbitration, as Government decided that the lessees were protected by the Contract Act, and had suffered no actual loss from the requisitioning of the bungalows in question.

(*e*) It is not proposed to re-open the question."

The Hon'ble Mr. V. J. Patel asked :—

Representation of Assam, Burma, and Central Provinces on the Rules Committee.

25. "(*a*) Will Government state whether the Provinces of Assam and Burma and the Central Provinces have their representatives on the Rules Committee? If not, why not?

(*b*) Have the Indian commercial community or the landholders found any representation on the Committee? If not, why not?

(*c*) What is the strength of the European commercial community on the Committee?"

The Hon'ble Sir William Marris replied :—

"(*a*) The Hon'ble Member is already aware that the committee does not include representatives of the provinces mentioned. The new constitution of Burma has yet to be determined, and at present therefore its interest in most of the matters dealt with by the committee is small. The committee includes 12 members, and is therefore already as large as is consistent with the expeditious disposal of business which is demanded by the situation. In determining its composition the Government have been guided by considerations of the value and weight of the advice likely to be forthcoming. For this reason it is not proposed to add representatives of the Central Provinces and Assam, neither of which provinces has enjoyed a long experience of the working of provincial legislatures.

(*b*) The Indian commercial community and the landholders are represented by the Hon'ble Sir Dinshaw Wacha, and the Hon'ble the Raja of Mahmudabad, respectively.

(*c*) There are two representatives of the European commercial community on the Committee, *viz.*, the Hon'ble Mr. Crum and the Hon'ble Mr. Paton."

The Hon'ble Mr. V. J. Patel asked :—

Rules under the Reforms Act.

26. "(*a*) Is it proposed to publish the rules made under the new Government of India Act, for public criticism after they have been examined by the Advisory Committee?

(*b*) What time will be given to the public to submit their views?

(*c*) Will the Advisory Committee be entitled to re-examine the rules and make recommendations in the light of suggestions from the public?"

The Hon'ble Sir William Marris replied :—

"The course which the Government of India propose to take for the purpose of eliciting opinion upon the rules to be framed under the Government of India Act has been stated on more than one occasion. But as the Hon'ble Member appears to be still in doubt upon the subject I will re-state the intentions of Government as clearly as I can, and also the reasons for the course proposed. The main rules have to reach England by the end of April or early in May if time is to be allowed for their due consideration by the Joint Committee and Parliament. The chief of these rules relate to the composition of and elections for the provincial councils and the Indian legislature; and the rules of business and standing orders for all these bodies. To obtain opinion and advice upon these rules, the Government of India are circulating copies to all non-official Hon'ble Members of this Council and are also discussing the draft rules with an informal advisory committee composed of non-official members. Local Governments are similarly taking the opinion of advisory committees of the non-official members of the provincial councils. A large and valuable body of opinion is thus being obtained upon the rules and there is no ground for any suggestion that the rules are being made in secret, or are being withheld from criticism The Government of India will consider when they despatch the rules to the Secretary of State whether they will also publish them for general information for the purpose of affording parties interested an opportunity to lay their views before the Joint Committee. But it is quite impracticable for the opinion of all the various communities and interests concerned to be invited and considered before the rules are sent Home. It was with the object of obtaining opinion upon such points, that the two committees over which Lord Southborough presided were appointed."

The Hon'ble Mr. V. J. Patel asked :—

Amendment of the Indian Universities Act, 1904.

27. "Is it the intention of Government to introduce early legislation with the object of amending the Indian Universities Act, 1904, so as—

(*a*) to increase the elective element on Senates; and

(*b*) to enable graduates of five years' standing to register themselves."

The Hon'ble Mr. Shafi replied :—

"(*a*) and (*b*). Legislation for the incorporation of a University at Dacca is now before the Council and regarding the University of Calcutta is in contemplation. The Hon'ble Member's attention is invited to the answer given by the Hon'ble Sir Sankaran Nair to the Hon'ble Mr. Surendra Nath Banerjea on the 18th March 1918, to a somewhat similar question. The constitution of Senates formed a subject regarding which the Government of India specially invited the opinion of the commission, as will be seen from paragraph 13 of Chapter XXVII of their report. It is understood that Local Governments and Universities are now considering the report. Until the considered views of these bodies are more fully known, the Government of India are unable to say whether it will be desirable to introduce further legislation affecting generally the composition of the Senates. As the Hon'ble Member is no doubt aware, the commission have recommended in the case of the University of Calcutta and of the proposed University of Dacca governing bodies, the constitution of none of which precisely answers to the existing senates of the older universities in India. Attention is invited to paragraphs 11, 30 and 32 of Resolution No. 99, dated the 27th January 1920 of the Government of India in the Department of Education."

The Hon'ble Mr. V. J. Patel asked:—

The Executive Council of the Viceroy.

28. "(*a*) Are any vacancies likely to occur in the Executive Council of the Viceroy during the course of this year?

(*b*) If so, is it proposed to appoint Indians to such vacancies?"

The Hon'ble Sir William Vincent replied:—

"(*a*) In the ordinary course there will be one vacancy in July 1920 and one in December 1920.

(*b*) Government are not in a position to make any statement on the subject at present."

The Hon'ble Mr. V. J. Patel asked:—

Number of sittings held by the Rules Committee.

29. "(*a*) How many sittings have been held so far by the Rules Committee under the Chairmanship of Sir William Marris?

(*b*) Will Government state the names of members who attended and those who did not attend each of the sittings of the Committee?"

The Hon'ble Sir William Marris replied:—

"The question appears to be based on a misconception as to the status and functions of the committee referred to This committee is not a committee of the Council, but an informal body which has been appointed by the Government of India to advise them regarding the rules which have to be made under the Government of India Act. Full reports of the proceedings of the committee are being forwarded to the Secretary of State, but it would be neither suitable nor in consonance with the practice in such cases that these reports should be made public, and the Government of India, therefore, are not prepared to supply the information asked for by the Hon'ble Member."

The Hon'ble Mr. V. J. Patel asked:—

Rules to be made by the Secretary of State for India in Council.

30. "(*a*) Has the Secretary of State for India consulted the Government of India in regard to the rules to be made by the former under the new Government of India Act?

(*b*) Will the public in India be given an opportunity to express their views on those rules before they are finally sanctioned?"

The Hon'ble Sir William Marris replied:—

"(*a*) The sections of the Government of India Act under which rules will be made by the Secretary of State or the Secretary of State in Council are sections 33, 36, 37, 38 and 39. The Government of India propose to prepare draft rules under all these sections for the consideration of the Secretary of State.

(*b*) The Hon'ble Member is referred to the answer which I have given to another question asked by him."

The Hon'ble Mr. V. J. Patel asked:—

Function of the Advisory Rules Committee.

31. "(*a*) What are the functions of the Advisory Rules Committee under the Chairmanship of the Hon'ble Sir William Marris? Will it continue to exist after the present Session of the Council is over? If so, how long?

(*b*) What is the date, in respect of each member of the Committee on which a letter was addressed to him regarding his appointment or proposed appointment?

(*c*) Did the Hon'ble Dr. Sapru consent to serve on the Committee? How many meetings has he attended since his appointment on this Committee?

(*d*) Do Government propose to make any provision for filling the vacancies on the Committee caused by continued absence, resignation or any other cause?"

The Hon'ble Sir William Marris replied:—

"The Hon'ble Member is referred to the answer which I have given to another question of his. For the reasons therein stated the Government of India are not prepared to give the information asked for in (*b*) and (*c*) of this question. The functions of the Committee, as explained on more than one occasion, are to advise the Government of India regarding the rules which have to be made under the Government of India Act, and meetings of the Committee will continue to be held till all the rules have been prepared. Additions have been made to the strength of the Committee since it was first constituted, and the Government of India consider that for the present at any rate it is not necessary or desirable to appoint any more members."

The Hon'ble Mr. V. J. Patel asked:—

Deportation of Mr. B. G. Horniman.

32. "Will Government be pleased to say whether, in pursuance of the Royal Proclamation of clemency, the order of deportation from India passed against Mr. B. G. Horniman will be cancelled, and if not, why not?"

The Hon'ble Sir William Vincent replied:—

"His Excellency the Governor General does not propose to cancel the order of deportation from India passed against Mr. Horniman in April 1919 because concurring with the Bombay Government he does not consider that it would be compatible with the public safety to extend to him at present the benefits of the amnesty under the Royal Proclamation."

The Hon'ble Mr. V. J. Patel asked:—

Questions disallowed during the present Session of Council.

33. "Will Government be pleased to state the total number of (*a*) questions and (*b*) parts of questions disallowed by His Excellency the President up to date during the present Session of this Council? How many of such disallowed questions or parts of questions were from the Hon'ble Mr. V. J. Patel?"

The Hon'ble Mr. A. P. Muddiman replied:—

"Up to the 10th March, 12 questions had been disallowed by His Excellency the President; 6 of these were received from Mr. Patel. Of these 4 were disallowed under Rule 8, *i.e.*, on the ground that they ought to be put in a Local Council.

It is difficult to state exactly on any given date during a Session how many questions have been disallowed in part. But from an examination of the questions disposed of up to the 10th March, it appears that 27 questions were disallowed in part, 16 of which were from Mr. Patel.

In connection with these figures it is material to point out that out of the 378 questions of which notice has been received during the present Session, 116 or over 30 per cent. have been received from Mr. Patel. I may add that if all other non-official members had displayed the same thirst for information, the total number of questions for the Session would have been nearly 4,000."

The Hon'ble Sir Fazulbhoy Currimbhoy asked:—

Export Bills.

34. "(*a*) Did the Currency Committee observe in paragraph 21 of their Report that 'in order to encourage the Exchange Banks to buy export bills in excess of their purchases of exchange in other direction, the Secretary of State

insured them against the risk of a rise in exchange, by undertaking to sell to them within a year after the war, exchange up to the amount of their over-buying at the rate at which their excess purchases had been made.

(*b*) What is the total amount of disbursement in this connection and under what head is it debited ? "

The Hon'ble Mr. W. M. Hailey replied :—

" (*a*) The answer is in the affirmative. The undertaking in question was given to the Exchange Banks on three occasions, in consideration, as explained in the report of the Currency Committee, of the acceptance by the Banks of joint responsibility for seeing that exports of war importance were not prevented by difficulties of finance. The first undertaking covered the period 1st January 1917 to 31st August 1917, and guaranteed the sale of Councils bills within one year after the war at the rates which were in force at the time of the undertaking, *viz.*, 1*s.* $4\frac{1}{4}$*d.* for immediate telegraphic transfers and 1*s.* $4\frac{5}{32}$*d.* for deferreds up to the amount of over-buying by each Bank during the above period. The second undertaking was given in respect of the period from the 1st September 1917 to the 11th April 1918, and was subsequently extended to apply to the over-bought position of the Banks as on the 31st December 1918; it guaranteed the sale of Councils within one year after the war to the extent of the over-bought position of each Bank at the rates in force during this period, *viz.*, 1*s.* 5*d.* for immediate telegraphic transfers and 1*s* $4\frac{29}{32}$*d.* for deferreds. The third undertaking covered the period 12th April 1918 to 10th May 1919, and was in similar terms, the rates at which the Councils were to be sold being those in force in this period, *viz.*, 1*s.* 6*d.* for immediates and 1*s.* $5\frac{29}{32}$*d* for deferreds.

(*b*) The accounts of the Banks working out the amounts which they are entitled to remit at the above special rates have not yet been completely verified. As far as information is available at present, they amount to about £6 million under the first, £5½ million under the second and £5 million under the third guarantee. Against these liabilities, remittances aggregating £7 million have been effected in the last and current years, of which £5 million related to the first and the balance to the second guarantee, leaving a sum of £9½ million still to be liquidated.

The sterling proceeds of the Council bills sold up to date to the Exchange Banks in pursuance of this undertaking would have been higher by £1,900,000 if they had been sold at rates current for Councils from time to time instead of at favourable rates. The latter sum appears in the accounts as a short credit for gains from exchange."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Remittances on London through Post Offices.

35. " What is the amount of remittances on London through Post Offices since the beginning of the present year ? "

The Hon'ble Sir George Barnes replied :—

" The total number and value of sterling money orders drawn in India and Burma on the United Kingdom in January and February last are as follows :—

	Number.	Value.
January	18,310	£126,220
February	42,505	£864,000

It is not possible to give the figures showing remittances by means of British Postal Orders, as such orders are payable not only in the United Kingdom, but in all British Possessions and Colonies, including India."

[*Sir Fazulbhoy Currimbhoy; Sir William Vincent; Mir Asad Ali, Khan Bahadur; Sir Claude Hill; Khan Bahadur Ebrahim Haroon Jaffer; Sir Thomas Holland; Sir Gangadhar Chitnavis.*]

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

36. " Are any steps to be taken to have in India an institution for training selected candidates for the Indian Civil Service ? "

Institution for training candidates for the Indian Civil Service.

The Hon'ble Sir William Vincent replied :—

"The answer is in the negative. Selected candidates for the Indian Civil Service must under statutory rules spend their period of probation in England, at the end of which they are examined. Only those who pass this final examination are appointed as members of the Indian Civil Service."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

37. " Will Government state for each province—

(*a*) the number of agricultural colleges, agricultural schools, technical or commerical schools and agricultural and technical schools; and

(*b*) the annual expenditure incurred on each of the above institutions ? "

Agricultural schools and colleges.

The Hon'ble Sir Claude Hill replied :—

" A statement * is laid on the table giving the information required so far as it is available in respect of the last financial year."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

38. " Will Government state for each of the last six years the quantity of rice purchased for military or other Government purposes in the Madras Presidency ? "

Purchase of rice in the Madras Presidency.

The Hon'ble Sir Claude Hill replied :—

"I lay on the table a statement † showing the purchases for military purposes, so far as details are available. The Government of India have no information of any purchases for other Government purposes."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer asked :—

39. " How many labour strikes have taken place in the different parts of the country during the past three months, how many operatives were involved in them, and how were the disputes settled ? "

Labour strikes.

The Hon'ble Sir Thomas Holland replied :—

"A statement ‡ is laid on the table giving the information available in respect of strikes which have recently taken place. It has not been possible to verify in all cases the information regarding the manner in which the strikes were settled."

The Hon'ble Sir Gangadhar Chitnavis asked :—

40. " (*a*) Is it a fact that Japanese merchants have begun to speculate in Bombay and other places by making large purchases in land ?

(*b*) Is it not a fact that Indians are prohibited from purchasing any land in Japan ?

(*c*) If so, do Government propose to take steps to prevent subjects of foreign countries purchasing land in India when similar privileges are not given to Indians in such countries ? "

Purchase of land by Japanese merchants in Bombay and other places.

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* *Vide* Appendix A.

† *Vide* Appendix B.

‡ *Vide* Appendix C.

The Hon'ble Sir William Vincent replied:—

"(*a*) The Government of India have no detailed information of large purchases of land, but instances have been brought to their notice of their purchase by Japanese of sites for factories in the interior of the country and of business and residential premises at Bombay and other ports.

(*b*) The Government of India have no definite information, but they understand that, in certain circumstances, the possession of land by foreigners is permitted in Japan, and that the Japanese Government are now taking steps to revise their law so as to allow ownership by any foreigner.

(*c*) The matter is under the consideration of the Government of India."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Details of expenditure for the Imperial Secretariat.

41. "Will Government lay on the table the details of the additional expenditure of the sum of 6·55 lacs which appear to have been spent for the Imperial Secretariat in 1919-20 as mentioned in the Budget for 1920-21 under head '18-General Administration'"?

The Hon'ble Mr. W. M. Hailey replied:—

"A statement * giving the details required is laid on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Anticipated cost of the Reforms scheme.

42. "What is the amount of money which is intended to be spent in each province of India for inaugurating the new scheme of government provided for in the Government of India Act, 1919?"

The Hon'ble Sir William Marris replied:—

"It is presumed that the reference is to the expenditure which will be incurred in each province during the current year for the purpose of bringing the Reforms into operation. The Government of India have no information as to the amount of such expenditure, and it is probable that many of the Local Governments to whom a reference would have to be made are not at present in a position to furnish accurate estimates. I would suggest that the Hon'ble Member should address Local Governments on the subject at some later date. If, however, the reference is to the cost of the reformed provincial Governments as compared with that of the existing provincial Governments, then the answer is that the amount of the additional expenditure which will be involved depends in part upon factors some of which, *e.g.*, the number of Ministers to be appointed, the salaries which may be voted for them by the Legislative Councils, and the consequential changes in headquarters offices and the cost of Council chambers, are not yet known, and cannot therefore be estimated at the present moment."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Collection of Customs duty in Calcutta and Chittagong.

43. "What is the total Customs duty collected in the ports of Calcutta and Chittagong in each of the seven years from 1912-13 to 1918-19, and what proportion of this amount was levied year by year for that period for goods intended for Bengal and for goods conveyed to other provinces?"

The Hon'ble Sir George Barnes replied:—

"I lay on the table a statement * showing the total Customs duty collected in the Ports of Calcutta and Chittagong in each of the seven years from 1912-13 to 1918-19.

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*Not included in these Proceedings.

If, by the second part of the question, the Hon'ble Maharaja means that he would like to have an estimate of the amount of Customs duty paid in respect of goods imported at Calcutta and Chittagong and subsequently conveyed outside the province of Bengal, I regret that the information is not available. In the case of a large number of commodities, no distinction is made in the statistics of rail-borne trade between goods of foreign and goods of indigenous origin. Moreover, in most cases, the Customs duty is an *ad valorem* duty and the value of all articles has been constantly changing during the period referred to in the question, while the statistics of rail-borne trade give no information as to the date of import of any of the goods carried. Consequently no calculation could be made which would not be so inaccurate as to be worthless."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Urgent railway projects.

44. "Will the Government state the names of the urgent railway projects to which has been allotted the sum of £630,000 in the Budget for 1920-21 ?"

The Hon'ble Sir Arthur Anderson replied:—

"A list* of the lines for which tentative provision has been made in the Budget for 1920-21 is laid on the table."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Connection of Khulna with Barisal by rail.

45. "Have Government in contemplation the construction of a railway line connecting Khulna with Barisal in Bengal ? If so, when is it intended to take the work in hand ?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply given to a similar inquiry made by Hon'ble Haji Chowdhuri Muhammad Ismail Khan on the 11th instant."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Construction of the Ishurdi-Shadhuganj Railway.

46. "Do Government propose to consider the advisability of taking in hand at an early date the construction of the Ishurdi-Shadhuganj Railway for which a survey was made and completed some time before the war ?"

The Hon'ble Sir Arthur Anderson replied:—

"The Hon'ble Member is referred to the reply given to a similar inquiry by Hon'ble Mr. Surendra Nath Banerjea."

The Hon'ble Rai Lalit Mohan Chatterjee Bahadur asked:—

Refusal of grants to the University of Calcutta.

47. "(*a*) Has the attention of Government been drawn to the proceedings of a meeting of the Senate of the University of Calcutta which took place in the first week of January last and in the course of which it was alleged that grants had been persistently refused in aid of the University ?

(*b*) If so, will Government make a statement regarding the making of grants to the University of Calcutta and the allegations made at the said meeting ?"

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* *Vide* Appendix D.

The Hon'ble Mr. Shafi replied:—

"(*a*) The Government of India have seen in the papers an account of a speech delivered by the Hon'ble Mr. Justice Sir Asutosh Mukerji at a meeting of the Senate of the University of Calcutta, which is probably the meeting to which the Hon'ble Member has drawn attention.

(*b*) The allegations made or clearly insinuated in the course of this speech as reported in the press appear to be as follows:—

First, it is stated that the Secretary in the Education Department figured largely in the transactions described, that the letters refusing grants all emanated from him and that in August, 1917, he seized on a convenient opportunity for making a fresh refusal; it is suggested as a possible reason for the renewal of the Syndicate's request that he 'might be moved to alter his attitude of determined hostility towards the University'; and the words occur, 'we now know what forces of evil were silently at work behind the scenes against the realisations of our aspirations.' The facts are that the Secretary to the Government of India in the Education Department was naturally required to issue the letters expressing the views of the Government of India on those matters; that the Government of India had in no sense abrogated their functions (in the manner which would naturally be inferred from the speech as reported) to a Secretary; that the affairs of the University of Calcutta were always carefully considered by the Government of India; and that the Government of India throughout fully consulted the Government of Bengal or the Rector, and were largely guided by their opinion.

Second, the speech as reported attempts to show that one of the methods adopted for delaying the assignment of grants to the University was the reiterated request for information which was already in the possession of the Government of India This is particularly asserted as regards a certain letter of the 19th June, 1915, of which the speech says, 'Mr. Sharp sent a reply which, I venture to think, without disrespect to him, is one of the strangest documents which have ever emanated from the Secretariat. Mr. Sharp professed to entertain the view that the information as regards the College of Science available to the Government was particularly meagre' This letter is also stated to furnish, in the speaker's opinion, a 'psychological problem worthy of investigation by distinguished students of theoretical and experimental psychology.' The facts are that the information previously supplied to the Government of India was out of date by reason of the generous donation of 10 lakhs subsequently made by Sir Rash Bihari Ghose, and the great expansion which was taking place in post-graduate teaching by the University; that the letter not only dealt with the College of Science, but pointed out that the attitude of Government towards that scheme must necessarily be based on the conclusions arrived at in other and wider matters and invited a clear statement upon the whole policy of the University regarding M. A. and M. Sc. teaching; that the financial condition of the University was undergoing examination by a sub-committee; and that His Excellency the Rector of the University had given it as his opinion that the proposals previously made by the University were inadequately set out and required supplementing by a full exposition. Further, the speech goes on to say that, notwithstanding the position taken up in the Government of India's letters of the 16th March and the 19th June, 1915, 'the Syndicate however solemnly sat down to draw up a statement regarding the general policy of the University in respect of the University College of Science,' that 'this valuable document was transmitted to Simla on the 26th June, 1915,' and that it contained no information which had not previously been supplied. The facts are that the letter of the 26th June did not even purport to be a reply to the Government of India's letter of the 19th of the same month; that that letter first received an *ad interim* reply on the 9th July, 1915, but was actually answered in two letters, dated the 27th November and 7th December, 1916, in which it is stated that the Syndicate themselves felt it incumbent upon them to indicate their general policy and declared that they were not even then able fully to reply to the letter of the 19th June, 1915; that, in view of this uncertainty, the Government of

India constituted a Committee in 1916, with Sir Asutosh Mukherji himself as President, who examined the scheme and whose proposals were accepted with alacrity by the Senate and the Syndicate; but that it was left to the Calcutta University Commission, of which he was a member, to find various defects in that policy and to suggest their remedies.

Third, while the speaker admitted an Imperial grant in 1912 of Rs. 65,000, his speech compels the inference that no grants were given by the Government of India during the later years of which he treated, and he said, 'We have repeatedly approached the custodians of the public funds, but we have met with steady and persistent refusal.' The facts are that, during those years, in which it is asserted that the University met with persistent refusal, the Government of India made new grants of 18 lakhs for purposes of the University; that the recurring grants to that University amount at present to Rs 1,28,000 a year, and the non-recurring grants made to it since 1910, when the Education Department of the Government of India was created, have totalled 22 lakhs; that the University have from time to time expressed their gratitude for these grants; and that the claims of this University had to be considered along with those of other Universities, and of elementary, industrial and other branches of Education."

The Hon'ble Mr. K. V. Reddi asked :—

Brahmans and non-Brahmans of Madras.

48. " (*a*) What are the proportions of Brahmans and of non-Brahmans out of the total population of the Madras Presidency ?

(*b*) What is the proportion of the tax-paying capacity of Brahmans to that of non-Brahmans in Madras judged by the test of the voting strength of the two communities under the new scheme of Reforms ? "

The Hon'ble Sir William Marris replied :—

" (*a*) Brahmans form 3 per cent. and non-Brahmans 69 per cent. of the total population.

(*b*) I would suggest that regarding this part of the question the Hon'ble Member should address the Local Government—the only authority which may be in a position to supply the information asked for."

The Hon'ble Mr. K. V. Reddi asked :—

Elementary and Secondary schools for the depressed classes.

49. " Will Government be pleased to state—

(*a*) The number of elementary and secondary schools established for the exclusive use of the children of the depressed classes during the last nine years ?

(*b*) The amount of money spent or likely to be spent on such schools out of the total Imperial grants of 555·97 lakhs of rupees to Local Governments (excluding the 1·50 lakhs referred to in paragraph 105 of the memorandum explaining the details of the budget estimates) ? and

(*c*) The percentage of the boys at school to the population of the school-going age among the depressed classes ? "

The Hon'ble Mr. Shafi replied :—

" (*a*) and (*b*) The information will be obtained and laid on the table.

(*c*) It is now the practice to show the proportion of pupils under education as a percentage of the whole population, not of the population of school-going age. The figures of members of the depressed classes at school are shown in General Table V.-A. of the last Quinquennial Review and of the subsequent publications entitled 'Indian Education', the most recent of which was laid on the table the other day. It is assumed that the Hon'ble Member desires to know the percentage of boys at school to the male population of the depressed classes. The figures for the male and female population are not separately shown in the tables, but those for pupils are shown. The percentage of pupils male and female to the total population of the depressed classes is about 1·4; that of boys to the male population must be considerably higher. The Hon'ble Member's attention is also invited to Chapter XVIII of the Seventh Quinquennial Review and to Appendix XIII in Volume II of the same. It will be seen from paragraph 505 of the last Review that the figures regarding the education of the depressed classes are liable to vitiation owing to difficulties and variations in the denotation of that term."

The Hon'ble Mr. K. V. Reddi asked :—

Housing of the depressed classes.

50. "(*a*) Has any Local Government prepared a programme for solving the housing problems of the depressed classes within its territories?

(*b*) If not, do Government propose to ask Local Governments to do so now?

(*c*) What is the amount spent by Local Governments (out of Imperial grants for sanitation during the last nine years) for the purpose of extension of hamlets for depressed classes?

(*d*) Has any money been hitherto spent out of the said fund towards the housing of the depressed classes and, if so, how much?"

The Hon'ble Mr. Shafi replied :—

"The question asked by the Hon'ble Member cannot be specifically answered, because schemes of housing and sanitation are not framed, nor are grants for sanitation given, with special reference to the needs of the depressed as contrasted with other classes. Various housing schemes have, however, been framed by certain Local Governments and Acts have been passed for Calcutta, Bombay and the United Provinces. No doubt some or all of these schemes will substantially improve the housing conditions of the poorer classes, two of them specifically provide for schemes for particular classes of the community, such as the poorer or working class, and the depressed classes are likely to benefit along with other classes from such grants as have been given for general purposes of sanitation. The Hon'ble Member's question and this answer will be brought to the notice of Local Governments"

The Hon'ble Mr. K. V. Reddi asked :—

Use of public wells, etc., by depressed classes in provinces.

51. "(*a*) In how many and what provinces are the depressed classes (known as untouchables) not allowed the free use of public wells and public rest-houses?

(*b*) Have Government issued any instructions to the Local Governments to declare that such wells and rest-houses are as much open to the depressed classes as to any other communities in India?

(*c*) If not, do Government propose to issue such instructions now?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government have no detailed or accurate information on the point.

(*b*) The answer is in the negative.

(*c*) Government have no such intention. The matter is essentially one for the Local Governments concerned."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Export duty on Indian hides and skins.

52. "What is the effect of the export duty on Indian hides and skins—

(*a*) as regards the tannery business;

(*b*) as regards the shipping of hides and skins;

(*c*) as regards the producers of hides and skins?"

The Hon'ble Sir George Barnes replied :—

"I invite the attention of the Hon'ble Member to the reply given by me to the Hon'ble Rao Bahadur B. N. Sarma's somewhat similar question on the 25th of February. It is too early to estimate the effect of the export duty in respect of any of the points referred to in the Hon'ble Member's question."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

Searches made in Calcutta at the instance of the Munitions Board.

53. "(*a*) Is it a fact that at the instance of the Indian Munitions Board several searches were made in Calcutta?

(*b*) Will Government state the reason and the result of those searches and also the result of subsequent inquiries into the matter?"

The Hon'ble Sir Thomas Holland replied :—

"It became necessary, some time ago, to make an investigation into certain transactions to which the Munitions Board was a party, and in which there was reason to suspect that Government had been defrauded.

In the course of the investigation certain documents were seized by the Police under magisterial authority. These seizures are, I presume, the 'searches' to which the Hon'ble Member refers.

The inquiries are still in progress and it would be premature to state the results."

The Hon'ble Rai Sita Nath Ray Bahadur asked :—

The Government of India Secretariat clerical establishment.

54. "(*a*) Will Government lay on the table statements shewing :

(1) The number of Indians and Anglo-Indians in the clerical establishment of the Government of India Secretariat directly recruited to the upper division in the different departments during the last five years and the qualifications of the selected candidates in each case?

(2) The number of Indians and Anglo-Indians in the said clerical establishment promoted from the lower to the upper division during the last five years and the criterion of selection adopted?

(*b*) Is it a fact that in the case of Anglo-Indian recruits to the clerical establishment the initial monthly salary is generally fixed at a figure in the neighbourhood of Rs. 100, while in the case of Indian recruits with higher educational qualifications, the minimum salary of Rs. 50 is generally fixed?

(*c*) Is it a fact that up to now no Indian has been appointed Superintendent in the Foreign and Political and Revenue and Agriculture Departments of the Government of India. If so, why?

(*d*) What is the number of Registrars in the Government of India Departments, and how many posts of Registrars are at present *permanently* held by Indians?"

The Hon'ble Sir William Vincent replied :—

"A statement containing so much of the information required as can be collected without undue labour and expense will be laid on the table when ready."

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia asked :—

Immigrants under detention in the Punjab.

55. "Will Government be pleased to state :—

(*a*) the number and religions of returned immigrants who were under detention in the Punjab immediately before the King-Emperor's Proclamation;

(*b*) the number that have since been released, and

(*c*) whether Government propose to consider the cases of those still under detention and to release them under the clemency provisions of His Majesty's gracious Proclamation and if so, when?"

The Hon'ble Sir William Vincent replied :—

"(*a*) 60 such persons were under detention in the Punjab immediately before the Royal Proclamation. Of this number 40 were Sikhs, 19 were

Hindus and 1 Muhammadan, and all of these were persons convicted of serious offences.

(*b*) 16 Sikhs, 14 Hindus and 1 Muhammadan have been released under the order of His Excellency the Governor General.

(*c*) His Excellency the Governor General has decided not to release 16 persons on the ground that they have been convicted of serious crimes of violence, such as murder and dacoity, or took part in attempts to seduce His Majesty's troops. The remaining 13 are persons who made a forcible escape from custody. Their cases will be re-considered at a later date."

INDIAN INCOME-TAX (AMENDMENT) BILL.

11-42 A.M. **The Hon'ble Mr. W. M. Hailey**:—"Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Income-Tax Act 1918."

SUPER-TAX BILL.

The Hon'ble Mr. Hailey:—"Sir, I beg to present the Report of the Select Committee on the Bill to amend the law relating to super-tax."

IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

11-43 A.M. **The Hon'ble Sir George Barnes**:—"Sir, I beg to move that the Report of the Select Committee on the Bill to extend the operation of, and otherwise to amend, the Import and Export of Goods Act, 1916, be taken into consideration. The existing Act runs during the continuance of the war and for a period of six months thereafter. The official end of the war has not yet been fixed, and consequently the present Act will remain in force for at least six months longer, and probably for an appreciably longer time.

"The Amending Bill was referred to a Select Committee with special instructions to consider whether the provisions of section 3 of the existing Act should be amended with the object of limiting its scope, and, if so, to report the amendments to the Act which the Committee might consider necessary or desirable to give effect to for that purpose. These special instructions were carefully considered by the Committee, and they came to the conclusion that it would be better to impose a definite time-limit on the existing Act rather than interfere with its scope. The Committee accordingly have recommended a continuance of the Act in its present form until the 31st of March 1921. So far as I can foresee, and this is stated in the report of the Committee, it will not be necessary to use the Act for any commodities other than foodstuffs, including fodder, gold and rouble notes and exports only of silver. My Hon'ble friend Mr. Sarma expressed the opinion before the Committee, as he has done on more than one occasion in this Council, that there ought to be no restriction on the import of gold, but he said that he recognised that this question would be decided in connection with another Bill, which is before this Council. I beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir George Barnes :—"Sir, I beg to move that the Bill be passed."

The motion was put and agreed to.

CHARITABLE AND RELIGIOUS TRUSTS BILL.

The Hon'ble Sir William Vincent :—"Sir, I move that the Report of the Select Committee on the Bill to provide more effectual control over the administration of Charitable and Religious Trusts be taken into consideration. I will not delay the Council for any time over the present motion, because the reasons for the changes made by the Select Committee in the Bill are fully explained in the report of that body We have also a number of amendments on, I may say, all other points of importance, and they will be discussed when each amendment is brought forward. I trust the present motion will commend itself to the Council." 11-45 A.M.

The motion was put and agreed to.

The Vice-President :—"The amendments will now be discussed."

The Hon'ble Mr. Kamini Kumar Chanda :—"On a point of order, Sir. This amendment which stands in the name of Mr. Khaparde and the next which stands in my name are of the nature, as you will see, that they depend on the amendment which stands in my name as No 21 on the list. It is consequential; and I therefore pray that these amendments may be taken after that amendment closes." 11-46 A.M.

The Hon'ble Sir William Vincent :—"What Mr. Chanda proposes would be very convenient in regard to his own amendment; but I do not quite see that the difficulty arises in respect of Mr. Khaparde's amendment. However, I have no objection to the proposed course".

The Vice-President :—"Does the Hon'ble Mr. Khaparde desire that his amendment should be taken later?"

The Hon'ble Mr. G. S. Khaparde :—"I have no objection, Sir."

The Vice-President :—"We will proceed in the order laid down in the papers"

The Hon'ble Mr. G. S. Khaparde :—"Sir, my amendment reads as follows :— 11-48

> 'That in the preamble, the word 'public' be inserted between the words 'regarding' and 'trusts'; the word 'public' where it occurs be omitted, and after the words 'trustees of such trusts' the words 'and to provide generally more effective control over the administration of such trusts' be inserted.'

"At first sight it would appear that my amendment is purely formal; but I submit that there is a big question involved in the little transfer which I propose. This subject of the administration of public trusts was not dealt with by the Civil Procedure Code, when it was first framed in 1859. We did not reach this question at all till we came to the year 1877, and then for the first time section 539 of that Code was enacted. This word 'public' was then attached to the word 'trust' and section 539 of the Act of 1877 expressly referred to public trusts. Then, later on it came to be brought into the Act of 1882, and the wording was 'religious or charitable trusts for a public purpose.' I take it that both the things meant one and the same thing. But since then some doubts have been expressed; and as under the present Bill powers of, I will not say drastic, but certainly of a far-reaching character, are given to Courts in summary procedure. I think it proper that this word 'public' should be attached or rather restored to its place as it was under the Act of 1876. The object of doing that is that I personally do not like that this Act should extend to the cases of private charities and private religious trusts. They should be confined to public charities and public trusts. I believe this point is clear, or at any rate was clear, to the mind of the Government of India in the year 1908. In that year, as the Council probably remembers, Dr. (now Sir) Rash Behari Ghose introduced a small Bill with a very limited scope. That Bill was intended merely to demanding accounts and nothing more. It only said that in certain cases, two persons with the consent of the Advocate General in a presidency-town and with the sanction of the Collector in the mufassal may apply to the Court and ask the Court to call upon the trustees to publish accounts, and there the Bill ended.

"On that occasion the Home Member made a very important speech of which at present I need only read two or three sentences. Sir Harvey Adamson said :—

> 'Before giving their final support to the Bill the Government of India desire to ascertain how these facilities are likely to be exercised. On the one hand, it may be alleged that it is only right that every trustee of a public trust should be obliged to exhibit to the public the accounts of his trust. As an abstract principle it is impossible to deny so reasonable a proposition. On the other hand, it may be alleged that as applied to religious trusts in India this proposition involves an innovation and a subversion of existing custom which may have far-reaching and unexpected consequences.'

"I need not read the rest because I propose to read it in connection with another amendment. It may be seen therefore that Sir Harvey Adamson believed that these powers were intended to apply only to public trusts. The position is the same now, the powers that are asked for now under this Bill in my opinion apply only to public charitable and religious trusts and not to private trusts, and therefore I have made the proposal which is now before the Council. There is another argument on this question which I wish to submit; it is that in India as also elsewhere there is a difference of opinion on certain religious questions. In England there was a difference of opinion on the point of offering prayers for the benefit of the dead. Under the Superstitious Practices Act, I believe that is the name, these were declared to be void. Well, there are various purposes about which there are differences of opinion and which are likely to arise in this case It would be rather inconvenient if the interpretation should depend on a single judge. I propose that the word 'public,' should be inserted between the words 'regarding' and 'trust' in the preamble. This would be applicable not only to the case of trusts to Hindus but also to Muhammadans. In the case of Christians the procedure would be considerably simpler, because it would be governed by the provisions of the Indian Succession Act. In the case of temples and mosques there is a ritual attaching to which one part of the community agrees and the other part does not agree. In the case of disputes I do not wish that the matter should be brought into the Court and decided in that way. The powers which it is sought to obtain should be confined to public trusts and not be applicable to private trusts or charities. That is my object in moving this amendment. The words I refer to I have taken from the title of the Bill itself, but unfortunately the words do not occur in the preamble.

"These, Sir, are the reasons for which I submit my amendment and commend it to the Council."

11-57 A. M. **The Hon'ble Sir William Vincent :**—" Sir, I wish at the outset to disabuse the Council at once of one idea, namely, the suggestion that the Bill as drafted extends to private trusts. I will just ask the Council for one moment to read the preamble and they will see that there is no kind of foundation for the suggestion. The Bill runs :—'Whereas it is expedient to provide facilities for the obtaining of information regarding trusts created for public purposes'

This clearly excludes private trusts altogther from the scope of the Bill. It is very important that Hon'ble Members should realise that. If it were a question of applying the proivisions of this Bill to private trusts at all, I should be the very first person to object to such a course. As to the drafting to which exception is taken, I may say the Bill is in a great measure ancillary to the Code of Civil Procedure. Hon'ble Members will see that the first part of the Bill furnishes facilities for obtaining information which may lead to a suit under the Code, for that reason the expert Department on which we are dependent, namely, the Legislative Department, decided—and if I may say so rightly decided—to adopt in the Bill the same language as that used in section 92 of the Code of Civil Procedure. If Hon'ble Members will read that section they will see that the words there are 'trust created for public purposes of a charitable or religious nature'

" We accepted therefore in the Bill the wording which has been in force for some years in section 92 of the Civil Procedure Code, which is the basis of all suits under the Code relating to public trusts, and it would be very unsafe to depart from it. I may add that there have been numerous judicial pronouncements as to the proper interpretation of these words which leave no doubt whatever that they apply only to public trusts.

"I can see no reason whatever for altering the position of the word ' public ' in these circumstances. In fact, I think if we did so, we should be giving an idea that we meant something different in this Act to what we have in the Civil Procedure Code, but it is really a matter in which I am willing to be advised by the expert department, and I hope the Council will support me in that attitude."

The Hon'ble Mr. G. S. Khaparde :—" Sir, the objection which the Hon'ble the Home Member has put forward was present to my mind that the words have been taken from the Civil Procedure Code, and that is where my objection also lies, because the words in the section are for a very limited kind of powers which are to be exercised with a great deal of caution in so far as two persons have to join, and they must get the consent of the Advocate General or of the Government before they can commence a suit of that kind. But in the present Act, the thing goes further, and I am afraid there will be an extension even to this Act which will not be covered by the Civil Procedure Code and this I wanted to make clear Secondly, the procedure is summary, and in summary proceedings it is undesirable that the words that are capable of being extended should be used. I am also glad that the Hon'ble the Home Member is willing to be advised by the Legislative Department, and to that department I agree to leave the decision of this matter." 12 P.M.

The Vice-President :—" Am I to understand that the Hon'ble Member withdraws his amendment ? "

The Hon'ble Mr. G. S. Khaparde :—" No, Sir, I do not want to withdraw. "

The motion was then put and negatived.

The Hon'ble Mr. A. P. Muddiman :—" This is a purely consequential amendment, Sir."

The Hon'ble Mr. G. S. Khaparde :—" Yes, Sir, it is a consequential amendment, and it may be omitted."

The amendment No. 3 on the list that in sub-clause (*1*) of clause 1 the word ' Public ' be inserted before the word ' Charitable ' was omitted.

12-1 P.M. **The Hon'ble Mr. G. S. Khaparde** :—"Sir, my amendment is that to clause 2 the following should be added :—

> 'And the expression 'any person having an interest' means, in the case of a temple or mosque—a person who has such a pecuniary or direct interest as would entitle him to take part in the management or superintendence of the trust, and in the case of a charitable institution—any person deriving or having the right to derive any benefit of the nature provided by the institution.'

"What I seek to do is to define the words 'having an interest in the trust.' The words at present used in the Code are 'the Advocate-General or two or more persons having an interest in the trust and having obtained the consent, and so on.' The words are not defined in section 92, and they have given rise to a great deal of discussion, and conflicting decisions not easily reconcilable. I suppose that would be admitted; at any rate, I do not want to make that point; but it has been recognised in that celebrated judgment 42, Madras, page 360. It is true that the reason given by the Hon'ble the Home Member that in an ancillary Act we should not go further, or we should not appear to go further, weighs with me. But other circumstances also weigh with me, namely, when an expression has been interpreted by Courts in a manner which is not entirely consistent or reconcilable, then it becomes the duty of the legislature to read all those interpretations and adopt such a one as appears to be the best. I submit that this rule should be applied to the present case. This expression has been variously interpreted. Even this 42, Madras, cannot be called a unanimous judgment, because different judges have given different judgments. So, I think, this is a proper case in which the legislature should exercise its discretion and consider all those interpretations and adopt the one which appears the best. That is why every ten years all these major Acts which are called Codes are revised, so that the latest interpretations may be incorporated into them and the future causes of dispute may be eliminated. This is one of those cases which has been variously interpreted. There is a difference of opinion on that point, and I submit this is a proper case in which the legislature should read all those interpretations and adopt the one which appears the best. To me naturally the interpretation which I have put in appears to be the best. I may be partial to my own views on that subject. But the real point is that these trusts would be either charitable or religious trusts. In the case of trusts of a religious nature very important questions would arise, and it should not be open to anybody to come up at once and ask for information or accounts. So I propose in the case of these religious and charitable trusts that a person having an interest would mean a person who has such a direct or pecuniary interest. You had the word 'direct' in the old Act of 1877, and it was there until, I believe, 1887, and in 1887 the word was taken out. Now I have put in the word 'pecuniary'. I remember that 42, Madras, says that the interest need not be pecuniary, but I provide for it by saying that the interest may be either pecuniary or direct, but he must have some interest, and an interest of such a nature as would entitle him to take part in the management or superintendence of the trust He should not be only, as it was claimed to be in 1842, any person having merely the right to worship in a mosque or temple who could bring a suit, because questions of mode of worship would come in, but it may be the descendant of the pious founder of the mosque or temple or one who has been habitually worshipping may be engaged on some business, such people alone should be able to commence a suit of that kind. It should not be open to any casual visitor to come there and start this litigation, because religion is rather a delicate subject, and I am anxious that it should be kept out of all Courts as far as possible. Therefore, in the case of religious trusts, I have made the conditions a little stringent by saying that the person should have either a direct interest or a pecuniary interest or such kind of interest as would entitle him to the right of management or superintendence of the trust. In the case of charitable trusts, it is not so. Charitable trusts, as I understand them, are Educational Institutions, Medical Colleges, General Hospitals opened or a college founded, school established, and in these cases all the beneficiaries have a right, that is to say, everybody for whose benefit it is intended should be in a position to commence a suit of this kind if he believes that it is being mismanaged. Therefore, I base the first part of my motion on the ground that it is the duty of the legislature to interpret the words that are there in the Civil Procedure Code for our future guidance, and the other portions are intended to protect the charities under popular management. They might be doing, I think according to their judgment, their best, and there may be a part of the community who may not approve of their mode of management, and so it should not be possible for those people who dissent from the view of the people who are managing the trusts, unless they have certain rights in the management of the temple, to commence proceedings under this Act. That is the reason why I have moved this amendment, and I trust it will commend itself to the Council, because it is a very important matter and this expression 'interest in the trust' is the corner-stone of the whole legislature, and if it is not properly interpreted, it will give rise to any amount of litigation which will be simply undesirable, and it would also lead to trouble which is also undesirable. So in order to make this Act acceptable to the general public and also to the persons concerned directly with it, namely, the monks as we should call them, or Pujaris of temples and the worshippers of the mosques in fact in order to make it acceptable to all parties, I propose to make this amendment, and I hope the Council will accept it."

The Hon'ble Mr. Kamini Kumar Chanda:—" Sir, I am afraid I must oppose the amendment of my hon'ble friend Mr. Khaparde. The acceptance of his amendment would mean that you will go back to the wording of the Civil Procedure Code which obtained till the year 1888. As my Hon'ble friend has pointed out the wording 'direct interest' was used in the old Act of 1877, and it was repealed in 1888. 12-10 P.M.

" The Calcutta High Court held that Mussalman worshippers of a mosque coming from another village were not entitled to file a suit under that section. That was a case reported in Indian Law Reports, 8 Calcutta. And in consequence of that ruling, this matter was reconsidered by the Legislature and by section 44 of Act VII of 1888 the word 'direct' was eliminated, and the Calcutta High Court, in a later case, reported in 24 Calcutta, held that the result of that was that the law was assimilated to the law contained in another Act, namely, Act XX of 1863. Section 15 of that Act will be contradicted if the amendment of my friend be accepted. It reads thus :—

> 'The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary, or a direct or immediate, interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the Trusts. Any person having a right of attendance, or having been in the habit of attending, at the performance of the worship or service of any mosque, temple or religious establishment, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section.'

" Therefore, if we accept this amendment, I am afraid the results would be that we would go back to the state of things which obtained before the earlier Calcutta High Court ruling and before the amendment that was effected by Act VII of 1888, and that would conflict with this section. Apart from that, as Mr. Justice Sadasiva Aiyar pointed out in a case reported in 23 Madras, page 273, in the case of a temple or mosque, persons entitled to attend there for the purpose of worship and devotion are presumably the beneficiaries intended by the founder, and if such persons have no interest in the institution, it is difficult to imagine who has such an interest. But my Hon'ble friend says they must have a pecuniary interest, so that they can take part in the management or superintendence of the Trust. That would be defeating the object of the Trust in some cases, and under these circumstances my submission is, Sir, that this amendment of my friend should not be accepted."

The Hon'ble Mr. Srinivasa Sastri:—" Sir, I have also a similar difficulty in accepting this amendment. In the Madras Presidency there is 12-14 P.M.

a society called the Dharma Rakshini Sabha, a body of persons who have voluntarily undertaken the duty of looking after these charitable and religious institutions with the object of seeing that they are properly and righteously administered. A society of that kind has headquarters in Madras, but it takes an interest in institutions all over the Presidency. I wonder if the language of Mr. Khaparde's amendment will allow a member ordinarily resident in Madras to take action under this Bill against the Trustee of a temple, say, in the Tinnevelly District. If we accept the words 'a person who has such a pecuniary or direct interest as would entitle him to take part in the management or superintendence of the trust,' they seem to me to go too far, and it is highly desirable that voluntary associations of that kind should not be debarred from taking this action by any language in the Bill. I should therefore be, Sir, against accepting this amendment."

12-15 P.M. **The Hon'ble Sir Gangadhar Chitnavis:**—"Sir, I feel sure this amendment will have the effect of confining complaints to persons who have a *bonâ fide* interest in the Trusts or endowments against which they complain. Complaints will thus be limited to cases of personal interest and personal knowledge and based upon true and honest information. This will prevent frivolous or malicious suits to the prejudice of honest workers and trustees who have often to work at great personal sacrifice. I therefore support the amendment."

12-16 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, I am sorry I find myself in disagreement with my Hon'ble friend to my left* in a matter like this. I think the effect of the acceptance of this amendment of the Hon'ble Mr. Khaparde would be to exclude those who have the most vital interest in these temples, namely, the worshippers. The great body of worshippers have no pecuniary interest in the temples. They do not take part in the management of the temples. They are strangers to the control and the pecuniary concerns of the temple, and yet it is in the interests of worshippers and others similarly situated that this Bill has been introduced. I certainly think that the effect of the acceptance of this amendment would be to restrict the number of those who might seek redress, and the Bill would to this extent be rendered inoperative. I hope, Sir, the Government will not accept this amendment."

12-17 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Speaking for the Madras Presidency, Sir, it would be disastrous if this amendment were to be accepted. At the present moment, in the case of a large number of temples, the persons interested in the management are really treating the property as their own private property, and, therefore, they would never come forward to plead the cause of the trust. I think it would be absolutely wrong in the case of a charitable institution that only a person deriving, or having the right to derive any benefit, that is the beneficiaries alone should have the power. It leaves the matter as vague as ever. It is absolutely unnecessary, and if it is meant to limit the privilege to a person having a right to the property, I think, Sir, it would be fatal. As my friend Mr. Sastri put it, the number of breaches of trust in the Madras Presidency is alarmingly large. No association has been able to cope with the evil, and I think the reason why we have in the Madras Presidency pressed for the enlargement of the scope of this Bill is that it is perfectly hopeless within the limits the Government of India set for themselves to make the Bill so remedial in its character as to cure the evils we are suffering from in that Presidency. Inasmuch as charitable and religious endowments will be a transferred subject, it will come within the purview of the new Councils, and give us that liberty of action that we desire, but I think there is no justification whatsoever for curtailing still further the scope of the Bill in the manner suggested here."

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*Sir Gangadhar Chitnavis.

The Hon'ble Sir William Vincent:—" Sir, I am very grateful 12 to Hon'ble Members particularly the Hon'ble Mr. Sastri, Mr. Sarma and Mr. Banerjea for the support they have given to this clause as approved by the Select Committee I have little to add to what they have already said. This amendment, if it was accepted, would go further than I think the Hon'ble Mr. Sastri anticipates, for it might deprive a regular worshipper at a temple of the right to present in a petition under the new law. As far as I can see, reading the amendment as drafted, indeed, it would only admit in the case of a temple of some person who was interested in the management himself bringing a petition before the judge to get his own misdeeds brought to light, and I do not think that that is a thing that any trustee would be likely to do. The Hon'ble Mr. Khaparde has said, that there have been differences of opinion as to the proper interpretation of this word 'interest' in the Civil Procedure Code. He has also referred to the amendment of the Code which the word 'direct' was eliminated before 'interest.' So far as I am aware however there is no interpretation of the Code of Civil Procedure since it has been amended that restricts the meaning of this term 'interest' in the manner in which he is proposing.

"The case in the Madras High Court reported in 42 Madras was heard by five judges, and not one of their judgments will support the view that is taken by Mr. Khaparde. In fact it was the difficulty of the words 'direct intent' in the old Code of Civil Procedure that led to the omission of the word 'direct' when the Code was revised.

"The Hon'ble Member in another part of his speech suggested that there was some question of interfering with the ritual of these temples. I defy anybody who has examined this Bill to say that there is one word which can be so interpreted. There is really no authority for the suggestion at all.

"I have only one more word to add and that is that this legislation—I am afraid however I shall repeat this often during this debate—is in great measure ancillary to the Civil Procedure Code, and Council must therefore, if it wishes to keep the law consistent, adopt in the Bill the language of that Code. Hon'ble Members cannot vary that language without giving rise to dangers of differences of interpretation and of making the law very difficult indeed to work for those who have to interpret it.

"I hope that Hon'ble Members will under these circumstances not accept this amendment."

The Hon'ble Raja Sir Rampal Singh:—" Sir, I am opposed to 12-22 P.M. this amendment. I am afraid that, if it is accepted, it will restrict the little good that the Bill intends to confer upon the public. Common sense entails that everybody who has a right to worship in a temple has a right to see that it is well managed. I therefore oppose the amendment."

The Hon'ble Mr. G. S. Khaparde:—" I did not quite catch whether the Hon'ble Member supports or opposes the amendment."

The Vice-President:—" I understand the Hon'ble Member opposes the amendment."

The Hon'ble Raja Sir Rampal Singh:—" Yes, I oppose it."

The Hon'ble Mr. G. S. Khaparde:—" I think no answer has yet 12-23 P.M. been given to the first criticism that I advanced, namely, that it is the business of the legislature to take all doubtful points into consideration and clear them up. The answer that has been attempted so far as I can see is that there is no judgment which supports my view. That may be so or that may not be so, but the question still remains that there is a dispute about the interpretation of the words 'who has an interest in the trust,' and that difference of opinion has got to be cleared up by the legislature. The objection taken to it was that the word 'direct' was there at one time, but it has been deliberately taken out. I quite agree that it has been taken out and because it was taken out it led Dr. now Sir Rash Behari Ghosh to bring in his second Bill. I tried to go through all those proceedings, I could not unfortunately get hold of some of them, but there was that difference of opinion and Sir Rash Behari Ghosh wished it to be cleared up. I wish to do the same thing, but in a much humbler way. It was objected that it would be introducing or restoring a word that was deliberately taken out. To that my reply is the present Act is a summary Act and, therefore, under a summary procedure it is undesirable that people who have got doubtful interests or whose interests may be a matter of calculation should be allowed to come in. The other objection that was taken was that the regular worshippers would be excluded. I humbly submit that they would not. If they have been worshippers for a long time they always acquire a status in our Hindu temples, as, I believe, even under the English law they acquire the right of superintendence, that is to say they can say 'We have been here for 30 years and worship has been conducted in this manner. If you wish to change it we shall get the opinion of the Court and shall see that the law will restore it to what it has been.' So they would not be excluded.

"A third objection and one which goes somewhat to the root of it was taken by my Hon'ble friend Mr. Sastri. He thinks that the Dhurma-Rakshini Sabha would not be able to interfere. Well, I think, they will in this way that if they wish to act in respect of a particular temple they would have to be assisted and would have to work through some two or three persons who live in that place and go to that temple. It would not do for them to sit in Madras and go on litigating about a village 200 miles away about which perhaps the whole village does not want what the Sabha wants to do. The way to reconcile this difficulty would be to compel the Sabha to work through two or more persons residing in the village, and I think my amendment brings about that. It would not do for a central body to dominate the situation all over the country. That is undesirable, as I myself think, because people in the Presidency-towns are very well educated and very good people, but sometimes they are more advanced than the people living elsewhere who do not want to follow them or do not want to go at the same rate of speed. So, I think that objection about the Dharma-Rakshini Sabha can be answered by saying that if they are in earnest they can get two or three people in the village to support them or anyhow nominally come forward and support them, and the Sabha can supply the funds, engage eminent lawyers and conduct the whole litigation.

"It was suggested that anybody willing or able to worship in a temple should be able to bring a suit. Now this is the view which was put forward in the 42 Madras case and was expressly overruled or ruled against anyhow by the Chief Justice. I am sorry I have not marked the sentences, but the Chief Justice pointed out that it did not mean that a man had a right to direct the worship or that it is given to all people professing a particular faith who belong to one sect or another to insist on a particular mode of worship and to say 'I am entitled to come to the temple; I shall insist upon this being done, otherwise I will bring a suit.' Well, if one person threatens another person with legal proceedings that is not an offence, but it does work and serves the purpose of blackmail very well sometimes. For instance, there are persons, Indian ladies and others, who for reasons of their own do not like to appear in Court. If you threaten such persons to bring them into Court and subject them to cross-examination, they will yield. In our anxiety to keep the purity of these religious endowments we must not carry them so far that blackmailers will find an easy market. Therefore, I submit that on this general ground of interpretation and also on this particular ground of the people having a voice in the matter, it is necessary that the section should be amended as I wish to amend it. I do not want to extend it so far as my Hon'ble friend Mr. Chanda would like to have it, because that would introduce a factor of great trouble and difficulty into the matter and perhaps lead to blackmail.

"With these words, I still support my amendment."

The amendment was put and negatived.

The Vice-President :—"Amendment No. 13 on the list standing in the name of Mr. Chanda deals with much the same point and, I think, it might be better to take it up next."

The Hon'ble Mr. Kamini Kumar Chanda :—"The Council will see that I propose . . .

The Hon'ble Sir William Vincent :—"May I rise to a point of order, Sir? I submit that this amendment is out of order. The amendment runs :—

> 'The interest required in order to entitle a person to take action under this Act or section 92 of the Code of Civil Procedure, 1908, need not be a pecuniary or direct or immediate interest or such interest as would entitle the person suing to take any part in the management or superintendence of the trust.
>
> 'A person interested shall for the purpose of this Act and section 92 of the Code of Civil Procedure, 1908, mean in case of a temple, mosque, or other religious establishment, a person or a corporate body of persons having been in the habit of attending or having a right of attendance at the performance of worship or service thereat, and in the case of a charitable institution, educational or otherwise, any person or corporate body of persons deriving or having a right to derive any benefit therefrom'.

"I submit that an amendment of the Civil Procedure Code does not arise out of the Bill which is before the Council."

The Vice-President :—"I am afraid that is so, Mr. Chanda."

The Hon'ble Mr. Kamini Kumar Chanda :—"In that case may I move the first portion, Sir?"

The Vice-President ;—"I think the Hon'ble Member will have to delete the words which the Member in charge objects to."

The Hon'ble Mr. Kamini Kumar Chanda :—"I take out the words, Sir."

The Vice-President :—"You will strike out the words 'section 92 of the Code of Civil Procedure, 1908' coming in both places?"

The Hon'ble Mr. Kamini Kumar Chanda :—"Yes Sir, the 2-31 P.M.
amendment I propose reads as follows :—

> 'The interest required in order to entitle a person to take action under this Act need not be a pecuniary or a direct or immediate interest or such interest as would entitle the person suing to take any part in the management or superintendence of the trust.
>
> 'A person interested shall for the purpose of this Act mean in case of a temple, mosque or other religious establishment, a person or a corporate body of persons having been in the habit of attending or having a right of attendance at the performance of worship or service thereat, and in the case of a charitable institution, educational or otherwise, any person or corporate body of persons deriving or having a right to derive any benefit therefrom'.

"I will tell the Council in one moment why I wish that this definition should be adopted or should be incorporated. As I suggested just now we have two Statutes bearing on that question at present, Act 20 of 1863 and section 92 of the Civil Procedure Code. Now both Mr. Khaparde and myself stated to the Council in discussing his last amendment that prior to 1888, section 92 of the Civil Procedure Code contained the words 'direct interest' and that was interpreted by the Calcutta High Court, in 8 Calcutta, very restrictively. In consequence of that ruling this section was amended by the legislature by section 44 of Act 7 of 1888, that the word 'direct' should be deleted. In the section in the Code at present the words are 'any two or more persons having an interest in the trust'. The word 'interest' is not defined there, but in the other Act to which I referred—Act 20 of 1863—I read out the section to the Council a short while ago, so I need not read the whole of it. It says that 'it is not necessary that the interest should be a direct or pecuniary one '. Now the result of this amendment to section 92 is, as interpreted by the Calcutta High Court that—I read from page 418 of 24 Calcutta—' Under that section as originally enacted, the words were ' having a direct interest in the trust ' and the word ' direct ' has been taken out by Act VII of 1888. The inference is that the legislature intended to allow persons having the same sort of interest that is sufficient under section 14 of Act XX of 1863 to maintain a suit under section 539 '. So these two Acts are now the same so far as this matter is concerned according to the Calcutta High Court, but unfortunately the Madras High Court interpreted the Act in a different manner. In the case which was mentioned by my Hon'ble friend Mr. Khaparde, the case is reported in 42 Madras, this question arises as to the meaning of the word ' interest ' the case was first tried by Chief Justice Wallis and Mr. Justice Kumaraswami Sastri and they differed. The Chief Justice held that the word ' interest ' in section 92 must not be interpreted with reference to section 15 of Act XX of 1863 and Mr. Justice Sastri held the opposite view taking the view of the Calcutta High Court that the word ' interest ' in section 92 must be interpreted in the manner of section 15 of Act X of 1863.

" Then the matter went up before three Judges—Justices Abdul Rahim, Oldfield and Coutts-Trotter, and again there was a difference of opinion.* According to the majority of the Judges of the Madras High Court, the interpretation placed by the Calcutta High Court on the word ' interest ' is not correct. The word ' interest ' in section 92 is the same as in section 15 of Act XX of 1863. Now the question is, what is to be done ? How is this word to be interpreted; unless you do away with this confusion people will not know or understand what to do.

*Justice Sir Abdul Rahim agreed with Mr. Justice Sastri while Justices Messrs. Oldfield and Coutts-Trotter accepted the view of the Chief Justice.

" Therefore my submission is, Sir, that it is very necessary that some definition should be given to avoid this confusion, that the word ' interest ' should be defined as in section 15 of Act XX of 1863. That will make the law uniform. If this is not done I am afraid it will lead to a conflict of decisions and to litigation. With these few words, Sir, I request that this amendment of mine be accepted."

12-40 P.M. **The Hon'ble Mr. G. S. Khaparde**:—" I agree with my friend, the Hon'ble Mr. Chanda that this word ' interest ' does require to be defined; but as to the definition which he proposes I am sorry I do not agree with it. Nearly anybody, as he said himself, living here can insist upon certain things being done in Benares, or insist upon certain things being done in Cape Comorin. That, I think, is carrying matters a little too far; and as to the definition given in the Act of 1863, it was pointed out at Madras, I believe, by the Chief Justice that these words were taken from Lord Romilly's Act and they referred to a different matter altogether; they have been so taken here and they have been wrongly interpreted and that was the reason why the Chief Justice had to say that those words and their implications ought not to be imported into the law of India. That reason weighs with me very considerably, because, in England even, they would not accept that kind of thing, a discretion given for one purpose could not be imported for other purposes altogether. With these observations, I support one part of the amendment, namely, that the word should be defined; but I prefer my own definition, unfortunately, to his."

12-42 P.M. **The Hon'ble Mr. K. V. Reddi**:—" Sir, I beg to oppose this amendment. It occurs to me, Sir, that this Bill is perhaps the embodiment of caution itself, and in that way it is not satisfactory to those who expected a larger measure from the Government; and any restriction now sought to be imposed upon the provisions of the Bill would only whittle it down so as to make it of no practical use. The word ' interest ' no doubt has given occasion for difference of opinion in the various High Courts, and perhaps between different judges in the same High Court. But, Sir, if we are to frame legislation here or in the Provincial Council simply because Judges have differed in the High Court I am afraid there will be no end to legislation.

"Now, I will only draw your attention to one point here. My friend, the Hon'ble Mr. Chanda wants that only he who is directly interested in a charity, in the sense that he must be in the case of a charitable institution, educational or otherwise, a person or corporate body of persons deriving or having a right to derive any benefit therefrom, should be able to have a right of suit. Now, there are certain institutions, charitable public institutions, in which the very poor are fed and the very poor are given educational facilities. Now, if my Hon'ble friend's amendment is to be carried, it is only those that directly receive that benefit who will be entitled to go to a Court. In 99 cases out of 100 these persons would find it impossible to go to a Court for the simplest of reasons that they cannot afford to go to Court. They are so poor. It would, therefore, mean that this Bill will be practically a dead letter. Take for instance those institutions which we have in the country where the poor are fed, most of whom are Panchamas and the depressed classes. If they themselves are asked to go to a Court it is an impossibility for them. There are various associations that take an interest in them, the Depressed Classes Mission for instance, and if this amendment is carried, those associations will not be allowed to go to Court on behalf of those in whom they are interesting themselves. I would therefore think that any attempt to restrict the provisions of this Bill further should be opposed."

The Hon'ble Sir William Vincent:—"Sir, this amendment really runs in exactly the opposite direction to the amendment of Mr. Khaparde. Mr. Khaparde sought definitely to restrict the right of petitioning under this Act, and Mr. Chanda, I think, seeks to enlarge it to what he considers a legitimate extent. I have very great sympathy with him and indeed with any one who seeks to secure more effective control over the management of these public religious and charitable endowments. But I must say that the criticisms which I have heard to-day have not been directed against the Act at all, but against the Civil Procedure Code, which we have not now before us. All the difficulties which my Hon'ble friend pointed out will remain whether the amendment is accepted or not. The words in the Bill are the words used in the Code, and I want to remind the Council of the names of the men who framed that Code in 1908. Many members of this Council will be familiar with these names. They were all learned lawyers of very great authority and they very carefully abstained from attempting any definition of this term interest. The Hon'ble Mr. Chanda has found it very difficult to do it himself; all he has done is to insert in the clause an explanation which really is not a definition at all, and I hope that the Council will not accept such a dangerous attempt at definition as that contained in the amendment before them. 12-45 .M.

"The Madras ruling to which reference has been made does not go, I think, as far as the Hon'ble Mover said. I understand it to mean that an occasional worshipper in a distant temple is not necessarily to have a right of suit; that is, that a man living in Peshawar—I think this is an example cited in the case—ought not to be allowed to bring a suit under section 92, Civil Procedure Code, about a temple in Malabar; and there is a good deal of reason for this view which will, I think, commend itself to my Hon'ble friend, Mr. Khaparde. But I am not here to defend this interpretation of the law so much as again to point out to this Council that if you begin tinkering with this Bill without making corresponding amendments in the Civil Procedure Code, you will really be doing very great injury to those who will have to use it. This Bill is ancillary to the Code of Civil Procedure, and unless you propose first of all to alter the definition in the Code, it would be most unwise to do so here.

"Part of the definition which the Hon'ble Member has drafted is taken from section 15 of the Act of 1863, I think. Now it has been found on more than one occasion that that definition is not at all satisfactory, and even the

Hon'ble Member, if I am correct, has found it necessary to add to it very considerably. If the Council will support me in adhering to the words that are now in the Civil Procedure Code, another great advantage is secured, namely, that we shall attract a very large number of important and authoritative judicial decisions given under the Code which will be of the greatest value to those who have to deal with this new law. If Council at this stage inserts in this Bill a new definition of a most complicated and intricate character, I think members will be acting very unwisely. It is quite open to any Member, if he seeks further to control these religious endowments in any particular province, to get a Bill introduced in the local Council to effect this. There are many provinces which are ready for such measures; and I hope myself that we shall see a good deal more legislation on the subject. But I ask the Council not to spoil what is a very simple measure, by the introduction of an explanation in it which will really make it very difficult to work the Act. The Hon'ble Member himself appreciated this fact, for he originally proposed an amendment of the Code of Civil Procedure in his notice; and it was only when I urged that such an amendment was out of order that he desisted from it. But I think every member of this Council will see that if you have one definition of the term interest in this Act and no definition in the Civil Procedure Code, this Act being in a large degree ancillary to the Code, the proceedings under this being preparatory to a suit under the Civil Procedure Code, very great difficulty will arise in using the provisions of the law."

12-50 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I am afraid that my difficulty is not removed. I am not very particular about the wording of the definition which I propose. But what I do say is this. You must define the word 'interest' in this Act; otherwise this difficulty will remain. Well, the Hon'ble the Home Member says that the rulings which I quoted were with reference to the Civil Procedure Code, not with reference to this Act. That was because this Act is not in existence. What we do is this: we simply quote the word 'interest' from the Code. Now what is the meaning of that word 'interest'? I have shown that the High Courts differ about this, and not only that, but judges in the same High Court differ about it. I therefore think that it is the duty of the legislature, this having been brought to their notice, to say what they mean by the word 'interest,' so that it will be a guide for High Courts in future.

"My object was that the legislature should find some means of removing these doubts. I find that there is a great deal of doubt in regard to interest, and therefore, I think, it is our duty to find some means of removing it. What I say is simply define 'interest' and so get over the difficulty. This matter has at all events been brought to your notice. This, Sir, is my submission and I hope there will be a definition provided in the way I have suggested."

The amendment was put and negatived.

12-54 P.M. **The Hon'ble Mr. G. S. Khaparde**:—"Sir, I beg to move that in clause 3 for the words 'any person' the words 'any three persons' be substituted. This amendment of mine is free from the objections taken to the former one, in fact, it derives some support from the arguments that have been adduced by the Hon'ble the Home Member, that no change should be made and that the clause should be retained as far as possible in its present form in section 92 of the Civil Procedure Code. This is what I seek to do myself. Under this Bill any person has the right to bring a suit acting on his own account. I say kindly restore the law as it is laid down in section 92 of the Code of Civil Procedure, which requires that two or more persons interested may bring a suit after having secured the concurrence of the Advocate General in Presidency-towns or by the Collector outside those towns. Now having secured that certificate from the Advocate General or the Collector, they have to attach it to their plaint and then they bring in their suit. This Act dispenses with the Advocate General and the Collector. What I suggest is not necessarily that the Advocate General or the Collector should be brought in, but that any three persons interested should be allowed or rather may be allowed to petition. I retain the number of persons concerned but take away the power so far as it applies to the officials alone. In that way all the facilities given under the present Bill are kept in consonance with the law as it stands. In this connection I should like to read to the Council a small paragraph from the speech of Sir Harvey Adamson.

> 'Before giving their final support to the Bill, the Government of India desire to ascertain how these facilities are likely to be exercised. On the one hand, it may be alleged that it is only right that every trustee of a public trust should be obliged to exhibit to the public the accounts of his trust. As an abstract principle it is impossible to deny so reasonable a proposition. On the other hand, it may be alleged that as applied to religious trusts in India, this proposition involves an innovation and a subversion of existing custom which may have far-reaching and unexpected consequences Would the facility, a very cheap and inexpensive facility, be likely to lead to oppression, and would it be used for corrupt purposes? Is the guarantee that the consent of the Advocate General, or even of the Collector, must be obtained before making an application a sufficient guarantee that the application is made on proper grounds? Is the Advocate General in the Presidency-towns or the Collector outside in a position to determine such a question, or would he not find it difficult in most cases to refuse so apparently reasonable a request as that the accounts of a public trust should be open to the inspection of the public? Then given it is necessary to consider by what machinery and in what methods these trusts have customarily been managed by honest trustees. In India there is generally immemorial usage in such matters. How does the machinery lend itself to the exhibition of accounts?

"These are the difficulties that weighed with Sir Harvey Adamson and they are just as much present to-day as they were in his time. It is our intention to keep these institutions pure, but unconsciously we will expose the mahants, the managers and other people to the machinations of evil doers and facilitate the practice of blackmail because any person can get up and present a petition and then the whole machinery of the law is put in motion.

"It is for this reason that I propose that in clause 3 for the words 'any person' the words 'three persons' should be substituted. Reasons for this will be found fully set forth in the speech of Sir Harvey Adamson to which I have referred. With these words, Sir, I submit my motion to the Council."

The Hon'ble Mr. Kamini Kumar Chanda:—"I think, Sir, there is a good deal of force in what the Hon'ble Mr. Khaparde has said. I therefore support this amendment." 12-59 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"Sir, I support this amendment, and I hope it will be accepted by the Hon'ble the Home Member. No harm is likely to accrue from 'three' being substituted for 'any person' in the category of persons who may wish to apply to the Court. On the contrary, there will be a certain amount of safeguard provided that no action will be taken by men who have not taken the trouble to consider whether there was reason for taking any action, and the substitution of the words 'any three persons' for the words 'any person' would give an assurance to the Court that they were interested by considerations of a public character and not of a private character. I hope the amendment will be favourably considered." 1 P.M.

The Hon'ble Sir William Vincent:—"Sir, this is a question which was discussed in the Select Committee at some length, and there was a general consensus of opinion there that it was not advisable to amend the Bill in the sense proposed by the Hon'ble Mr. Khaparde. I do not attach any very great importance to this point, but I think myself that the Bill as drafted is very much better. The Hon'ble Mr. Khaparde has really throughout the discussions on the Bill—I daresay he is right from his point of view—been seeking to restrict the scope of this Bill. At first he attempted to define the word 'interest' in such a way that very few people should be able to take 1-1 P.M.

advantage of the provisions of the new law. Well, he failed there Now he comes forward and says 'one person alone should not be allowed to put in a petition, there ought to be three,' and he proceeds to speak of suits under the Act. Now there is nothing in the whole Bill about suits. All the Bill seeks to do is to authorise a man interested in a trust of a particular character to ask the Court to direct the trustees to give him certain information. Is that privilege which any man ought to be deprived of if he is interested in the subject-matter of the trust? The Hon'ble Member says that he is supported in his argument by what is laid down in section 92 of the Code of Civil Procedure. I have some knowledge of suits under that section. My experience is that if there are two plaintiffs, one is the real plaintiff and the other is not infrequently a man of straw. There is no safeguard whatever in prescribing that the suit must be brought by two people. But even under the Code, however, there is no provision that three persons should join in a suit under section 92, and, as a matter of fact, the provisions of the Code regarding these trusts have been found to be ineffective. That is one of the reasons why this Bill is introduced. I don't want to press this point too strongly against the Hon'ble Member. It is not a matter of very great importance, but I suggest that any one person who has got an interest in the temple ought not to be debarred from asking a trustee through a Court to give him reasonable information. The petitioner in such a case does not seek to turn the trustee out or to get any remedy of that kind against him. All he asks is that the trustee should give him reasonable information which really any trustee of a public trust ought to give without any application being made to the Court at all. For these reasons I oppose the amendment."

1-3 P.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"Sir, I am not in a position to accept the amendment of the Hon'ble Mr Khaparde. As the Hon'ble the Home Member has pointed out, the whole tenour of his amendment is directed towards restricting the scope of the Bill. Here we are, and have been suffering, for years and years together ever since 1863. We have been a long-suffering people so far as the scandalous waste of temple funds is concerned, and this little paltry Bill is introduced, and it is a small instalment, and inadequate to our expectations and desires, and we go on tinkering. I do not think we are doing justice to the large number of worshippers who frequent our temples and who from day to day witness the scandalous waste and extravagance that goes on in our temples. Why raise this difficulty of having three persons, and what is it after all that these three persons have to do? The judge is to be moved in order to obtain some information. It is not a regular suit. It is not a matter in which a combination of several persons is required. It seems to me, therefore, that this amendment is altogether out of proportion to the needs of the situation, and is directed to the one express purpose of restricting the scope of the Bill which from my point of view and from the point of view of many others ought to be much wider in its scope than it is. I therefore support the original provision."

1-5 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, the trustees of religious and charitable institutions ought to be always ready with their accounts. Now a person having an interest in the temple would ordinarily ask the trustees for information before he moves the Court, because if he does not take that precaution he will ordinarily be taxed with costs by the Court. But if the required information is not given to the person by the trustee, I think he ought to be in a position to get it through the Court in order to see whether the trustees are properly administering the trust funds or not. All that we provide for here is power to a person to get this information from the court, and he utilises that, and if the trustees refuse to supply the information on the court asking them to do so, then they commit a breach of the trust, and not otherwise. Why should three persons seek simultaneously this information before a Court exercises its power? It is after all a discretionary power given to the Court, because if the Court does not desire to do so, it need not do so because we have provided for action being taken on *primâ facie* ground in a later clause. Apart from that, difficulties have arisen in the past by the enactment of a clause that two or more persons shall act together. Two or more persons make an application. One of them is bribed to withdraw from the matter. Is the petition to continue? or the moment the petition has failed, is it competent to the Court to pursue the matter further at the instance of another joining? Supposing one man dies, is it not necessary that another person should be co-opted with the petitioner in order that the proceedings may continue. Various unnecessary difficulties have arisen already under the law as it stands, and in order to remedy those difficulties we intend to provide that any person may move the Court in the matter. In a matter of seeking information, Sir, I think the Courts may well be trusted with the discretionary power granted to them to proceed under the Act where the application is made only by one person. I would request the Hon'ble Mr. Khaparde to see his way to enable this Bill to be of some efficacy in checking the maladministration which has been going on for many years past."

The Hon'ble Mr. G. S. Khaparde:—"Sir, I shall be very brief. If it was merely confined to asking for accounts, I should not have brought forward this amendment. But we provide that in a certain time, about which I have put in another amendment, the trustee will be placed under the obligation to bring a suit. So this is a summary proceeding which involves and compels under certain circumstances a trustee to bring a suit and enter on a costly litigation, and therefore it is not so simple or easy as it is tried to be made out. 1-8 P.M.

"Then there is one more point to which I should like to invite the attention of the Council, and that is about section 6. I am not against this Bill at all, nor do I seek to restrict its scope, but I am unwilling that it should be extended so as to become oppressive, and I am not so impressed against these monks or worshippers of the temples. In my province at any rate, there is not one against them, whereas in certain provinces it would appear that everybody is against them. But there is a chance of a suit being started in this matter, and therefore I say that not any one single person should be qualified by law to bring any suit."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"May I ask, Sir, that amendments Nos. 6 and 7 be taken together? 1-10 P.M.

6. That in clause 3 the word 'substantial' be omitted.

7. That in clause 3 after the words 'subject-matter of the trust' the words 'or the religious and charitable institution' be inserted."

The Vice-President:—"Certainly."

The Hon'ble Mr. Kamini Kumar Chanda:—"I beg to move that in clause 3 of the Bill the word 'substantial' be omitted, and in the same clause relating to the court where the proceedings are to be instituted the choice of the Court amplified. The Bill says 'that the suit shall be instituted in the Court within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate. That is to say that will amplify the choice if my amendment is accepted, so that the petitioner can file a suit in any court in the jurisdiction of which either the institution is situated, or any property of the institution is situated. Before going further therefore I call attention to the law at present. As I have already said, there are two Statutes on this point. There is Act XX of 1863 and section 92 of the Civil Procedure Code. Under section 14 of Act XX of 1863—

> 'Any person or persons interested in any mosque, temple, or religious establishment, or in the performance of the worship or of the service thereof, or the Trustee relating thereto, may, without joining as plaintiff any of the other persons interested therein, sue before the Civil Court the Trustee, Manager, or Superintendent of such mosque, temple, or religious establishment.'

"Now what is Civil Court? Civil Court is defined in section 2 of the Act:—

'The words 'Civil Court' . . . . shall mean the principal Court of Origina Civil Jurisdiction in the District in which the mosque, temple, or religious establishment is situate, relating to which, or to the endowment whereof, any suit shall be instituted or application made under the provisions of this Act.'

"So if a suit is to be filed under this Act, it is to be done in the Court which has jurisdiction over the institution.

"Then we have section 92 of the Civil Procedure Code, where, with a certificate of the Advocate General, two persons may file a suit:—

'Two or more persons having an interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit, whether contentions or not in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the Local Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate.'

"There, Sir, we have 'the whole or any part of the subject-matter of the trust is situate,' and now we say the suit shall be filed in a Court which has jurisdiction over the place where a substantial part of the property is situated. Therefore there are these three procedures on the same matter. Is it desirable to have such a conflict? It could easily be avoided and harmony obtained without any difficulty. Therefore, Sir, if we say the suit may be filed either where the institution is situated, as we have in Act XX of 1863, or where any part of the property is situate as in section 92 of the Civil Procedure Code, I think the difficulty would be removed. Some conflict remains between those two Acts, but so far as this Bill is concerned, there will be no conflict between this and either of the other two. That is my first ground.

"My second ground is this, that I think it is desirable and expedient that we should amplify the choice of Courts Now if we confine the suit to the Court which has jurisdiction over the place where a substantial part of the property is situated, as you say in this Bill, the result may be that no suit will be filed. It may be, for instance, that there is a shrine in the city of Delhi, but a substantial part of the property is in the district of Muttra and the other portions are distributed over several other places. Now it may happen that the trustee may be able to get hold of the persons concerned who are interested in the matter in Muttra, and no body in any other place has the right to apply. Therefore no suit would be filed against him. I therefore submit, Sir, that it is desirable that this choice should be amplified, and it seems to me that *primâ facie* the place where the temple is situated is the place where the suit should be filed My submission therefore is that both these amendments should be accepted, that a suit may be filed either in the place where the institution is situated or where any part of the property is situated That would be in harmony with the existing law."

1-16 P.M. **The Hon'ble Sir William Vincent:**—"There are two amendments before Council. The first is that in clause 3 the word 'substantial' be omitted. Hon'ble Members, who sat on the Select Committee will remember that there was a good deal of discussion on this point and a considerable division of opinion. It is to my mind not a matter of vital importance whether the word is retained or not. But the reason why we put it in was this, that there was some sympathy for Mr. Khaparde's ideal mahant who might be harassed by an application brought in some distant place, possibly, where a very small fraction, say a couple bighas of *devottar* land, a very small fraction out of a very large estate were situated. We thought that was a little unfair on the man. I have known cases in which suits have been so brought deliberately to harass and inconvenience defendants in districts where they find it both expensive and indeed impossible to secure proper legal aid and the attendance of witnesses, and it was only reasonable we thought that a suit should, therefore, be brought where there was a substantial part of the trust property. If the Council think that was an unreasonable restriction, then I myself should not object very much to the change being made. I am only trying to explain to Council the reason why those words were retained, and that this course was taken after very careful consideration in Select Committee.

"The second amendment is that after the words 'subject-matter of the trust,' the words 'or the religious and charitable institution' be inserted. Now here again I go back to the old point that I have so often put before Council. Mr. Chanda himself read the Code. The words in the Bill at present are taken from the Code and the Bill is ancillary to the Code. It also is reasonable that the suit should be brought where the trust property is situated. For this reason I oppose these two amendments, though if the Council have any strong feeling about the omission of the word 'substantial' I should not feel called upon to press the point"

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, as the Hon'ble the Home Member has pointed out, there was considerable discussion in the Select Committee as to the retention of this word 'substantial' in the place where it does occur I was one of those who objected to its retention, and therefore I sympathise with the amendment moved by the Hon'ble Mr. Chanda. My Hon'ble friend the Home Member has referred to the ideal mahant of Mr. Khaparde Well I should like to find out the ideal mahant. I have searched in vain for the ideal mahant from one part of India to another in broad daylight, in the hours of midnight, and in the morning hours, but there is no ideal mahant that I know of. And that being so, I am not prepared to do anything to take part in legislation for a person who does not exist, but who may come into being under the restrictions that we now propose to impose. Therefore that plea about the ideal mahant dissipates into thin air when tested under the scrutiny of facts. It is not a case of persecution. You ask for information It is not a suit that you are going to bring; you ask for certain information, and after having got the information, you may make your plans and bring a suit. Therefore it is a small thing you ask for. The machinery of the Courts is not set in motion and no harassment of any kind can take place. The judge issues the order, and the judge inspects the trustee's books and gets the information and the man goes home, happy or unhappy it is impossible to say. There is no question of persecution or harassment or vexation; only this information is asked for, and therefore, it seems to me that it ought to be quite enough if only a part of the property is situated in a particular area. I do not subscribe to the second part of the amendment, but I support the omission of the word 'substantial'." 1-18 P.M.

The Hon'ble Rai Sita Nath Ray Bahadur:—"I beg to say that it is true that a mahant may be harassed by a suit being brought in a distant part of the country where a very small portion of the property of the trust may be situated. Therefore in many cases it would be far better to keep in the word 'substantial' because the Court would have to judge whether a substantial part or a minor portion only of the property is situated in the district in which the petition has been filed. 1-20 P.M.

"It would be much better to say 'where the temple or mosque is situated'. That would give the Court jurisdiction over the temple or mosque. Instead of saying 'substantial part of the property or any part of the trust property is situated' it would be much better to say 'where the temple or mosque is situated." . . . . .

The Hon'ble Sir William Vincent:—"May I rise to a point of order? The Hon'ble Member has not given notice of any amendment of this character."

The Vice-President:—"I understand the Hon'ble Member is addressing himself to amendments Nos 6 and 7."

The Hon'ble Rai Sita Nath Ray Bahadur:—"I am supporting the amendment of the Hon'ble Mr. Chanda."

1-21 P.M. **The Hon'ble Mr. Kamini Kumar Chanda :**—" Well, Sir, I do not think I need trouble myself very much about the ideal mahant, I am more concerned with the helpless worshipper. On the whole, the balance of advantage is in favour of my amendment that the worshipper should also be protected. Therefore I think it is better on the whole that my amendment should be accepted.

" As regards my second amendment I am sorry that the Hon'ble the Home Member does not see his way to accept it I thought it was only natural that the place of suing should be where the temple is situated. I do not think I can add anything more to what I have said excepting this, that the Hon'ble the Home Member swears by the old Code of 1908, but he might have gone back to the older Act of 1863. Why does he ignore that? That Act is in favour of my contention that the suit should be where the shrine is situated.

" With these words I press both these amendments."

Amendment No. 6 was then put to the Council and declared negatived.

The Hon'ble Mr. Kamini Kumar Chanda :—" May I have a division on this point. The Hon'ble Member . . . . .

The Vice-President :—" Order, order, I have put the amendment and the vote has been taken. The Hon'ble Member can call for a division if he likes "

Amendment No 7 was then put to the Council and declared negatived.

The Vice-President :—" Both the amendments are, therefore, lost."

The Council will now adjourn till half past two."

The Hon'ble Mr. Kamini Kumar Chanda :—" I ask for a division."

The Vice-President :—" I am afraid I have adjourned the Council."

[At this stage the Council adjourned for lunch.]

2-30 P M. **The Hon'ble Mr. Kamini Kumar Chanda :**—" Sir, I beg to move amendment No. 8, which runs as follows :—

'That in clause 3 (1) after the word 'trustee' the words 'or where there is no trustée, actual or constructive, the person for the time being in possession of or managing such property' be inserted'.

" In regard to this amendment I only wish to say one word It is quite conceivable—I think I know one case which clearly shows—that there may be no actual trustee at the present moment for any particular trust. The man in occupation and in the management of the property may be a trespasser, and I think that provision should be made to cover a case like that.

" With these few words, Sir, I beg to move my amendment."

2-32 P.M **The Hon'ble Sir William Vincent :**—" The Bill aims solely at trusts, and where there is a trust there must be a trustee If the managing body is occupying the position of trustee it will be liable. If the managing body is not occupying that position, the Committee ought not to be liable under this Act."

The amendment was put and negatived.

2-33 P M. **The Hon'ble Mr. Kamini Kumar Chanda :**—" I move, Sir—

'That in clause 3 (1) after the word 'income' the words 'and expenditure for a period not exceeding three years next preceding the date of the application' be inserted

"The Bill as it stands, Sir, only enables a person to apply for information regarding income. I do not know the reason why expenditure has been left out. It seems to me that it is more important to know how the money is expended than how the income stands, and therefore, Sir, I move that these words be inserted."

The Hon'ble Sir William Vincent:—"If the Hon'ble Member will refer to section 3 (*2*), he will see that the Court has power to direct that the accounts of the trust shall be examined and audited. That means income and expenditure, and I really think that meets the point he has in view."

The Hon'ble Mr. Kamini Kumar Chanda:—"I do not see the point at all. If you mention 'income' I do not see why you should not state 'expenditure'."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg leave to move the following amendment:— 2-35 P.M.

'That in clause 3 (*2*) after the word 'audited' the words 'by an auditor approved by Government or by such other person or through such registered corporate body as the Court may direct' be inserted.'

"Sir, it is not said by whom these accounts will be audited. The trustee himself may get them audited by his own clerk and say 'here is the audited account'. I think it would be more satisfactory if the accounts could be audited in a more satisfactory manner. The accounts should be audited and approved by a Government auditor or by the Court direct. I think it would be much more satisfactory."

The Hon'ble Sir William Vincent:—"The section provides that the accounts shall be examined and audited, and it is left to the discretion of the Court as to whether they should be examined and audited by any Chartered Accountant, and that, in my opinion, is sufficient."

The Hon'ble Mr. Kamini Kumar Chanda:—"I cannot see why you do not say that direction about the auditor is in the discretion of the Court."

The amendment was put and negatived.

The Hon'ble Raja Sir Rampal Singh:—"Sir, I beg to move the amendment that stands in my name, and I hope the Council will accept it. It runs as follows:— 2-36 P.M.

'That in clause 3 (*2*), the word 'and' be omitted and the words 'and published at the time or annually' be added at the end.'

"I believe, Sir, that the amendment is not inconsistent with the moderate and cautious policy of the Bill. It will serve the interest of the trust as well as the interest of the persons and the trustee. The person or persons shall not have the necessity to apply to the vote every now and then to have the direction contained in sub-clause (*2*) and at the same time will be safe to face the so-called embarrassment of appearing before the Court and defending himself against the petition. It is but a truism to say that secrecy in accounts helps unscrupulous trustees to misappropriate trust funds and become creatures of ease, and publicity in that matter will, I hope, check them from such propensities.

"It is not so much in small trusts having small incomes that the public are so deeply interested; it is in big trusts having large incomes that the public feel that they have a right to know how the accounts stand and how the expenditure of the trust is made. It is in respect of the latter class of persons of a trust that the Court shall have discretionary power to direct that the accounts shall be audited and published annually. I am only asking that a little more discretionary power be given to the Courts to exercise in special cases. It is not at all obligatory on the part of the Court to direct that every trust should be audited and published annually; it is only in special cases, and I hope that such discretionary power will be given to the Courts."

2-39 P.M. **The Hon'ble Sir William Vincent:**—"Sir, I have received so much assistance from the Hon'ble Member in Select Committee over this Bill that I am very anxious to meet him, but if I explain the position of the Government in this matter, I hope he will withdraw this amendment and deal with the matter under discussion in a separate Bill in the Local Council. The scope of this present Bill is intentionally limited to cases in which a person interested in a trust believes that there has been some misappropriation of funds or some mal-administration about which he wants information preparatory to bringing a suit. That is the principle of the Bill. The general questions of publishing accounts annually and having accounts audited each year and of further control over the administration of this trust were specifically left for legislation in local Councils. I think Hon'ble Members, or some at least, will remember that Sir Ibrahim Rahimtoola introduced a Bill to provide for many of these points in the Bombay Council. I wish myself that he had been allowed to proceed further with that Bill, and I hope that in the United Provinces, and in other provinces, the principle underlying the amendment which my Hon'ble friend has now brought forward will be accepted, but I do not want to insert a provision of this kind in the present Bill. What we propose, what these proceedings under the Bill are intended to do, is simply to facilitate the bringing of suits in cases in which mal-administration of the properties is taking place. The proceedings are intended to be summary proceedings preliminary to such a suit.

"I hope, in these circumstances, the Hon'ble Member will not press the matter."

The Hon'ble Raja Sir Rampal Singh:—"Sir, I beg to withdraw the amendment on the assurance that has been given by the Hon'ble the Home Member."

The amendment was withdrawn.

2-41 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I beg to move—

'That after clause 3 (2) the following proviso be inserted:—

'Provided that not more than one proceeding shall be instituted or be going on against the trustee in any Court at one and the same time.'

"The object of the amendment is obvious. Under the Bill as it stands there is nothing to prevent more than one suit being instituted in the same Court against the same trustee, or in more Courts than one. I think that what I suggest in my amendment ought to be done."

2-43 P.M. **The Hon'ble Sir William Vincent:**—"Sir, I should like to ask the Hon'ble Member what the effect of this amendment would be if a collusive petition were brought forward. Let me assume that a petitioner comes forward who is really an accomplice of a fraudulent trustee; he puts in a petition under the new law and takes no further interest in the proceedings or delays them. In the meantime two or three other persons later want to file perfectly *bona fide* petitions. The effect of this amendment would be that they could do nothing because a collusive petition had been filed already. I should like to know again what would be the effect if two different petitioners having entirely different objects in view under different circumstances and for different reasons wanted to bring in two separate petitions, one for accounts, we will say one for information. Is there any reason why they should not be allowed to do so? If it is a question of harassing a trustee by petitions relating to the same subject-matter or on the same points, what would be the result of a number of petitions? The result would certainly be that the Court would hear them jointly; there is no reason whatever why the two proceedings should not proceed *pari passu* and the trustee would not in any way be inconvenienced."

The Hon'ble Mr. Kamini Kumar Chanda :—" I have nothing more to say."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda :— " Sir, I beg to move this amendment, *viz.*,—

'That in clause 5 (*1*) after the words ' on receipt of a petition under section 3 ' the words ' after taking such evidence, and making such inquiry, if any, which in its opinion may be necessary ' be inserted.'

" This amendment simply says that if on receipt of a petition by the Court, the Court finds there is cause to proceed, it shall do so. Under the section as it stands the Court can do so on the mere presentation of a petition. I, therefore, want to make it clear that the Court may, if it thinks necessary, make any inquiry or take evidence."

The Hon'ble Sir William Vincent :— " Sir, I am glad to meet the Hon'ble Member. I am quite prepared to accept the amendment."

The Hon'ble Mr. A. P. Muddiman :— " I should like to point out, Sir, that the amendment is not in proper form. As Mr. Chanda has got it, we shall have two ' opinions '—' after taking such evidence . . . . which in its opinion may be necessary, is of opinion ' I think the amendment should be in this form :—' after making such inquiry, if any, as it may consider necessary, is of opinon, etc. etc.' "

The Hon'ble Mr. Kamini Kumar Chanda :— " I accept the alteration."

The amendment, as altered by the Hon'ble Mr. Muddiman, was put and agreed to.

The Hon'ble Mr. G. S. Khaparde :—" Sir, I beg to move— 2-45 P.M.

'That in clause 5(*1*) before the words ' a trust ' the words ' primâ facie ' be inserted.'

" Sir, these words were in the original clause, but, I believe, they got dropped out somehow; so I move that they may be restored."

The Hon'ble Sir William Vincent :—" Sir, the insertion of these words ' primâ facie ' would really weaken the position of the Court. The Court has now power to make an inquiry under the amendment of Mr. Chanda's which has been accepted, and also power to take evidence; there is therefore no point in inserting the words ' primâ facie.' The section as amended will run ' If the Court on receipt of a petition under section 3, after taking such evidence and making such inquiry, if any, which in its opinion may be necessary, is of opinion that the trust to which the petition relates is a trust to which this Act applies and that the petitioner has an interest therein, it shall fix a date for the hearing of the petition, and shall cause a copy thereof, together with notice of the date so fixed, to be served on the trustee and upon any other person to whom in its opinion notice of the petition should be given. I submit that this is enough for all reasonable requirements."

The Hon'ble Mr. G. S. Khaparde :—" I only wanted the words to make it clear that it was a preliminary inquiry to be confirmed afterwards by a proper inquiry. Therefore, I say that the term 'primâ facie' which was there originally should be put in. I do not think there was any motion in the Select Committee to drop it."

The amendment was put and negatived.

2-46 P.M. **The Hon'ble Mr. Kamini Kumar Chanda** :—"Sir, I beg to move—

'That to clause 5(2) the following be added :—

'The statement, if any, which the trustee may make in answer to the petition, shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints.'

"Under the Bill, Sir, the petition is to be signed and verified, but it does not say anything about the answer of the trustee. The man may come up and say that there is no trust at all, but there would be nothing binding against him in writing. I think it is incumbent on him to make a statement, to commit himself to a statement in writing."

2-47 P.M. **The Hon'ble Sir William Vincent** :—"Sir, I am willing to accept the amendment in a modified form, if it will meet the Hon'ble Mr. Chanda. The form I propose is this: 'The trustee may and, if so required by the Court, shall, at the time of the first hearing or within such time as the Court may permit, present a written statement of his case. If he does present a written statement, the statement shall be verified and signed in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints.'

"The difference is this, that it is left to the trustee, as I believe is the practice in other similar proceedings, to decide whether he will file a written statement or not, unless the Court directs him to do so; if he does elect to file one it must be verified. I think that this probably will meet the Hon'ble Member."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I accept it."

The Hon'ble Mr. A. P. Muddiman :—"Sir, I should like to have authority to make the necessary consequential amendment. This will involve a consequential amendment."

The Vice-President :—"I take it that that is assented to; and I take it that the amendment in the altered form is accepted by the Council."

The amendment as altered was put and agreed to.

2-48 P.M. **The Hon'ble Mr. G. S. Khaparde** :—"I move, Sir,—

'That in clause 5(3) for the words 'three months' the words 'within a period not exceeding six months or such period to which it may be extended' be substituted.

"This is intended merely to give discretion to the Court to extend the time, if necessary. We often say in ordinary suits that there is no time to put in a written statement or defence and the Court has discretion to extend the time. I want to give the same discretion by these amendments of mine, Nos. 17 and 18."

The Hon'ble Sir William Vincent :—Sir, this clause, as it appears in the amended Bill, was accepted by the Select Committee after considerable discussion. The general view was that a reasonable time should be allowed to the trustee to bring a suit and that three months was ample for him to take this action. If it is said that he should have more time to bring a suit for a declaration of the kind required and if the period is increased to six months, these summary proceedings under the Bill, which are intended by their very nature to be expeditious and of a speedy character, would be unreasonably delayed."

The amendment was put and negatived.

The Vice-President :—"Does the Hon'ble Member desire to put the next amendment without a speech?"

The Hon'ble Mr. G. S. Khaparde :—"Yes, Sir. It is consequential."

The Vice-President :—"I think we may take it that No. 18* goes out."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I move— 2-49 P.M.

'That in clause 6 after the words 'sub-section (5) of section 5 the words 'or if in the course of an inquiry under section 5 the Court finds that the trustee has committed a breach of trust or falsified his accounts or other records' be inserted.'

"Sir, the amendment is fairly obvious, and I need not explain it further."

The Hon'ble Sir William Vincent :—"Sir, I am sorry that I could not think of accepting this amendment. These proceedings are to be summary proceedings directing trustees of Trusts of a particular character to produce accounts for audit or to furnish information. The amendment which Mr. Chanda has put in would necessitate prolonged inquiries by the Court as to whether a trustee had committed a breach of trust or falsified his accounts. It would mean really that the Court would have to make the same inquiry as a Court inquiring into a suit under section 92 of the Code, and all possibility of expeditious action would be gone. It would destroy the whole of the expedition in these proceedings and would really cause intolerable delay. 2-50 P.M.

"I hope the Council will not think of accepting this amendment."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move that at the end of clause 6 the following be added :— 2-51 P.M.

'(1) The Court may, in a special case where it finds that the trustee has committed a breach of trust direct that the trustee be removed on any application in that behalf by any party to the proceeding; provided that the trustee so removed shall have a right of filing a suit for his re-instatement.

'(2) In case of such summary removal of a trustee the Court shall appoint an interim trustee and proceed to frame a scheme of management, after hearing the management committee, if any, which may have been formed for the trust.'

The Hon'ble Sir William Vincent :—"Sir, I really am surprised to see this amendment proposed in the Council. I repeat I can only express surprise that Mr. Chanda should propose to this Council that a Trustee should be removed on the basis of a summary proceeding and that a scheme of management should be framed; in fact, that all the remedies now provided in the case of a regular suit under section 92 of the Civil Procedure Code and Act XX of 1863 should be obtained in a summary proceeding under the Act. The endowments often include properties of very great value and Trustees are entitled to fair treatment. I cannot think that the Council will accept this proposal as fair." 2-52 P.M.

The amendment was put and negatived

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move— 2-53 P.M.

'That for clause 7 the following be substituted :—

'7 (*1*) Management Committees shall as soon as practicable be appointed under the Religious Endowments Act, 1863, in every district in which there is any religious and charitable trust.

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*That in clause 5 (*4*) for the words 'three months' the words 'the period fixed by the Court', be substituted.

'(2) The trustee of such trust will take advice of such committee in the management of such trust. In case he objects to such advice, the matter will be referred to the Court which will then after hearing both parties pass orders in the matter which will be binding on the trustee.'

The Hon'ble Sir William Vincent :—" Sir, I rise to a point of order. I submit that this amendment does not come within the scope of the Bill at all."

The Vice-President :—" It really does not come within the scope of the Bill."

The amendment was accordingly ruled out.

2-55 P.M. **The Hon'ble Mr. G. F. S. Christie** :—" Sir, I beg to move that sub-clause (*c*) of clause 9 be omitted.

" The sub-clause which I propose to omit runs as follows :—

'(*c*) if a scheme for the administration of the trust property has been settled or approved by any Court of competent jurisdiction or by any other authority acting under the provisions of any enactment.'

" Sir, I can only speak with any authority with regard to my own province' The longer I have listened to the discussions in this Council the more am I impressed with the difference in conditions between my province, and the rest of India. I was not a member of the Select Committee and I do not know on what grounds this particular clause was retained But I do know that this Bill was capable of doing a great deal of good to my province, and that this will be very seriously impaired, if not altogether eliminated, by the retention of this clause. I must confess that I was greatly disappointed at finding nothing in the report of the Select Committee on the opinion expressed by Sir Reginald Craddock. In his letter of the 29th December 1919 he said :—

' It has further been urged that provision should be made for those trusts which are administered under a scheme, which has been approved by a Court of competent jurisdiction but which does not provide for a periodical audit of accounts. His Honour would therefore suggest that clause 8 be amended so as to bring such trusts, of whom there are *some* in Burma, under the operation of the Bill.'

" That is not an exaggerated statement, for we find in the letter of the Bar Library Association, Rangoon, the following paragraph :—

' With reference to section 8 (*c*) we have to point out that there is no provision for audit in *any* of the schemes that have been settled by Courts for administration of trusts relating to pagodas in Burma with the result that the accounts of pagoda trustees have never been audited by any qualified auditor.'

" I would remind the Council that pagoda trusts are by far the most important trusts of a charitable or religious nature in Burma. Of course it may be said that if it is desirable that there should be an audit of accounts provision should be made in the scheme for it, but local interests are too powerful and would prevent the Court from taking the action which it would otherwise take. The idea seems to be that the goose is not to be allowed to lay her golden eggs outside the poultry yard. Nothing seems to be more distasteful to Burmans than to keep accurate accounts of monies received. They should be compelled to do so in all cases where public monies are received. It is for this purpose this amendment is needed with regard to pagoda trusts, and I would ask the support of the Hon'ble Mr Banerjea and other Hon'ble Members who have laid stress on the wasteful disposal of temple monies. We have the same wasteful expenditure in Burma, and if this amendment is not accepted, it will mean that we shall have to apply again to the local legislature for a separate Act."

2-59 P.M. **The Hon'ble Sir William Vincent** :—" Sir, I confess I am somewhat astonished to hear that in Burma a Court which frames a scheme for the administration of a public endowment does not make some provision for accounts. I should have thought myself that that is one of the first things the Court would see to. I have had some small experience of these schemes at one time of my life and most members of the Bar present here will bear me out in saying that generally speaking no Court would sanction any scheme in which provision was not made for proper accounts. The reason, however, why we have excluded these trusts from the operation of the Act is that there are a number of them which are administered under schemes fixed not only by Courts of justice, but, I think, by special enactments which provide adequately for the points with which the Bill deals. We thought, and I still think, that it really is unnecessary to allow the provisions of this Act to apply to Trusts of this character for the management of which regular schemes have been framed by competent authority. I would suggest to the Hon'ble Member that if there are schemes in Burma of the character which do not provide for the maintenance of proper accounts—and I gather that there are—those interested in the trusts should apply to the Court for a modification of the scheme so as to provide for the elementary necessity of keeping accounts or, if necessary, a Bill to deal with the point should be introduced in the local Council. I do not think we should be justified in introducing in an all-India measure provisions for accounts in such cases merely because there are some schemes in Burma in which this is not provided for. I think it would be much wiser if I put it to the Hon'ble Member to withdraw his amendment and leave the Bill as it is."

The Hon'ble Mr. G. F. S. Christie:—"Not having received any support to my amendment, I beg to withdraw it."

The amendment was by leave withdrawn.

The Hon'ble Mr. G. S. Khaparde:—"Sir, the amendment which stands in my name runs thus :— 3 P.M.

'That to clause 9 after sub-clause (*c*) the following sub-clause be added :—

'(*d*) If the petitioners are paupers or undischarged insolvents, or are guilty of vexatious conduct.'

"My amendment relates to paupers and undischarged insolvents in clause 9. I have taken the last few words from the Civil Procedure Code, under which paupers can sue only under certain conditions and their suits are liable to be rejected for vexatious conduct. We wish to purify the administration of charitable trusts, and in our anxiety to do so, we should not permit anybody and everybody to come and disturb the management, and that is the reason why I propose this amendment."

The Hon'ble Sir William Vincent:—"Will the Hon'ble Member tell me what the section of the Civil Procedure Code to which he is referring is?"

The Hon'ble Mr. G. S. Khaparde:—"I refer to the part dealing with suits by and against paupers. So far as the undischarged insolvents are concerned, they have no status; even under the new reforms scheme they have no votes."

The Hon'ble Sir William Vincent:—"Sir, the Hon'ble Member here asks the Council to accept an amendment of the Bill providing that no application should be entertained from a pauper, an undischarged insolvent or a man who has been guilty of vexatious conduct. I do not know how the unfortunate Court is to ascertain before a petition is entertained whether this man has been guilty of such conduct or not, or how it could refuse to entertain a petition on these grounds. I further put it to the Council that every Mahant, if I may use the word, or every trustee would use such a provision to defeat the object of the Law. In every case the trustee would come forward at once and say that the petitioner has been guilty of very vexatious conduct; and had given him a lot of trouble. Is that the kind of thing that my Hon'ble friend Mr. Khaparde seeks to provide for? If so, no one 3-3 P.M.

else will support him. I put it to the Council that this amendment would really render the whole Bill ineffective."

The Hon'ble Mr. G. S. Khaparde :—"Sir, the vexatious conduct I was thinking of is a well-recognised thing in the Civil Procedure Code. A man disobeying orders or making frivolous complaints and agitating on matters already disposed of is considered to be guilty of vexatious conduct, and I think the Courts would have power to reject the application. That is what I mean by vexatious conduct."

The amendment was put and negatived.

3-5 P.M. **The Hon'ble Mr. G. S. Khaparde** :—Sir, I beg to move the following amendment:—

'That in clause 10 (*1*) for the words 'the plaintiff' where they first occur the words 'either party'; for the words 'the defendant' where they first occur the word 'them'; and for the words 'the defendant' where they occur for the second time the words 'the petitioners or the defendants' be substituted.'

"Sir, this amendment is to put the parties on terms of equality. The petitioner ought not to be favoured over the trustee who would be the defendant in the case. So I propose that in proper cases security should be taken both from the petitioner as well as from the trustee concerned."

3-6 P.M. **The Hon'ble Sir William Vincent** :—"Sir, I have explained more than once the reason why the present clause was inserted. It is because of the difficulty of getting private persons to come forward and incur the very heavy expenditure necessitated by suits against trustees of these endowments. Very serious expenditure is incurred, and it is only fair that where such a course is necessary, the Court should have power to make an order securing the plaintiffs against loss. But the really curious point in the amendment is, that it does not effect what the Hon'ble Member wants. By some extraordinary mistake he has not substituted anything for the word 'plaintiff' where it occurs for the last time in the clause. The only result is, so far as I understand the amendment, is that the plaintiff may in certain instances be called upon to furnish security for his own cost. If Hon'ble Members will read the clause they will see that in the words 'for any expenditure incurred, or likely to be incurred, by the plaintiff in instituting and maintaining such suit,' no change is proposed; there is no substitution of any new words, so that by some mistake the Hon'ble Member has proposed an amendment which does not effect what he intends."

3-7 P.M. **The Hon'ble Mr. G. S. Khaparde.**—"Sir, I did not put this clause, because under the Civil Procedure Code, a plaintiff who does not reside or have property within the jurisdiction of the Court has got to furnish security for the costs of the defendant. There is no trouble on that head at all. It is provided for by the general rule, and, so far as the special procedure was concerned, I made this substitution. It is not with any desire to favour either that I omitted it."

The amendment was put and negatived.

3-8 P.M. **The Hon'ble Mr. G. S. Khaparde.**—"Sir, I beg to move the following amendment :—

'That to clause 12 the following be added :—

'Except from an order awarding costs or from an order transferring possession of property.'

"This is an amendment to provide for costs or from an order transferring the possession of property, and though the matter is entirely in the discretion of the Court, still, as the proceedings are summary, there ought to be a remedy against an improper award. Similarly, also the wording in some parts is so general that property may change hands under the orders of the Court, and it should be in the power of either party not to agree to that. The usual course is that on a question of costs appeals are not allowed, but in this particular instance, as this is a summary procedure, a number of things may be done, and I submit that costs for appeals should be provided for."

The Hon'ble Sir William Vincent:—"Sir, it is a little surprising that Council should be asked to provide not for an appeal against an order itself, but for an appeal against an order awarding costs. In all cases, however, where the original order is not appealable if there is any injustice done there is always a power of revision given to the High Courts. The Hon'ble Member has admitted himself that an appeal very rarely lies on a question of costs only, and there is no reason why such an appeal should be allowed under this law. I really do not know what clause the Hon'ble Member was referring to when he spoke of orders transferring possession of property Perhaps the Hon'ble Member would explain to me under what clause such an order could be made. May I ask him to assist me in this matter?" 3-9

The Hon'ble Mr. G. S. Khaparde:—"Under clause 5 the Court shall order a stay of the proceedings, and if such suit is so instituted it shall continue to be stayed until it is finally decided. If he does not bring a suit, then the Court proceeds to decide matters and award costs. The Court might decide that the man might replace the costs by some other property. There is nothing to prevent him from doing so." 3-10 P.M.

The Hon'ble Sir William Vincent:—"The Hon'ble Member will see if he examines the Bill that there is nothing in clause 5 at all that authorises the Court to make any order transferring property. The Hon'ble Member is a lawyer, and it is a little surprising to me that an allegation of this kind should be put forward. I could have put forward a better case for the amendment myself. I maintain that there is no order under this Act which can transfer the possession of property, and I oppose the amendment." 3-11 P.M.

The Hon'ble Mr. G. S. Khaparde:—"I submit the words do admit of that construction and they do not provide for an appeal and there will be a real grievance."

The amendment was put and negatived.

The Hon'ble Sir William Vincent:—"Sir, I now move that the Bill as amended be passed. Of course it is open to any Hon'ble Member to object to this motion because amendments have been accepted to-day, but as they are really only formal amendments on matters of little moment, I hope that Council will not delay the passing of this Bill on that account. I have only to thank many members here for the great assistance rendered to me in the discussion of this Bill, and to express the hope that it will go some little way to prevent the grievous misappropriation of public Trust funds to which Hon'ble Members have referred so frequently in this Council. I do not want to take up the time of the Council for any length of time because there is a lot of business on the list and I feel—it is not entirely due to myself—I feel we have already wasted a good deal of time over unimportant details connected with this Bill." 3-12 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Although I adhere to the views I expressed when moving my amendment when the Bill was referred to the Select Committee, I think I shall not oppose this motion that the Bill be passed into law. Of course it would be more satisfactory if what is wanted was done, and if we had a more drastic enactment in order that real power could be exercised over the administration of trust funds. I think it would be more satisfactory if you consolidated the law which now is scattered in three different enactments and amended it, and had one enactment embodying the whole law and making it more effective than what is proposed in this Bill. 3-13 P.M.

I think we might allow the Bill to be passed and see how it works. Before I sit down I would ask the indulgence of the Council for one moment. The Hon'ble the Home Member on the last ocasion, in opposing my amendment, made a remark that as my Local Government said there was no opposition to the Bill in the Province, I must have come under outside influence. Some Hon'ble colleagues of mine expressed some surprise to me that I did not protest against that remark. I did not do so on two grounds In the first place, although I do not admit his major premise that the opinion of the Local Government must be conclusive on the question of public feeling on any matter, nor his deduction therefrom, namely, that any one who does not support the views of the Local Government must be supposed to be under outside influence. I did not protest at the time because I thought that his remarks might be construed to be legitimate criticism of my attitude towards the Bill, regard being had to what I had written to him in a letter. And, secondly, I thought that, in view of my attitude towards the Bill and the strong remarks I made against Trustees, there was no chance of my position being misunderstood. But as the Hon'ble Mr. Banerjea made a statement a little before the Hon'ble Member spoke, namely, that some mahant had seen him and tried to influence him to move that the Bill be postponed, some people have taken that remark of the Hon'ble Home Member to imply some imputation against me. I think I am entitled to ask the Hon'ble Member to say what he had in his mind. I will tell the Council what I wrote to him about. I got a letter from the Committee of management of one of the shrines in Bengal who were having a litigation against the mahant in the High Court. The writer of the letter asked to come and see me in order that he might give me his suggestions in regard to the Bill, and on that I wrote to the Home Member asking for some information. It was not of the character suggested by the Hon'ble Mr. Banerjea It was the other way. In a way it is correct to say that I have listened to outside advice, that is to say the suggestion was made to me, not by a man of my Province, but by some one outside my Province. Still I think the remark is likely to be misunderstood, and, as the Hon'ble Member knows, it has been misunderstood. I think I am entitled to ask him what he had in his mind."

3-17 P.M. **The Hon'ble Major Malik Sir Umar Hayat Khan:**—"I stand up to say a word because hitherto the Muhammadan point has not been put forward. I rise to welcome the Bill especially on behalf of Punjab Muhammadans, and say this with regard to all these amendments which have been lost, that the Muhammadans would welcome this Bill because it is according to Muhammadan Law. Every Muhammadan, wherever he is, even if he goes to China and there sees something wrong, is authorised by his religion to say that such and such a trust is not right. The Bill as it is now being passed absolutely meets their wishes except in one way, that is, that it does not go far enough."

3-18 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"I think I may be permitted to thank the Government and the Hon'ble the Home Member for the passage of this Bill. This is a reform which has been long overdue. Many, many years ago Rai Bahadur Ananda Charlu tried to introduce a Bill of this kind into this Council, but it did not proceed through many stages. After him Sir Rashbehari Ghose tried to follow in his footsteps, and he again did not meet with any measure of success The Bill does not indeed go very far, but it is the first instalment of a reform which may be a hint and indication to Provincial Governments which will be autonomous, and being autonomous they will be able to proceed upon these lines of legislation with greater firmness, courage, than they have been able to do in the past.

"It is the beginning, the first instalment of a reform which in course of time, I hope, will bring our public trusts under public control. I have said again and again that there is, and there has been going on for a long time, a scandalous waste of trust funds. In Bengal, before Bengal was partitioned, it was estimated that the public funds represented by these various trust properties amounted to several crores of rupees. Sir, I had the honour of making a suggestion in my evidence before the Sadler Commission that the proceeds of these funds might be devoted to the purpose of education without being diverted from their true purpose. Of course this could not be done now. Legislation would have to be resorted to and the Provincial Governments, being autonomous would be in a better position to undertake legislation on these lines than the Government of India, as the Government of India is constituted now. It is not so much the law what we have put upon the Statute-book to-day that we welcome, but the beginning of a great movement which will be fraught with great results in the future. It is the hope that it holds out to us that a line of legislation will now be undertaken, the beginnings of which have been well and truly laid to-day which will prevent the scandalous waste of temple funds and bring public trusts under public control.

"Therefore, Sir, I desire to congratulate the Government of India and the Hon'ble the Home Member on the passage of this Bill."

The Hon'ble Mr. G. S. Khaparde :—"I did not wish to speak further, but since things have been said, I will explain my position, and that is made necessary by the speech which the Hon'ble Babu Surendra Nath Banerjea delivered just now. At least in my part of the country there are no mahants against whom we have such complaints, nor do I know of any of these people who have misappropriated funds or abused their trust. It appears that in Bengal the trustees have not behaved well, and, as our Hon'ble friend Babu Surendra Nath Banerjea told us before lunch that he looked for them during sleep. No wonder he never found them; one may find them in waking moments. 3-20 P.M.

"So far as I am concerned, I wish both these petitioners and trustees to be put on terms of equality. As it is, I like the Bill and I have supported it, but I wish that the impression may not go abroad that we were against these mahants or trustees altogether, and that we want to favour all kinds of petitions against them. I hope this impression will not go abroad. The desire of this Council is, I believe, to deal fairly with both parties and certainly not in the direction indicated by my Hon'ble friend Babu Surendra Nath Banerjea that funds which are set apart for saying prayers for the dead, funds which are set apart for the feeding of Brahmins, funds which are set apart for distributing money to the poor and for other charitable purposes, should be diverted to the purpose of education. That will be taking us back to the days of the English law when prayers for the dead were considered superstitious and were prohibited.

"I trust that the legislation which now begins will not end in that direction. Those are all the remarks which I have to offer."

The Hon'ble Mr. Srinivasa Sastri :—"After the remarks which the Hon'ble Mr. Khaparde has made, it becomes necessary that I should say a word from the point of view of Madras. The abuses which this Bill, small as it is, seeks to correct are of very long standing, and have created for many years a feeling that the law ought to be amended so that temple trustees could be brought to book. Our efforts in Madras have been unavailing over a long series of years, and I am therefore saying nothing by way of exaggeration when I offer congratulations to the Government of India on having passed this Bill. It does help public men in removing a grave reproach against the conduct of temple trustees. Crores certainly are involved in this business, and I know a modest calculation which computes the loss to the public from misbehaviour of temple trustees at sums which will enable whole Universities to be founded and a whole scheme of compulsory education to be maintained. 3-23 P.M.

"Sir, I sympathise with the view that the Hon'ble Mr. Khaparde puts forward that the law should hold the scales even between the trustees and those who wish to bring them to book. But is there nothing like a bias which people bring to bear from their own experience ? The Hon'ble Mr. Khaparde has been living in a happier province than I happen to come from. He has no prejudice against temple trustees. I happen by long experience to have contracted a prejudice against them, and I perfectly approve of the way in which facilities are placed in the hands of those who wish to remedy these long-standing grievances. It is a sad confession to make, but my duty compels me to make it, that the management of our charitable and religious funds hitherto has not been a credit to us. I must except from this condemnation a class of benefactors in Madras called the Nattukotty Chetties. Their trusts are well and truly laid, they are very well looked after indeed. But other classes of trusts are not so well looked after ; in fact they have the reputation of being quite the contrary. I have no doubt that this Bill will be welcome in the whole of Madras ; and I have no doubt, at the same time, that it will be considered only a small instalment of the necessary reform in this direction."

3-26 P.M. **The Hon'ble Rai Sita Nath Ray Bahadur**:—"I also beg to congratulate the Government on the passage of this Bill. It will go a long way to prevent the wasteful expenditure of public trust money and religious endowment funds. I am certainly not here to support any wasteful expenditure of public money, but at the same time my esteemed friend the Hon'ble Mr. Banerjea will not, I am sorry to say, find many supporters, at least in Bengal, amongst Hindus and Muhammadans, when he says that any part of trust money set apart for religious or charitable purposes should be diverted to any other purpose, whether it be education or sanitation . . ."

The Hon'ble Mr. Surendra Nath Banerjea:—"I just rise to correct a mistake I did not say that the money should be diverted to sanitation but to education of a religious character perfectly consistent with the objects of the endowment."

The Hon'ble Rai Sita Nath Ray Bahadur:—"At least my impression was that he advocated it."

The Hon'ble Mr. Surendra Nath Banerjea:—"No, I did not."

The Hon'ble Rai Sita Nath Ray Bahadur:—"However, that may be, people in my province would surely not tolerate that any part of the money set apart for religious or charitable purposes should be diverted to any other purpose, whether it be education or any other purpose."

3-28 P.M. **The Hon'ble Raja Sir Rampal Singh**:—"Sir, I beg to associate myself with my Hon'ble Colleagues in congratulating the Government and the Hon'ble the Home Member on his having steered this Bill to this stage. I cannot however disguise from myself the fact that the Bill does not go far enough and that it will not be efficacious in removing the evils which at present prevail in the mangement of these trusts. But, so far as it goes, it is well and good and for that we are very thankful to the Hon'ble the Home Member. The present procedure of obtaing sanction from the Advocate General and of suing the trustees is very cumbrous, expensive and unsatisfactory, and the present Bill will certainly ease matters.

"I whole-heartedly support the motion of the Hon'ble the Home Member to have the Bill passed."

3-30 P.M. **The Hon'ble Sir William Vincent**:—"Sir, I should like, in the first place, to thank Hon'ble Members of the Council for the congratulations which they have offered to me in connection with this Bill. It is a position in which the Home Member, if I may say so, so seldom finds himself that such commendations are the more appreciated. It is not always that measures which I have to introduce are received with such approval. I am glad, however, that it has not fallen to my lot to introduce a Bill of the nature proposed by the Hon'ble Mr. Banerjea. If such a Bill were introduced, I can see that there would be those who would say that many of these trust funds were intended not for educational purposes but for something entirely different. and that a proposal to utilise them for education would be a kind of legalised looting . . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"I did not say so. I said money intended for religious purposes may be devoted to religious education which is a part of religion."

The Hon'ble Sir William Vincent:—"I am sorry if I misunderstood the Hon'ble Member. I thought he meant to use the money for general education. In any case I am glad that I have not got to introduce a Bill of that character.

"I should like to say one more word before I close with reference to a remark from Mr. Chanda. He thought that some explanation was due to him from me respecting the remark I made when the Bill was introduced. I myself do not think that anything I said necessitated any explanation or would justify anyone in asking for such an explanation. At the same time, I should be very unwilling to allow any misapprehension to remain in the mind of the Hon'ble Member, if it does, or in the mind of the public. I did not say or suggest that the Hon'ble Member had been influenced in his attitude to the Bill by any mahant. What I had in my mind was this. We had certain opinions from the City of Delhi against this Bill and as Hon'ble Members are aware the Hon'ble Mr. Chanda has frequently posed as the self-elected Member for Delhi, and I was getting at him for taking up that attitude in a Bill of which his own province approved. If the impression has got abroad that I intended any imputation on the Hon'ble Member's character in any way, I am perfectly prepared to assure him that no such imputation was intended, nor indeed can it be implied from the language that I used."

The motion was put and agreed to.

INDIAN PAPER CURRENCY (TEMPORARY AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey:—"Sir, I beg to move for leave to introduce a Bill to consolidate and amend temporarily the Indian Paper Currency Act, 1919. 3-32 P.M.

"The main object of this measure was briefly referred to in a Communiqué issued on February 23rd regarding the continuance of the sale of Reverse Councils, and from the Statement of Objects and Reasons Hon'ble Members will have seen that the necessity for this legislation has there been explained in somewhat greater detail. The matter is, however, a somewhat technical one, and the Council will, I am sure, desire that I should explain the precise character and effect of this Bill, and the reasons why a temporary measure of this sort is in our opinion necessary.

"As Hon'ble Members know, by a series of short Acts, ending with the Paper Currency Amendment Act passed last September, the maximum limit up to which the Currency Reserve can be invested in securities has during the past five years gradually been raised to a figure of Rs. 120 crores. All these Acts come to an end six months after the date fixed for the termination of the war.

"Hon'ble Members also know that the future composition of the Reserve, and in particular, the proportion of metal to securities, and the nature of the securities, was the subject of certain detailed recommendations by the Exchange and Currency Committee. *Inter alia*, the Committee recommended that a minimum 40 per cent of the Paper Currency Reserve should be held in the form of metal, and it is clear that the adoption of a percentage system will introduce a much needed elasticity into our currency arrangements, as compared with the present system under which the amount of the invested portion is rigidly fixed. Whatever difference of opinion there may be regarding the Committee's recommendations on other points, I am inclined to think that the broad lines of their recommendations regarding the Paper Currency Reserve will probably meet with general approval. I will not, however, trouble the Council with any remarks about these recommendations, for the simple reason that the amount of metal in our possession is at present not sufficient to give effect to them; the Committee itself, indeed, quite recognised that the composition of the Paper Currency Reserve, as laid down by them, would have to be worked up to gradually. The subject will have to be very carefully considered in detail, and I need hardly say that in due course the whole matter will have to come up before the Legislative Council.

"Meanwhile, something must be done as regards the continuance of the present investing powers. It is quite true that possibly the present temporary Acts might survive until the September Session, but there is another very important reason why legislation is in any case necessary during the present Session. Under the present law, out of the Rs. 120 crores of permissible investments, Rs. 100 crores must be held in British Treasury Bills. The present Bill removes that restriction and allows the Reserve to be held either in rupee or in sterling securities indifferently. Now there are perhaps some Hon'ble Members present here who think that this is quite a sound thing to do, and that, in view of the fact that the rupee equivalent of our sterling securities decreases every time that sterling depreciates, it is a sound policy to cut our losses and to replace our sterling securities by rupee securities. I must, however, explain to the Council the whole effect of the measure we propose. We do not propose to go into the open market and purchase rupee securities; the rupee securities which would be held in the Paper Currency Reserve will be merely our own securities issued *ad hoc*, that is, created for this definite purpose. They will, therefore as backing to our note issue, have a different value to sterling securities. Their utility, of course, depends on the extent to which they could be realised if thrown on the market.

"If, therefore, we were proposing this as a permanent or even *quasi*-permanent feature of the Currency Reserve, I admit that there might be some ground for apprehenson on the part of the public; I should, indeed, be disappointed if it were not criticised, for the credit of a State is so deeply involved in the soundness or unsoundness of the arrangements governing its note issue that it is impossible to take a too purist line in such matters—it is better to be a little too rigid, even to the point of pedantry, than too lax; we all know how much the great financial strength of England before the war was derived from the severity with which the issue of paper money was safeguarded. As regards the present Bill, however, although I have rather gone out of my way not to gloss over the exact effect of its provisions, I hope that I shall be able to convince the Council that it can without danger entrust us with the powers for which we ask. Hon'ble Members will have noticed that we only propose to give the Bill a duration until October 1st, *i.e.*, to the end of the September Session, and I will now explain exactly why it is that we ask the Council for these very temporary powers.

"The Secretary of State has hitherto been able to meet the sale of Reverse Councils from his own Treasury balances, but he is now coming to the end of his cash balances and must now sell out the sterling securities in the Paper Currency Reserve. The result of this would be, in the absence of the legislation now proposed, that we should have to cancel currency notes to the full rupee equivalent, at 1*s.* 4*d.*, of the sterling securities sold out to pay for Reverse Councils. For example, for every million pounds of Reverse Councils sold by us, we should have to cancel currency notes to the extent of Rs. 150 lakhs, although if we are selling at, say, 2*s.* 8*d.* we receive in India only Rs. 75 lakhs. I am sure that the business members of the Council will agree with me that to withdraw, say, Rs. 3 crores of currency notes a week from the money markets would in a very short time provoke a very serious financial stringency, for seeing that now-a-days we do not keep any large funds locked up in the Reserve Treasuries, those notes would have to come mainly from the cash reserves of the banks. What we propose, therefore, is to take such powers as will enable us to replace the sterling securities sold by rupee securities created *ad hoc,* to the extent to which we find this necessary having regard to the general monetary position.

"If my explanation of the real character of investing the Currency Reserve in rupee securities has been followed by the Council, then it will be clear to it that the powers for which we are asking are considerable. I need hardly say that, if the Council agrees to give us these powers, we shall use them to the smallest possible extent. Our first endeavour will be to take notes off the market; and we shall only use the powers for which we now ask when by not using them, we should cause serious disturbance to the money markets and thus to trade and business generally I hope the Council will agree that on the previous occasions on which we had to take currency powers from the Council we have not misused them. Hon'ble Members will remember that in introducing the last Currency Amendment Bill in September last, Mr. Howard gave them an assurance that the new 20 crore powers would not be used unless absolutely necessary. In my speech introducing the Financial Statement I described to what lengths of inconvenience we put ourselves during December last in order to avoid making use of those powers, and how we just managed to carry through without doing so. The Council can be assured that, in the interval between now and September, if we use these powers at all, we shall do so with the greatest caution, and in the full knowledge that we shall have to give an account of our stewardship next September. It may possibly be some little time before we actually use these powers, but it would obviously be most improper for us to keep the matter from the purview of the Council during the present Session, and subsequently, when the necessity actually arises, to ask the Governor General to proceed by Ordinance regarding measures the need for which can at any rate now be foreseen.

"There is one flaw in our armour which will, perhaps, not have escaped the vigilance of some of the Hon'ble Members here; it is this. We take credit for not having used the 20 crore investing power which was given us in September last; in other words, our present investments only amount to 100 crores; why therefore do we want to increase them, now that the period of tight treasury balances is over? There is, of course, a reply to this. The Council will remember that in introducing the Financial Statement, I referred at some length to the deficiency which arises in the Paper Currency Reserve owing to the fact that our sterling securities are valued at 1*s.* 4*d.*; they are still so valued, but obviously we cannot go on giving them a value which everyone must admit, no matter whether he agrees with the Currency Committee's policy or not, is no longer a correct value. It is clear that we must get nearer to true facts, and accordingly we shall before long exhibit our Currency accounts on a basis of 2*s.* sterling We are in consultation with the Secretary of State as to the precise time when and the method by which this shall be done, but it is clear that, whenever the accounts are so changed, there will at once appear a deficiency, *i.e.,* the total amount of the securities will, when added to the metallic portion of the Reserve, not amount to the gross circulation. It will be necessary, therefore, to create temporarily a certain amount of *ad hoc* securities in order that the accounts may balance. This, it may be said, is merely a technical device, and I quite admit that this is so, but it has this obvious merit that it will show very prominently, both to ourselves and to the general public, what is the true position, which is at present concealed by the rate at which sterling securities are converted into rupees, and will bring home to all of us the necessity for doing all we can, as I emphasised in my speech on March 1st, to make up the deficiency at the earliest possible time, and, until this has been done, not to divert all our gains by exchange to other purposes. It is quite impossible to say at present what the actual deficiency will amount to on a 2*s.* basis, but so far as we can see, this 120 crore limit will give us sufficient powers in the matter.

"As I have said before, we are fully conscious that this must be regarded as a temporary measure which we should not think of justifying if it were a piece of permanent legislation. By September the position will have cleared up in one way or another, and then both the Council and ourselves will be in a much better position to examine the whole merits of the policy which should be permanently adopted as regards the Paper Currency Reserve."

3-43 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy**:—"Sir, I rise to oppose the principle of the Bill. This Bill is a corollary to the currency policy adopted by the Government of India in regard to reverse bills in conformity with the wishes of the Secretary of State. The feeling in Bombay regarding the currency policy of the Government is very acute, and they have arranged to hold a meeting on the 20th instant with a view to condemn the policy of the Government. With your permission, Sir, I will read a telegram which I received this morning from the Indian Merchants' Chamber and Bureau, which will clearly show the feeling which is in Bombay in regard to this question.

'The commitee of the Indian Merchants' Chamber and Bureau beg to reiterate their request to stop sales of reverse bills which in their opinion are driving Government to take steps more and more harmful to the finances and interests of the country. The Bill to amend the Paper Currency Act, 1919, appears to them as the inevitable sequence of a misconceived policy. It is, in their opinion, a device to conceal from the public the loss to Indian finance arising from the sale of reverse councils. Full provisions of the Bill are unknown here, but from Statement of Objects and Reasons published it is obscure, particularly on the amount of security reserved against notes previously supported by English Treasury Bills. Committee strongly urge that the Bill be dropped or at least first submitted for commercial opinion. Further, Committee protests against the Government silence on so many representations made by them on the subject of currency and exchange. Country is being driven into a more impossible situation every day, and in deference to the commercial opinion will not help to save it . . from Jehangir Bomanji Petit, Chairman.'

"Sir, many a time in this Council during this Session I have expressed the opinion of the Commercial community in regard to the policy adopted by the Government of India in regard to these reverse bills and the free importation of gold. Therefore, I do not wish to take up the time of this Council and repeat those sentiments over and over again. Sir, I will only appeal to the Government of India to draw their attention to the tension which has been brought about in the commercial community by this policy which they have adopted, and I hope that they will reconsider the position. With these few words, I oppose this Bill on its principle, although I know it will cause a stringency in the money market if the Currency notes are removed; but I cannot help it. I have, therefore, to oppose it."

3-46 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"Sir, it is with deep regret that I notice that the Hon'ble Mr. Hailey has been obliged to bring forward a Bill of this description before a legislative assembly. Our thanks are, however, due to him, for his courage in asking a legislative assembly to approve of the introduction of a measure of this description instead of getting an ordinance passed when the Council is not sitting. If I speak strongly it is because I hope that the Council will rise with one voice and refuse leave to save the Government of India from itself. Sir, there is no emergency. There is a complete departure from the principles which ought to guide the Government in their currency policy when they put forward the measures they ask us to adopt this morning. The powers, though granted for six months only, are likely to be highly detrimental to the financial position of India. The Government might wipe out all the balances we have in England, both in the Gold Standard Reserve and in the Paper Currency Reserve, if the policy upon which they have already started should continue during these six months. Viewed from no standpoint can this measure be justified. I shall, in order to justify such strong statements, proceed to a little detail in discussing the principles of the Bill as to what the position would be. At the present moment, *i.e.*, on the 10th March you have 182 crores in notes; 84 millions in gold and silver coin or bullion, and 98 millions and odd in Government of India securities and British Treasury Bills. The Currency Committee recommended that as a temporary measure the power which the Government of India now have to invest 120 crores in securities might be continued; but they say that only 20 crores should be in Government of India securities and the rest in securities of the rest of the British Empire. I shall state my points before I read these statements. Now, what may be the result if this Bill be passed into law? You might sell the £54 millions of treasury bills we have at Home, amounting technically to 82 crores, which we purchased for 82 crores it would be more accurate to say, we might sell the whole of them; we might send 20 crores of gold bullion from India and we shall have against the Rs 182 crores notes possibly 62 crores in coin and bullion, silver and gold, and 120 crores Government of India securities. One principle as to why all past legislatures have condemned Government's investing the reserves in their own securities is that they are really no securities on which you can fall back, and that they would be worth nothing if sales are compelled or forced when there is a currency crisis; you cannot meet a currency crisis by sale of your own bills, of your own securities. With the tendency to live on your own treasury bills encouraged, the temptation would be irresistible and hence economists and legislators have emphatically condemned the practice of holding large reserves in your own treasury bills or in your own securities, and that is the reason why the Currency Committee have emphatically denied the power and recommended that the securities of the Government of India should be held only to the extent of 20 crores and the rest of other countries within the British Empire.

"Let us proceed. We find now that there are applications for Reverse Councils to the extent of 117 millions. 104 immediate, 12 deferred and 2 millions have been allotted; suppose during the course of these 6 months you were obliged to sell Reverse Councils to the extent of the apparent demand you may have to sell the 54 millions of British Treasury Bills and 37 millions in the Gold Standard Reserve. You will wipe out the whole of the balances in England. There is nothing to prevent Government from doing so if accommodation is to be given to those who wish to transmit money to the extent of 117 millions at the high rate of exchange now prevailing. What would be the loss? You bought these securities in England at the rate of Rs. 15 to the pound, and you will get by the forced sale a rate of 2 shillings 7 pence, the current American cross rate, *i.e.*, nearly a half, the 37 millions pounds in the Gold Standard Reserve and the 54 millions in the Paper Currency would really be worth only 45 according to the old standard. Of course the loss would not be so great if you bring down the exchange to 2 shillings. But whatever it be, the loss would be ruinous and Government ought to pause in connection with this matter lest they should wipe out all they built up in the way of Gold Standard Reserves, and more than half of the Paper Currency Reserves. Reading through the literature of the past one would notice that it was the Gold Standard Reserve that was considered to be the first line of defence. I can understand why it is that the Government cannot or does not utilise it. We find, turning to page 36 of the Gold Standard Reserve that the funds have been locked up in securities which may not be redeemable for some time except to a small extent. There were treasury bills of 8 millions maturing between December 1919 and March 1920; exchequer bonds redeemable between February 1920 to October 1921 to the extent of 16 millions and war bonds redeemable from 1st October 1920 to the extent of 7 millions. And there are various smaller amounts. Thus we cannot quarrel very much with the Government for not falling back on the Gold Standard, if only their course would not directly be in conflict with the essential principles underlying the currency system. From the Chamberlain Commission's Report and from the spirit and letter of their recommendations I gather that they accept 5 millions in the Paper Currency reserves in England to form a second line of defence in a time of crisis. Hon'ble Members will thus see that it was to a very limited extent and as a second line of defence was the Paper Currency reserve to be utilised in support of exchange. What do we now find? We find that the Paper Currency Reserve in England consists of only three crores in the shape of gold bullion. If we adopt the advice given by the Chamberlain Committee, we could not touch more than that. I fear that the 45 crores of gold we have here may be touched. That is the danger to which I have referred; there is a risk of possibly 20 crores of gold being sent out from here. Hon'ble Members will notice that the 45 crores of bullion would at a 2 shillings valuation be only 30 crores; *i.e.*, there would be a loss of over 15 crores. My submission, therefore, is that exchange should be supported only by the gold Standard Reserve in the first instance, and, therefore, whatever may be the loss if you are to be logical and not depart from principle, you can only employ the Gold Standard Reserve for maintaining exchange. There is no reason whatever for selling Reverse Councils now. This question has been discussed and I will not repeat the arguments again. But apart from this question, Currency Reserves should be held sacred and should not be tampered with in the manner proposed whatever may be the difficulties. I respectfully beg to submit that there should be no deviation from correct currency principles. If you say that against the 182 crores of notes there will be 62 crores of bullion, then I submit there is really no object in insisting on currency reserves. We cannot realise the object of the Paper Currency Reserve; when there is a rush on the Paper Currency Reserves and people wish to get silver or gold in exchange for notes the Government must be in a position to meet the demand so that controvertibility may be maintained. If there is a rush for a large part of the 182 crores and you have only 70 crores where will you get the balance? You will have to depend on your credit and that is a credit of your own creation. There is a grave risk and I implore the Government to pause before they ask the Council to accept the new principle or no principle. I know that the Government would be extremely reluctant to use the powers that it asks for unless perhaps it is forced to do so, but it is that 'unless' that is a dangerous thing. I think we should be doing wrong if we allow the Government to deviate from the straight and right course. It may be that they did not purchase the twenty million Treasury Bills last time that they have turned round the corner in a very skilful way for the benefit of the country, but may I say that the opinions of these experts and financiers must be taken with a grain of salt, at any rate in these days when no one knows exactly whither one is drifting. When Sir William Meyer introduced his statement and asked for powers, he said that Treasury Bills were as good as gold and every one believed it. That is what every one hopes will be the case in the near future. But unfortunately at the present moment we notice that we will lose by a sale of the British Treasury Bills because there is no metallic backing for them and the American cross rate is against England. That is the reason why we shall lose by getting in our Treasury Bills, the Home Treasury Bills. So what every one believed to be an axiomatic truth to which no exception could be taken has turned out in a very short time to be absolutely incorrect. Therefore we cannot allow the fads of the greatest experts to go too far. An emergency is said to have arisen. What is the emergency? The emergency is that Reverse Councils have to be sold. Well, we went into that question and we found that there was no adverse balance of trade; we found that the Secretary of State had ample funds for himself, and therefore where is the question of any emergency now? The principle underlying section 4 is most dangerous to adopt. The section reads:—'Section 22 of the said

Act shall be construed as if for the words one hundred and forty millions the words 'twelve hundred millions' were substituted and as if the proviso to that section were omitted.'

"At present the Hon'ble Mr. Hailey told us that we are obliged to keep a large quantity of securities in Treasury Bills, and the Currency Committee recommend us to adopt the same policy in future. The Committee says as follows:—

> 'As regards the composition of the fiduciary portion of the reserve, we recommend that the amount to be held in securities issued by the Government of India should be limited to 20 crores, the figure at present permissible under the temporary legislation now in force, and that the balance should be held in securities of other Governments comprised within the British Empire. Of the amount so held not more than 10 crores should be invested in securities with more than one year's maturity, and any securities so held should be redeemable at a fixed date. The balance of the invested portion of the reserve over and above the 30 crores already provided for should be held in short-dated securities with not more than one year's security, issued by Governments within the British Empire, other than the Government of India'.

"Then they contemplate that 71 crores would be the bullion in the reserves under their recommendations and 107 would be in securities. We have got three more crores of notes now, and therefore I think we can add these three to the above figures The Government may say that they already possess the power of investing up to 120 crores. I grant that. I also grant that there is a passage in the report for their benefit, *viz.*, that they may retain for a limited period the existing power to invest up to 20 crores, but the Currency Committee never contemplated the conversion of the fiduciary issue of the rest of the British Empire into Government of India I. O. U. We cannot say that we shall accept one portion of the Committee's recommendations and reject the other portion of the same. I think, Sir, that the Indian Government has been advised in this case throughout to accept only such portions of the Currency Committee's recommendations as commended themselves to the expert advisers of the Secretary of State, because it is impossible for me to believe, although I should not draw a distinction between the Government here and the Government in England, it is impossible for me to believe that the Government of India has its heart in this business. Apart from that, I submit that if we are to stick to the Committee's recommendation about high exchange even at the risk of losing all our export trade, at the risk of prejudicing our industries, if we are to stick this high exchange rate of 2*s.*, let us have all the recommendations of the Committee brought into force immediately as suggested and not in a partial manner absolutely prejudicial to the people of this country. I think, Sir, there is much justification for the alarm that is felt throughout India, specially in Indian circles, that the Government have been very badly advised in their currency policy. The net result of the Government proceeding in this manner would be that six months hence the Hon'ble Mr Hailey would possibly be obliged to come here and say, 'We have been under superior advice obliged to sell all our securities in the United Kingdom to cover the losses; so let us start with a clean slate.' I hope that contigency won't be forced upon the Hon'ble Mr. Hailey and that we shall not allow the Government to be tempted. I think we will be acting as the true friends of the Government of India in resisting its demand at the present moment. I think there is absolutely no justification for the sale of Reverse Councils on the scale that they are now being sold; if the 117 millions are sold, the whole of our balances would be wiped out and India would be landed in a colossal loss of many crores of rupees; if we allow this Bill to go through we shall be practically sanctioning the principle that we can invest our Paper Currency Reserves in our own securities; and, lastly, we shall also be admitting that such a tremendous contingency has arisen after the war as to compel the Government to depart from all currency precedent and principle. I hope, Sir, that the Council will not accede to this motion."

The Hon'ble Mr. W. E. Crum.—"Sir, I share entirely the objec- 4-5
tions which the Hon'ble Mr. Hailey, the Hon'ble Mr. Sarma and the Hon'ble

Sir Fazulbhoy Currimbhoy have to this Bill. I am perfectly certain that none of us would wish to bring this Bill into effect unless it were absolutely necessary, and I feel that if Government have asked us to pass this Bill, it is because they do feel that it is necessary and that they do feel that there is an emergency. The Hon'ble Mr. Sarma has already told us of the recommendations of the Currency Committee with regard to the holding of the Currency Note Reserves, and there is no question about it that the Government of India now propose to go directly against the proposals of that committee. They are placed however with the two alternatives, namely, of entirely stopping the sale of Reverse Councils or of withdrawing currency notes from the market here. Now what would be the effect of either of these two alternatives? The Hon'ble Mr. Sarma said that the balance of trade is really in favour of India. Well, I am not quite sure that it is, and that is really the crux of the whole problem. If the balance of trade were in favour of India, that is to say in favour of India at the present moment, then I personally cannot see how exchange is going down in the way that it is going, and I do think that temporarily (I believe it only to be temporary) the balance of trade has turned against India and therefore in order to preserve some sort of equilibrium of exchange reverse councils must be continued. The other day when I was replying to some remarks of Sir Fazulbhoy Currimbhoy regarding high exchange, I pointed out the difficulties that would occur to the people of India if exchange was to go down very largely. Now I would like to give the Council an instance. The other day, when I was in Calcutta, I was looking into the prices of cloth, that is to say the prices of imported cloth from Manchester. I found that on the basis of a 2*s*. 6*d*. exchange Manchester prices for purchasing for shipment, say July-August, were 25 per cent. above the Calcutta prices. Now that means that if exchange goes down and is allowed to go down steadily to 2*s*. or even lower, as it might do, the people of India will have to pay an enormously increased price for their cloth. We know the trouble that there has been already in this country over the prices of cloth, the complaints that there have been over the prices of everything, even the cloth, riots that there have been in places, and I do submit that if we allow exchange to go down too low and too quickly, the position will be very very serious indeed from the point of view of the poorer people of this country. Then as regards the other alternative of withdrawing currency notes from the market here. We are coming now to what ought to be the two busiest months of the year, the latter half of March, April and May. Fortunately, I understand that the balances with the Presidency Banks are increasing instead of going down, which is on the whole, at this time of the year a very hopeful sign, and therefore it may be possible for Government to withdraw currency notes to a much larger extent than they would be able to do in ordinary years at this time of the year. But the effect, if money did again come into demand these busy months, combined with the effect of a withdrawal of notes, might be to create a stringency in the money market in India which would be very serious indeed. Then, Sir, there is a point that I would like to draw the attention of the Council to regarding the possible extent to which these reverse councils are likely to be required. Now Mr. Sarma made rather a point of the fact that 117 millions were applied for last week. Well, I can give him a little personal instance as to how that 117 millions was made up. My firm wanted to remit some money to England. As a matter of fact we wanted to remit £30,000. We applied for half a million of Councils and we were allotted £9,000. Well, I think, that shows that this £117 millions which is being applied for is absolutely beside the point. You can draw no conclusions from it whatever, and personally I believe that if Government go on with this £2 millions a week for a comparatively short time we will see the pendulum swinging the other way and we will see the market settling again somewhere about the price it ought to be at. I certainly do not think that there is the least danger of Government having to continue at the rate of £2 millions a week until this Act ends, which is on the 1st of October 1920. Therefore, for the reasons, that I think that the entire stoppage of reverse councils would be bad for India, that I think equally that the withdrawal of currency notes at the rate of three crores a week might have very serious effects, and thirdly for the reason that I see no alternative, I support Government in this Bill. But I would like to see, if possible, the amount which is to be held in India limited, not to put the whole amount of 120 crores into Indian securities. And we have the assurance of Government that they will use this measure to the very minimum extent, and for that reason, being perfectly satisfied that the Finance Member will use the discretion that he has been given with the utmost possible care, I support the Bill."

The Hon'ble Mr. W. M. Hailey :—"Sir, the proposal which I put 4-15 P.M. before the Council, and which I put forward in a manner which showed that I fully recognised that from the purist, or from the orthodox point of view there were objections to that proposal, has been criticised by the Hon'ble Mr. Sarma and by the Hon'ble Sir Fazulbhoy Currimbhoy. The Hon'ble Sir Fazulbhoy Currimbhoy objected to it because it was simply a part, a necessary part of what he deems to be our objectionable policy of selling reverse councils. We are fully aware of the objections which Sir Fazulbhoy Currimbhoy and his friends have to that policy. At the same time, the Council is well aware of our reasons for continuing the policy; I explained those reasons at some length the other evening; and perhaps it was due to the length of the speech which I inflicted upon the Council, or perhaps it was due to the lateness of the hour at which the debate took place; but I do not remember that, when a division was called for, there was a single supporter of the resolution which called upon us to do away entirely with the sale of reverse councils. And why Sir? Because I know, and the opponents of that policy know perfectly well, that the objection is not to the principle of the sale of reverse councils at all, but arises from the fact that we are having to carry out our policy under somewhat unusual circumstances and at a somewhat unfortunate time. A year ago we were selling reverse councils; exchange was at 1*s*. 6*d*., and we were naturally undertaking a loss in doing so. There was no objection then. It is because the gap between the market price and the gold price is so wide now that the objection has arisen. Now what says Sir Fazulbhoy? Stop reverse councils altogether. If you do so you will not have to face the consequence to which this Bill leads you. Sir, I find it hard to believe that he would really wish, if we had demonstrable proof that the balance of trade was against us, that we should stop them altogether. He might ask us not to base our rate on the American cross rate or not to take so high a figure as 2 shillings gold, but would he actually support to this Council the proposition that in no circumstances should we help remittances home, that we should go entirely against the policy which has been followed for the support of the gold exchange standard for many years of selling reverse councils when it was necessary to support the rupee rate? For that reason, I find it hard to follow the objection of the Hon'ble Sir Fazulbhoy Currimbhoy to the full. I desire again to criticise the statement that he made that the operation we propose in this Bill would only conceal our loss. Why, Sir, if it does anything, it brings it prominently to everybody's notice. I called attention to that aspect of the question in the speech I made to the Council just now. The mere publication of our Statement of Objects and Reasons will bring it before the world; the change in the character of our securities will compel us, when the next Council sits, to re-adjust the matter. So far from concealing our loss it blazons it forth. And on one point at all events I can claim that Sir Fazulbhoy is an advocate on my side. He himself protests strongly against causing any stringency in the money market conditions, and as the Hon'ble Mr. Crum has pointed out, if we have in any circumstances to sell reverse councils—I do not say by the present method or on the present basis, but if we have to sell them at all—then, if we take them against currency, that must cause a stringency in the money market; and it is mainly to prevent that stringency that I have brought the present Bill forward.

"Now, Sir, I should like to meet in as few words as possible, the very thoughtful, the very temperate (if I may be allowed to use that word) and the very carefully prepared attack which the Hon'ble Mr. Sarma made on this Bill. To some extent. I welcome what he said. I see that we have in this Council a financial purist who will not abandon his orthodoxy for any temporary requirements of the situation. Well, we ourselves welcome the assistance of such purists. We ourselves have frequently been accused of an undue preference for purism and orthodoxy, and if we can find here so stalwart a champion of that cause we have nothing but a kindly feeling for him.

"Now, Sir, he pinned a great part of his argument to the fact that the Currency Committee advised that we should have only 20 crores of Indian securities in our Reserves, and recommended that we should in no case exceed that amount. I fully admit the force of his argument. I fully admit that if we were to propose to carry out as a permanent measure the steps we are now suggesting, it would be contrary to the report of the Currency Committee. My defence against that argument is that we do not propose this as a permanent policy. I find nothing in the Currency Committee's Report to show that they thought that we should immediately make this transfer in our investments, nor did they suggest how we could possibly do so. They contemplated that we should at all events take some time to work up to our ·40 per cent. proportion of metal; that in itself shows that they realised that their standard was an ideal to be worked up to rather than an immediate possibility. We cannot work up to it at present, and the steps I have asked for leave to take are purely transitory, which will eventually, we hope, lead up to that position.

"Then again he said we might arrive at a position when we should have currency reserves here 120 crores of Indian securities, having got rid entirely of the whole of our home securities. I want no better argument, and can present no better argument against that suggestion, than the reply which has been put forward by the Hon'ble Mr Crum. His answer is, I think, clear and conclusive. It is exceedingly unlikely that we should have to use our powers to that extent. I find it difficult to imagine that we should have against us a balance of trade so intense, so long-continued, that we should have to go on selling 2 million reverse councils a week up to September next.

"His third argument was this, that you have two lines of defence; you have always said that the Gold Standard Reserve was your first line of defence; and your loss should now fall on the Gold Standard Reserve. Take your loss there and do not tamper with your currency reserves. He suggests that the reason why we propose to operate against the Paper Currency Reserve and not against the Gold Standard Reserve is this, that the Gold Standard Reserve is locked up in securities which are difficult to realise. That, Sir, is not the reason at all, at all events that is not the primary reason. The reason why we propose to operate against the Paper Currency Reserve rather than against the Gold Standard Reserve is this. We are dealing with a situation of high exchange and that means that the rupee equivalent of the Paper Currency Reserve sterling securities is much less than they were when purchased. As a matter of policy, therefore, it is our duty to bring back to India that portion of the Paper Currency Reserve first before operating on the Gold Standard Reserve. That is one point. The second point is this that, from a practical point of view, it is desirable to leave the Gold Standard Reserve until the Paper Currency Reserve has been re-transferred, in case—it may be only a possibility—but I say in case the Secretary of State finds it impossible to keep himself in funds by Councils for his heavy home liabilities. He will then be able to use the Gold Standard Reserve and we can credit the Gold Standard Reserve out here. There is a third point, and I think a conclusive one. When you operate against the Paper Currency Reserve you have to operate within the Paper Currency Reserve; when you operate against the Gold Standard Reserve it disappears; it melts and we are under no obligation to replace it; whereas we are under a statutory obligation to replace the Paper Currency Reserve.

"Of course I am very well aware that the whole of Mr. Sarma's argument really rests on his main proposition that this Bill is only a corollary of an evil policy; that Council should not give powers to Government which would help them to persist in their evil courses. I have ventured to say a few words on that subject in reply to the Hon'ble Sir Fazulbhoy Currimbhoy; and just as I ventured to quote Mr. Crum's general argument against Sir Fazulbhoy, I venture to quote it also against Mr. Sarma. Mr. Crum amidst our many critics here and elsewhere, has held out a guiding light to one who is tossing on rather troubled waters, and I thank him for the assistance he has rendered us. But which relying on Mr. Crum's general answer to Mr. Sarma, let me in addition correct one impression of the Hon'ble Mr. Sarma's. He says there is no need whatever for our selling reverse councils because the Secretary of State is well in funds. Now, Sir, we have received so much careful criticism from the Hon'ble Mr. Sarma that I desire to put him right on this technical point. The effect of selling reverse councils is to empty the Secretary of State's treasury not to replete it.

"I have answered these objections I am afraid, Sir, at some length. I can only say that in the circumstances I have explained, I must try to persuade the Council that we have no alternative but to persist in what our critics call our evil courses."

The motion was put and the Council divided as follows:—

Ayes 33.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
„ Sir George Lowndes.
„ Sir George Barnes
„ Sir William Vincent.
„ Mr. Shafi.
„ Mr. W. M. Hailey.
„ Sir Arthur Anderson.
„ Sir Thomas Holland.
„ Mr. W. E. Crum.
„ Mr. C. F. de la Fosse.
„ Mr. E. M. Cook.
„ Mr. H. Sharp.
„ Mr. H. McPherson
„ Mr. A. H. Ley.
„ Sir William Marris.
„ Mr. R. A. Mant.
„ Major-General Sir Alfred Bingley.
„ Mr. E. Burdon.
„ Sir Sydney Crookshank.
„ Surgeon General W. R. Edwards.
„ Mr. H. Moncrieff Smith.
„ Mr. A. P. Muddiman.
„ Mr. C. A. Barron.
„ Mr. N. E. Marjoribanks.
„ Sir Dinshaw Wacha.
„ Mr. K. C. De.
„ Mr. L. F. Morshead.
„ Mr. C. A. Kincaid.
„ Mr. P. J. G. Pipon.
„ Mr. A. E. Nelson.
„ Mr. B. C. Allen.
„ Mr. G. F. S. Christie.

Noes 19.

The Hon'ble Sir Gangadhar Chitnavis
„ Pandit Madan Mohan Malaviya.
„ Mr. S. Sastri.
„ Mr. B. N. Sarma.
„ Mir Asad Ali, Khan Bahadur.
„ Mr. V. J. Patel.
„ Mr. E. H. Jaffer.
„ Sir Fazulbhoy Currimbhoy.
„ Rai Sitanath Ray Bahadur.
„ Maharaja Sir M. C. Nandi.
„ Raja Sir Rampal Singh.
„ Nawab Ali Chaudhuri, Khan Bahadur.
„ Chaudhri Mohamed Ismail Khan.
„ Sir Umar Hayat Khan.
„ Sir Zulfikar Ali Khan.
„ Sardar Sundar Singh.
„ Mr. K. V. Reddi.
„ Mr. G. S. Khaparde.
„ Mr. K. K. Chanda.

The motion was therefore agreed to.

The Hon'ble Mr. W. M. Hailey :—"Sir, I now beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The Hon'ble Pandit Madan Mohan Malaviya :—"Mr. Vice-President,

The Vice-President :—"I must remind the Hon'ble Member that the motion before the Council is merely for publication, and that he is not entitled to make a speech on any other subject."

4-40 P.M. **The Hon'ble Pandit Madan Mohan Malaviya** :—"Mr. Vice-President, you might have saved yourself the trouble of reminding me. I have carefully noted the language. The motion now before the Council, as the Vice-President has been pleased to remind us, is that the Bill, together with the Statement of Objects and Reasons relating thereto be published in the Gazette of India in English. The object of this publication, I take it, is that the commercial world and the public generally should be able to understand the reasons which have led the Government of India to put forward this proposal; and, bearing that in mind and feeling certain that the Government of India do desire that they should have the public with them as much as they can in the matter of legislation of the importance of the one now before us, I should like to make two things clear, in order that we should be able to see how the position exactly stands, and that the public should be able to know what are the reasons for the proposal which will come before the Council next week. The Hon'ble Sir Fazulbhoy Currimbhoy has laid before the Council the telegram which he has received from Mr. J. B. Petit, Chairman of the Indian Merchants' Chamber and Bureau of Bombay. I have received a similar telegram; and they attack the Government of India on the proposal before the Council now on one simple issue. They say they reiterate their request to stop the sale of reverse Bills which in their opinion are driving the Government to take steps more and more harmful to the finance and interests of the country. Now, they say that it is the sale of the reverse Bills which is leading the Government of India to take this step. I am sure the Government of India will desire to make the position clear, so that if the public are not informed of the real circumstances, they should be. With regard to the question of the sale of reverse Councils I would like the Hon'ble Member to mention for my own personal edification—I shall feel grateful to him—and perhaps also for the edification of the country generally if he will make one point clear. In their Report, the Currency Committee state the conditions under which reverse councils are to be sold. I wish to ask if those conditions exist which would justify the sale of reverse Councils. Now, the Hon'ble Mr. Crum has said that if the balance of trade was really against, not in favour of, India, reverse Councils should certainly be sold. The Hon'ble the Finance Member also asked the Hon'ble Sir Fazulbhoy Currimbhoy what the balance of trade was against us. Now, Sir, if the balance of trade is shown to be against us, I think our objection,—if not the entire objection of the country—will disappear, for in this report the Currency Committee gave the whole history of the sale of reverse Councils and they explained the recommendations which they made on the subject of the sale of reverse Councils and, what is more important, they have laid down very clear and definite limitations within which reverse Councils should be sold. In stating the position at the outbreak of the war, with regard to the sale of reverse Councils, they say :—

> 'The amount of the Council drafts offered for sale each week was, therefore, fixed not only with reference to the requirements of the India Office, but also with reference to the demands for remittance to India, subject always to the capacity of the Government of India's resources to meet them. The rate obtained for the drafts varied from time to time according to trade demand, but as there was a standing offer to sell Bills without limit of amount at 1s 4⅛d. per rupee, the price never exceeded this figure, which corresponded to the theoretical gold export point. The Secretary of State also maintained the practice

of not selling his Bills below 1*s.* $3\frac{29}{32}$*d.* per rupee. If (and I invite the Hon'ble the Finance Member's attention to this) owing to a temporary change in the normal current of trade, there was a tendency for the exchange value of the rupee to fall below this figure . . .

The Hon'ble Mr. E. M. Cook:—" Sir, I rise to a point of order. I beg to submit that the Hon'ble Member is not speaking to the motion before the Council." 4-45 P.M.

The Vice-President:—" I have been very patient with the Hon'ble Member in hopes that he was coming to the motion; but nothing that has fallen from his lips till now has had any relevance to the question, the sole question, that is before the Council, *viz.*, whether the Bill for the introduction of which leave has been granted, should be published in the Gazette. That is the sole question before the Council, and I must ask the Hon'ble Member to address himself to that, and to that alone."

The Hon'ble Pandit Madan Mohan Malaviya:—" I am sorry, Sir, if I have not made myself clear. I stated that the motion was that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India. The report of the discussion which has taken place in this Council and is taking place will be published along with the Bill in the Gazette of India and the public would be in a position to know what exactly the position is, whether there is justification for introducing the present Bill before us or not. It is in that light that I have addressed these remarks before the Hon'ble the Finance Member, so that he may supplement what I maintain and maintain with very clear firmness, has not been made clear in the discussion so far . . .

The Vice-President:—" I regret that I must tell the Hon'ble Member that he is out of order. The question is not whether the speeches now made should be published; it is whether the Bill should be published. If the Hon'ble Member cannot speak to the motion, I shall put the question."

The Hon'ble Pandit Madan Mohan Malaviya:—" Well, Sir, the speeches may not be published in the Gazette of India along with the Bill; that is not the motion, and I thank you, Sir, for the correction; but the speeches will be in the papers soon and I hope the public will read them; and if you will kindly allow me to complete, probably you will be satisfied that I am speaking absolutely to order and for the benefit of the Government too May I proceed ? "

The Vice-President:—" I can only ask the Hon'ble Member too address himself to the question as to whether the Bill should be published That is the sole question, not whether it should be published with a speech by him or by anybody else. "

The Hon'ble Pandit Madan Mohan Malaviya:—"I am making it clear, Sir, that the Bill should not be published in the Gazette unless the Hon'ble the Finance Member gives an explanation to-day in this Council which will enable the public to judge of the merits of the Bill. If I can say that on this motion, that is, oppose this motion and state my reasons for it, then I will proceed. "

The Hon'ble Mr. W. M. Hailey:—" Sir, I am afraid I must again rise to a point of order. It is quite impossible for me to offer any further explanations or make any further statements on the subject of this Bill to-day, because although the Hon'ble Pundit perhaps does not appear to desire to keep to the rules of the Council, I have a certain preference for doing so. On this motion, which is one for publication and nothing else, I conceive that I shall be able to make no further statement or observations at all. " 4-47 P.M.

The Vice-President:—"I am afraid I must hold that the Hon'ble Member is out of order. I gave him an opportunity to speak on the previous motion, but he did not choose to address the Council then, and I am not going to allow him another opportunity now."

The motion was put and agreed to.

INDIAN RED CROSS SOCIETY BILL.

4-48 P.M. **The Hon'ble Sir Claude Hill**:—"Sir, I beg to move that the Bill to constitute an Indian Red Cross Society be taken into consideration. In doing so, I do not think I need detain the Council very long, for the reason that, although a fortnight has elapsed since the introduction of the Bill, no comments of an unfavourable character and no criticisms whatever have appeared, so far as my observation goes, in the press. On the contrary, certain very favourable remarks have been made and congratulatory comments also have been made on the subject of the establishment of the Indian Red Cross Society. I think, however, that although I need not repeat what I said in introducing the Bill or go in detail into the merits of the measure, I should read for the information of the Council a note which has been made by the Sanitary Commissioner with the Government of India regarding the Red Cross Society's activities. He says:—

> 'I welcome the announcement that the League of Red Cross Societies intends to include within its activities an active campaign to promote interest in public health.
>
> 'In India interest is dawning and requires stimulation. Societies for health, social welfare, maternity and child welfare, etc., are springing up, and guidance for them is very necessary. Guidance leads to co-ordination. Perhaps the best way of securing this guidance is by means of a central organisation for publicity. I have suggested a central official public health bureau with publicity as its main function, and I hope it will be established. But the Red Cross Society, owing to its association with the League of Red Cross Societies, will be in a position to gain detailed information, with regard to practice in other countries, and through its branches in India to disseminate this information widely.'

"I have ventured to trouble the Council with this extract for the reason that I want to emphasise the great importance which the promoters of this Red Cross Bill attach to it, as justifying us in becoming affiliated formally to the League of Red Cross Societies, and I should like only to add this further remark, that we are already being inundated with literature of the most valuable kind from the League of Red Cross Societies, giving us the fullest information possible regarding organisations in other countries for the combating of sickness and for the improvement of hospital welfare; and we are very anxious to get to work at the earliest possible moment in the direction of co-ordinating that work in India. I have had similarly commendatory intimation from various societies in India, including the Peoples Social Service League and others, urging that expedition be exercised to bring the Red Cross Bill into being, and therefore I do not think it is necessary at this stage to do more than move the motion which stands in my name, with the intimation that the few amendments which also stand in my name and which I shall be moving directly, are of a purely formal character."

The motion was put and agreed to.

4-31 P.M. **The Hon'ble Sir Claude Hill**:—"Sir, I beg to move that in clause 3 of the Bill to constitute an Indian Red Cross Society after the word 'Society' the words and brackets '(hereinafter called the Managing Body)' be inserted, and that for the words 'Managing Body of the Society' wherever they occur in clauses 4 to 12 the words 'Managing Body' be substituted.

"This is a formal amendment in drafting."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move that clause 4 be re-numbered clause 5 and clause 5 be re-numbered clause 4. The reason for this is also a drafting one. I take it that it is important to incorporate your society before you give it power to make rules." 4-52 P.M.

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move— 4-53 P.M.

'That in clause 5 as re-numbered, for the words from 'The constitution of the Society' to 'previous publication' the following be substituted:—

> 'The Managing Body shall, within six months from the commencement of this Act and subject to the condition of previous publication, make rules for the management, control and procedure of the Society.'

"This is also a purely drafting amendment."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move— 4-54 P.M.

'That in clause 6 (*b*), for the words 'be held' the words 'shall be applied' be substituted, and the words 'and by it applied' be omitted.'

"The reason for this is that funds will be held and the property of the Society vested in and held by the Society and not the Managing Body."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move— 4-55 P.M.

'That in clause 8, for the words from 'there shall be constituted' to 'the society and' the following be substituted:—

> 'If Branch Committees consisting of Members of the Society are constituted in any of the Provinces, States and other parts of India specified in the Second Schedule then.'

The reason for this, the only substantive amendment, is of course that this legislature is not competent to constitute Societies in the Provinces, States and other parts of India mentioned in the Second Schedule. It is only competent to say what shall happen if such Societies are constituted."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move— 4-56 P.M.

'That in clause 11, for the words and figures 'by section 6' the words and figures 'under clause (*b*) of section 6' and for the word and figure 'section 4' the word and figure 'section 5' be substituted.'

"This amendment is consequential."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I beg to move— 4-57 P.M.

'That in clause 12, for the word and figure 'section 4' the word and figure 'section 5' be substituted.'

This is a consequential amendment."

The amendment was put and agreed to.

The Hon'ble Sir Claude Hill:—"Sir, I now move that the Bill, as amended, be passed and, in doing so, I can only express once more the hope that is in me as regards the result to India of this measure. We cannot hope of course that India will at one leap, and immediately after the passing of the Bill, take the same place in the world of Red Cross Societies, as for example America, where we know that 26 per cent. of the population are Members of the Society, where, in other words, over 12 million members are enrolled, but we can hope, and I am perfectly certain, 4-58 P.M.

that we shall meet with a response from India which will be very surprising and gratifying. Because the Red Cross Society, as constituted, will stand for precisely that kind of ameliorative and philanthropic work for which India has been celebrated; and all of us who are interested in promoting this measure earnestly hope to see that by the organisation of the Red Cross Society there will be set up a machinery which will bring about the improvement of conditions in civil hospitals as well as in military throughout the Indian Empire. That will be exceedingly gratifying to those who have in the past toiled in the field of public welfare of that kind. I shall also, if I may, take this opportunity of thanking the Hon'ble Members of this Council who have assisted me so much in shaping the Bill and particularly Mr. Muddiman, who, in spite of very great stress of work, has very kindly helped in putting the final polish upon the form that this Bill takes. I beg to move that the Bill, as amended, be passed."

4-59 P.M. **The Hon'ble Sir Umar Hayat Khan:**—"On behalf of the soldiers in this country I beg to thank the Government for passing this Bill. It will do an immense amount of good."

5 P.M. **The Hon'ble Mr. W. E. Crum:**—"Sir, I beg to congratulate the Hon'ble Sir Claude Hill very heartily on the passing of this Bill. As far as Bengal is concerned, we are entirely in favour of the Bill and we are supporting it by every means in our power. We hope very shortly to create a Branch of the Red Cross Society in Bengal; a draft Bill has been prepared to deal with the question. I am greatly indebted to the Hon'ble Sir Claude Hill for the help he has given me over that Bill, and I should like to thank him for that also. I hope very shortly that Bengal will have a Branch of the Red Cross Society in their province."

5-1 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, Young India is throbbing with a desire to start social service work in an earnest spirit. The Hon'ble Sir Claude Hill has enabled Young India to participate in a movement of a world-wide character which would draw Young Indians into sympathetic touch with the rest of the world. The Hon'ble Member has been known for the practical interest he has evinced in advancing the cause of Indian reform and for the sympathetic interest he has shown during anxious times in promoting Indian aspirations.

"We are extremely sorry to lose him, and we may be permitted to congratulate him that he, not as an official member but in his private capacity, has been able to help India by bringing this Bill on the Statute-book."

5-2 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, speaking on behalf of my province I wish to congratulate the Hon'ble Sir Claude Hill on the measure he has introduced."

5-3 P.M. **The Hon'ble Sir Claude Hill:**—"Sir, I wish once more to tender my sincere thanks to this Council for the support they have accorded to this measure."

The motion was put and agreed to.

The Council then adjourned till 6-30 P.M.

INDIAN ELECTRICITY (AMENDMENT) BILL.

6-30 P.M. **The Hon'ble Mr. V. J. Patel:**—"Sir, I beg to move that the Bill further to amend the Indian Electricity Act, 1910, be taken into consideration. Sir, the Electricity Act in England provides that no license for the supply of electricity can be given to any person or company or shareholders within the limits of any local body without the consent of that body. That being so, local bodies in England could make their own terms with a person or a company desiring to have a license for the supply of electricity within their areas. In India under the old Electricity Act, III of 1903, there was an obligation imposed on the local Government to consult every local authority as a preliminary measure on the merits of an application from any person for a license. That clause was altered by the Act of 1910, and as a result of such alteration the local bodies in India are placed on the same footing as the public in respect of any objections to be raised on the application for a license. Now the object of my Bill is firstly to restore the old law which existed till 1910, namely, that when an application for a license is made to the local Government by any person or company of shareholders for the supply of electricity within any municipal or local board area, the local Government should be bound to consult the body concerned. The first part of my Bill reads thus :—

> 'Before granting a license under this part, the Local Government shall consult every local authority concerned, and where such local authority advances any objection to the grant of a license, the Local Government shall take such objection into consideration, and, if in its opinion it is insufficient, it shall record in writing and communicate to such authority its reasons for such opinion'.

" Now these words are taken bodily from Act III of 1903. I want the old Act which existed in 1903 to be restored in this respect so that the local bodies in India may have the opportunity of approaching the Local Government with any objection they have to raise against the grant of a license at the earliest possible opportunity.

"The second object of my Bill is to secure to the local authority preference in respect of a license wherever its objection to the grant of a license to an outside person or company of shareholders is based on its own claim for such license. That is to say where there are two rival claimants, one the local body and the other a company of shareholders, the local bodies should have the preference, unless, of course, as I stated in the proviso to the Bill, there exist special circumstances which in the opinion of the local Government render such preference inexpedient. Sir, this Bill was introduced in February 1919. It is more than a year now and the opinions of the people concerned, as well as those of the Local Governments, have been received, and I am glad to say that most of the Local Governments consulted support the Bill so far as the first portion of the amending Bill is concerned.

" With regard to the second part also, the majority of Local Governments is, I venture to say, in favour of it. I will first invite the attention of the Council in a very few words to some of these opinions. The Bihar and Orissa Government says:—

> 'In reply, I am to say that the Lieutenant-Governor in Council does not see any objection to the substitution of the amending clause and its proviso for the existing clause (*b*) of sub-section (2) of section 3 of the Indian Electricity Act, 1910, as it merely provides that where an application supported by the Local Authority is put aside for another application special circumstances must be shown which render the choice necessary or expedient.'

" The Chief Commissioner of Ajmer-Merwara says:—

> 'If a Local Government is obliged to consult every local authority concerned the obstruction and delay for which opportunity will thus be afforded will inevitably tend to drive the firm applying for the license out of the market'.

" So apparently the Chief Commissioner is against the Bill. Now I come to the Punjab. The Government of the Punjab says:—

> 'So far as the provisions of the draft clause other than those contained in the proviso are concerned, the Lieutenant-Governor sees no objection to legislation on the lines proposed; but the principle underlying the draft proviso, *viz.*, that a local authority has the first claim to a license, is one which (as pointed out by the Financial Commissioners) is subject to such large qualifications that the attempt made by this proviso to ensure its acceptance seems to His Honour to be of doubtful value.'

The Commissioner of Delhi is against this Bill. And the Government of Assam says:—

'I am directed to acknowledge the receipt of your letter No. 585, dated the 28th February, 1919, regarding a Bill further to amend the Indian Electricity Act, 1910, and to say that the officers and municipal bodies who were consulted and who have expressed any opinion on the Bill consider it unobjectionable, with the exception of one dissentient who is not in favour of preference being given to a Local Authority if it claims a license. The Chief Commissioner agrees with the opinion of the majority.'

"Then, Sir, the Local Administration of Baluchistan expresses no opinion. The Central Provinces Government is against it, while the Chief Commissioner of the North-West Frontier Province and the Chief Commissioner of Coorg are in favour of the Bill. The Chief Commissioner of Coorg says:—

'With reference to your letter No. 585, dated the 28th February, 1919, regarding the Bill further to amend the Indian Electricity Act, 1910 (IX of 1910), I am directed to state that the Chief Commissioner sees no objection to the proposed amendment'.

"And the Chief Commissioner of the North-West Frontier Province says:—

'After consulting the Departments concerned, there appears to be no objection to the proposed amendment'.

"Then, Sir, I come to the Government of Bengal. The Government of Bengal says that the first part of the Bill is harmless though unnecessary, but the proviso therein is an unnecessary interference with the discretion of local Governments, while the United Provinces Government says:—

'With reference to your letter * * * I am directed to say that, after consulting the Hon'ble the Judges of the High Court and other officers, this Government has no objection to urge against the proposed amendment of the Indian Electricity Act, 1910'.

"The Government of Burma says:—

'The Hon'ble the Judges of the Chief Court have made no comments upon the Bill, while many others consulted see no objection to the proposed amendment * * * * In all such cases the Local Government would naturally be disposed to grant the requisite license to the local body and thus give them the advantage of the profits on the undertaking. On the balance of these arguments, therefore, the Lieutenant-Governor would prefer to see the proviso omitted.'

"Then, Sir, I come to Bombay and this is a very important opinion. The Bombay Government say:—

'With reference to the Bombay Government Public Works Department telegram * * * * * I am directed to state that the Governor in Council supports the Bill subject to the proviso that a condition may be embodied therein to ensure (1) that the local authority shall submit within a period of two months the objections, if any, it has to advance and (2) that if the objection is based on a rival claim for such a license, the rival claim shall be submitted within a further period of four months.'

"Now this comment is made by the Government of Bombay for the express purpose of providing against delay. It may be that the local body may not apply for months and months and the interests of ratepayers would thereby suffer. Therefore, the Bombay Government suggests that the Bill should be accepted, but that there should be a provision in the Bill that the rival claim shall be submitted within a period of four months by the local authority When I read this opinion I thought I should incorporate the suggestion in the Bill. I also thought it would be much better if the Bill went to the Select Committee so that the matter might be considered there and the suggested proviso might be included in the Bill. I saw the Secretary of the Legislative Department who directed me to the Hon'ble Sir Claude Hill. I had two interviews with the Hon'ble Sir Claude Hill on the subject; I saw at his instance his Secretary, Sir Sydney Crookshank and the Deputy Secretary several times, with the result that some amendment on the lines suggested by the Bombay Government was agreed upon, and it was arranged that the Hon'ble Sir Claude Hill would move that amendment on behalf of the Government and I promised to accept it. Of course he added that the papers would have to be sent to the Electrical Engineer to Government, and that would take some time, but it was distinctly understood that I should not move for reference to Select Committee, but should straight off make a motion for the consideration of the Bill.

Therefore, instead of giving notice of a motion for reference to a Select Committee, I gave notice of this motion that the Bill be taken into consideration, so that the Government might propose an amendment as arranged and I would accept it. However, it appears now that the Government have reconsidered their position and I do not know what they are going to do really. I say this in order to explain how and why instead of moving for a reference to a Select Committee I move that the Bill be taken into consideration.

"Now, to analyse the opinions. I find that six Governments are in favour of the Bill entirely, *i.e.*, the North-West Frontier Province, Coorg, Bihar, Assam, the United Provinces and Bombay, while three Provinces support the first part of the Bill only; namely, Bengal, which says that it is harmless though unnecessary, Burma, and Madras. So there are 9 out of 12 local Governments who support the first part. While six support the whole Bill as it is, though Bombay suggests a slight amendment in the second part; there are only three local Governments who say that they do not want the Bill at all, namely, the Central Provinces, Ajmer-Merwara, and Delhi. That is the position with regard to the opinions of Local Governments It is quite clear that the majority is in favour of the whole Bill.

"I do not think it is necessary to trouble the Council with any further arguments. I have hardly ever come across a non-official Bill so strongly supported by Local Governments, and I trust the Council will accept this motion. The reason which induced me to bring this amending Bill is that when we are talking about greater liberty and greater freedom to local bodies and when the Government of India themselves have inaugurated a policy in that behalf by its Resolution, I thought all impediments which come in the way of the progress and development of these bodies should be removed. I have had something to do with a local body who has applied for a license for the supply of electricity, and I know that a company of shareholders has put in a rival claim. I know from experience how difficult it is for local bodies to compete with powerful companies.

"With these few words, I trust the Council will accept this motion."

On the Hon'ble Sir Thomas Holland rising to address the Council . . .

The Hon'ble Mr. V. J. Patel:—"Sir, I rise to a point of order. There is the amendment for a reference to Select Committee which must follow the original motion. That is the usual practice."

The Vice-President:—"I understand that Sir Thomas Holland objects to the Bill being taken into consideration."

The Hon'ble Sir Thomas Holland:—"That is so, Sir."

The Vice-President:—"His objection comes first logically; ordinarily there is no objection to that."

The Hon'ble Sir Thomas Holland:—"My first appearance in this Council was for the purpose of accepting, on behalf of Government, a Bill introduced by my Hon'ble friend, Mr. Patel; and if he had stuck to the path of progress and reform, I should probably still be following him, even if sometimes, like another timid and hesitating disciple, I 'followed afar off.' But when he wants to set the clock back by seven years, my radical instincts begin to rebel. 6-50 P.M.

"Mr. Patel proposes, as he explained clearly in his opening speech, to re-enact *verbatim* a sub-section of the old Electricity Act which the first reformed Council, just ten years ago, rejected and replaced because it gave rise to unnecessary delay in the grant of licenses.

"Delay may be a necessary evil sometimes, but it should not be accepted as a sufficient and only object in administration.

"The present system in existence under the Bill of 1910 seems to give the local authorities ample opportunity of intervening, in the interests of the rate-payers, when a license to supply electrical energy has been applied for and published in the usual way. If this be so, there appears to be no reason for making a double reference to every local authority that might be affected, as was required by the Act of 1903. The local authority, that is so careless or unconscious of its responsibilities as to fail to act on publication of the license, is not likely to intervene with an objection of any considerable value, nor is it likely to be efficient enough to undertake the organisation of electrical supply on its own account. It was partly to prevent this unnecessary delay that this section in the Act of 1903 was revised, as was explained in the Statement of Objects and Reasons appended to the Bill, which afterwards became the Electricity Act of 1910. If experience at that time showed that the alteration was required for this purpose, there is surely no reason for reviving the discarded procedure of the old Act.

"So far as the suggested clause goes there appears to the Government of India to be no necessity to undertake a special revision of the Act of 1910, but, of course, the Council will have an opportunity of discussing this question again when the Act comes up shortly for general revision in other respects. The best that can be said for the clause, therefore, is that it is useless; and experience in the working of the clause before 1910 showed that it was an unnecessary cause of delay and, consequently, was an objectionable drag on the form of enterprise required to enable our municipalities to organise municipal amenities on up-to-date lines.

"As for the proviso, it appears to the Government of India to be open to objection for quite other reasons than those that apply to the clause, and those objections have been pointed out by various Local Governments, including that of the Punjab which would not mind tolerating otherwise the clause itself. Last year, in dealing with this Bill, Sir Claude Hill pointed out that the suggested proviso might have a deterrent effect upon capital. The opinions collected confirm this fear.

"The survey of the conditions necessary for a firm or company to draw up conditions for electric supply require the expenditure of both time and money. If after going to the expense of testing promising propositions of the sort their claims are to be 'jumped' by the local authorities, it is obvious that private enterprise, undertaken with a view of discovering practicable schemes, will soon come to an end. With this proviso before them no local authority need do more than sit tight and wait on private enterprise; they will thus get worked out for them *gratis* a scheme of a difficult and technical nature. But, naturally, private firms will refuse to move if their efforts are to be superseded by a local authority that has hitherto shown only ineptitude. We should, thus, create a vicious circle: each would merely wait for the other; the Bill would lead to stagnation, each party would be waiting on the other, and the result of this stagnation could be that nobody would benefit but the oil companies that now serve the primitive form of lighting adopted by most municipalities in India.

"As a company or firm would naturally not apply for a license without being fairly certain of profit—that is what they work for—the local authority with the help of this Bill would apparently be in a financially safe position in ousting the company and exercising its right of prior claim. It is an absolutely simple plan, guaranteed to get an electric company sitting every time: it is so delightfully, childishly simple that I do not understand why no one thought of it before. Nothing could possibly be easier to the sporting local authority than the first bag, but, alas! there will be no game available for a second.

"Under the Bill neither the firm nor the local authority would move. Why should they? But under present circumstances there is an incentive for competition and enterprise. Why destroy a good thing?

"There is another aspect of the question which it is important to consider, and that is the production of electricity for industrial purposes. Electric-light in most advanced industrial countries is now simply a bye-product and a very troublesome one at that, as the lighting load is expensive to meet and unproductive in revenue. By combining the wants of the industrial community with those of a municipality requiring mainly lights and fans it is possible to make effective use of those technical companies that are experts in electric supply. Ordinarily one cannot expect a municipality to risk the capital-outlay necessary to meet more than the direct municipal wants, and any measure that inhibits private enterprise of a healthy kind, strictly controlled and limited in the public interests, is retrogressive, not progressive.

"It is important to remember that with the greatly-increased radius to which electric power can now be carried economically, the day of the small installation is finished. We have started a hydro-electric survey of India, and the results indicate the great industrial developments that are likely to follow, unless every scheme is to be blocked by any of the many local authorities exercising their prior claim to establish small, and therefore uneconomical, installations.

"Mr. Patel referred to the English Act in support of his Bill. It is quite true that the old Act of 1903 practically embodied the English Act of 1882 as amended again in 1888. But I do not think Mr. Patel is quite right in saying that the Local Authority under the English Act have absolute veto.

"The first section of the amended Act runs as follows:—

> '1. Notwithstanding anything in the Electric-lighting Act, 1882, no provisional order authorising the supply of electricity by any undertakers within the district of any local authority shall be granted by the Board of Trade except with the consent of such local authority, unless the Board of Trade, in any case in which the consent of such local authority is refused, are of opinion that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent * * * *'

"Now it seems to be generally admitted at Home that the English Act is quite out of date and unworkable. The weakness of the Act was discovered during the industrial development before the war and became painfully manifest during the war. The recent development in England of electric supply schemes, covering wide areas especially, has shown the faultiness of the old English Act from the industrial standpoint. It was, as its title says, an "Electric-lighting Act,' not an Electric Power or Supply Act, it was not designed to deal with the general production and supply of electricity for other uses. I understand a Committee is now at work at Home to discover the errors and shortcomings of this Act with a view of introducing reform.

"Then Mr. Patel referred to the opinions of Local Governments. He has, I think, summarised these opinions with accuracy, but an analysis of those replies suggests a slightly different interpretation.

"It will be seen from these replies that the Governments of the North-West Frontier Province, Coorg, Assam, Punjab, Bihar and Orissa, and the United Provinces offer no objection to the Bill.

"On the other hand, there are three Local Governments that distinctly object both to the clause and to the proviso.

"Now, it is obvious, therefore, that there is a distinct, but not a very great numerical, majority of Local Governments who have taken up the attitude of 'no objection;' but, as has been stated so frequently in this Council, and recently by Sir William Vincent, it is not advisable or fair to count provincial heads in this simple way. Among the Provinces that have objected to the Bill one might rule out Ajmer-Merwara as having had no appropriate experience of the Electricity Act. Equally, from those on the other side who have no objection to the Bill, I think we might rule out the North-West Frontier Province, Coorg and possibly Assam. By this method of pruning, we should reduce the voting to about equal on either side, and the decision based on the method of counting heads thus becomes a 'wash-out'

"Generally speaking, those Provinces that offer no objection to the Bill give no reasons for their attitude, although the Bihar and Orissa Government referred to by Mr. Patel give a reason that seems to show that they did not realise the draft of the Bill at all. They seemed to imagine that the contemplated rivalry would be between two separate companies and not between a company and the local authority.

"But is it fair to assume that those Governments that have merely offered no objection have considered the merits of the Bill as seriously and thoroughly as those that have given reasoned statements for their objections? Mr. Patel might object to this way of discriminating between those who oppose his Bill and those who support it by the simple formula of no objection. If we are to assume that negative evidence in this respect is of the same weight as positive evidence, it would not be difficult to show, by a different but closely related set of facts, that all the Local Governments are really against Mr. Patel's Bill. As the result of experience obtained during the working of the Act of 1910 the Government of India had been considering the revision of that Act in several particulars. They, accordingly, in August last invited the opinions of the Local Governments with regard to the proposed modifications; they also invited suggestions for any further additions or alterations to the Act. The opinions of all Local Governments, except the United Provinces and Madras, have now been received, and not one of them proposes a revision of Section 3(*2*) (*a*) (*i*). On negative evidence alone, therefore, we should be justified in assuming that all Local Governments approve of this sub-clause in the 1910 Act, and have no desire to follow Mr. Patel in reinstating the provisions of 1903. Evidently, Mr. Patel would not be wise to call the Local Governments as witnesses in favour of his Bill; nearly half of them object to the Bill altogether; some of them do not object to the clause, but would leave out the proviso; and others, like the Roman deputy Gallio, 'cared for none of these things' at all.

"Now Mr. Patel referred in his opening speech to the incident of the Bandra Municipality, which he also described last year, where a firm had applied for a license to supply the Municipality of Bandra with electricity, whilst the Bandra Municipality had applied also for a license from the Local Government. He has not told us the result of that application. With becoming delicacy he said last year that he did not desire to prejudice the case of either party by any remarks in this Council, but wished to say that it is very difficult for a local authority to fight its battle against powerful interests. That battle has now been fought, if there has been a battle; for, on the 6th of this month the Bombay Government published in their Gazette a notification granting to the Municipality of Bandra a license for the supply of electrical energy within its own municipal district. The very instance raised by Mr. Patel as an object of alarm has thus served to demonstrate that the present Act, without any revision, permits the Local Government to favour the claim of the local authority when they consider the circumstances sufficient to warrant the supersession of an independent firm. This is the real point: does the present Act enable a local Government to give the preference to a local authority which is as up-to-date and as efficient as that of Mr. Patel's own Municipality of Bandra? Apparently it does do so, and consequently both the clause and the proviso are quite unnecessary. I hope, therefore, Mr. Patel will for once agree with the Government and withdraw his Bill.

"I find myself frequently in sympathy with Mr. Patel's views. I admire the way in which he tickles the soft spots of the Government, and I am sure he will agree with me privately, if not in public speech, that as Bandra has now secured its license, his real mission in the Imperial Council has been forestalled, and there is now no longer any necessity for this Bill."

7-6 P.M. **The Hon'ble Mr. W. E. Crum:**—"Sir, I must say that I expected to hear from Mr. Patel more cogent arguments in favour of his amendment. He has given us the views of the various Local Governments, and given them very fairly. But it seems to me, as Sir Thomas Holland pointed out, that the Local Governments in many cases knew very little about the subject. Now, Sir, as regards the first part of the clause, as Sir Thomas Holland has already said, there seems to be really no objection to it at all. It is quite a harmless clause; but the point is that the requirements of it are already covered under the present Act. It is a very remarkable thing that the Legal Remembrancer in Bengal, the Advocate-General in Bombay and the Advocate-General in Madras have all given it as their opinion that section 3 (2) (*a*) (*i*) covers entirely the case of municipalities and their possible objections to companies coming in and tendering for electric supply. But, apart altogether from the first part of the amendment, there are, as Sir Thomas Holland pointed out, serious objections to the proviso; and one of the most serious objections is, that Mr. Patel proposes to follow the British Act which has certainly in the last few years been condemned as a most inefficient Act. In this connection, I think, it may interest members of Council to know the opinion of probably the most important body connected with the production of electricity in Great Britain. I refer to the Institution of Electrical Engineers. Last June this body wrote to Sir A. Stanley, President of the Board of Trade, and they submitted the minutes of a meeting which had been held shortly before, and at which all the important electrical associations of Great Britain were represented, and this is the way in which they characterised the British Act, an Act which does give considerable power of veto to the local authorities. They said—

> 'The restrictive conditions embodied in the Electric-lighting Acts, the Tramway Act, the Light Railway Act, and the various Acts relating to electric supply have had a most detrimental effect on electrical progress in Great Britain. This legislation has led to the multiplication of small, arbitrary and uneconomical areas of electric supply and systems of electric traction. It has discouraged the investment of capital in electrical undertakings by imposing limited tenure with unattractive terms of expropriation and various other onerous conditions. It has placed obstacles in the way of grouping undertakings into comprehensive systems of supply and transport. It has generally prevented British electrical engineers and manufacturers from realising in their own country the highest achievements of which their technical skill and productive capacity were capable.'

Therefore, Sir, I think that that is a sufficient answer when Mr. Patel quotes the English Act in support of his amendment. I understand that a Committee is now sitting in the United Kingdom to consider the whole revision of the British Electricity Acts. As Sir Thomas Holland has pointed out it is unfair to tenderers to leave them to make an expensive survey, to go to the expense of examining the conditions in any particular town or municipality, and then allow the municipalities to crib all their work. I think that on that ground alone the Bill is most objectionable. And lastly, Sir, there is perhaps what is the most important point of all that the whole of the Electricity Act is going to be revised in the near future. There is a committee which has sat or is about to sit and report on the subject and therefore I would second Sir Thomas Holland in urging Mr. Patel to withdraw his Bill, seeing that the whole law will be considered when the new Bill comes up for examination."

The Hon'ble Mr. G. S. Khaparde :—" Sir, I should like to make just a few observations. I wish to remark on the statement made by Sir Thomas Holland that capital would be scared away if the local authorities had control. I am rather persuaded to the contrary and think if there is to be local self-government, it would naturally be supreme or at least not left unconsulted in the area under its control, and that capital would not be scared away, the only difference would be that the procedure would be altered and capitalists when they wished to introduce electricity would go to the local authorities first and having talked with them would prepare their application and submit it to the Local Government. It would then be easy and plain sailing. In this matter we want to make it clear that local self-government will have their say in the matter and that the Local Government will act always in consultation with local self-government. That is the point for consideration. Another objection was that in England this Act has been condemned. I quite agree that the electricity engineers or capitalists who want large concerns have condemned it, but it has yet to run the gauntlet of parliamentary debate. It is too early to say that this Act in England has fallen 7-11 P.M.

into disrepute. It may be that feeling is rising, it may be that engineers prefer large works, it may be that capitalists want to monopolize the whole of electricity, but I believe that as long as the matter has not been debated in Parliament, it is too early to say that the Act has been condemned. I wish to support the motion that this Bill be taken into consideration and do so accordingly."

7-15 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I have only one word to say with reference to what fell from Sir Thomas Holland to the effect that we have no experience in Assam in regard to electricity. That is not so. We have electricity in Tezpur for some years. We have also it in tea gardens. We have small installations in my town and proposed to have a Municipal installation and the war has delayed it. As regards the motion before the Council there seems no reason why local bodies should not be consulted. The ground of objection taken is that it may cause delay. I submit that as the Bombay Government says that if a time limit is fixed for the opinion of the local body, there should be no delay. There should therefore be no objection on this account. There is one objection that I came across a few days ago which is original. I think the Council should have the benefit of it Lieutenant-Colonel Beadon in his opinion printed in the papers says that it will benefit no one but lawyers. I would be grateful to him if he pointed out how the lawyers would be benefited as I would like to learn the art. I support the motion put forward by Mr. Patel."

7-18 P.M. **The Hon'ble Sir Claude Hill:**—"Sir, for two reasons my sympathy goes out very largely to Mr. Patel. In the first place, he has after considerable labour endeavoured to bring forward a Bill which he believed, and which he was justified in believing, would be beneficial, inasmuch as he took for his model the law as it exists in England. He was entitled to believe that it would be an improvement on the existing Electricity Act. My sympathy goes out to him because it was completely demonstrated this afternoon that in following the English precedent he was not following the better but the worse. The second reason why my sympathy goes to my friend Mr. Patel is, that he is justified in complaining of some confusion last year as I was Member in charge of the Public Works Department he was referred to me and we discussed the Bill. Then when it comes to Council he is suddenly confronted with a change of venue. In accordance with this change my friend Sir Thomas Holland will be in charge of the Bill and the understanding which was hinted at by Mr. Patel and which he hoped would be arrived at in regard to this Bill does not find fruition. Sir, that is not my fault, nor if I may say so is it the fault of Sir Thomas Holland's nor my friend Mr. Patel's fault, but it is a misfortune inherent in the conditions. I expressed to Mr. Patel that we were anxious not to throw out a Bill over which he had expended considerable trouble. The misfortune is as I say inherent in the conditions. The Government must in such a matter consult the Electrical Adviser to the Government of India, and after such consultation the arguments which have been explained to the Council by Sir Thomas Holland prevailed. It was found to be clearly inadvisable to proceed with a measure which Sir Thomas Holland has explained is in essence of a retrograde character."

7-20 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"Sir, I can quite understand and appreciate the Hon'ble Mr. Patel's impatience and his position with regard to the Bill for increasing the electrical supply and for industrial purposes.

"But it seems to me that there is a vital principle involved which differentiates the point of view from which the question is being looked at by him and by some of us Indians. The question is as to whether the nationalisation of the electrical resources of India in so far as they can be utilised by large industrial undertakings, is to be undertaken on behalf of the Government and all the

Local Boards pooling their resources together, so that the advantages and the profits may go to assist the local bodies in undertaking other improvements within the sphere of their jurisdiction, or are we to promote, for the sake of rapidity of development foreign companies to undertake these enterprises. That is the point at issue. The resources of local bodies and municipalities are so miserable that some of them would like to imitate the example of European countries and undertake commercial business so as to improve their resources and they think that electrical enterprise and enterprises of a similar nature fall legitimately within their jurisdiction I quite realise that the days of small enterprises are gone and that municipalities and small Local Boards cannot ordinarily undertake these vast businesses. These are days for large industrial enterprises run by Corporations and Trusts. The question is as to whether we should encourage a large foreign company undertaking in a province the industrial development with foreign capital or with capital partially foreign and partially indigenous, or whether the Provincial Governments should develop an organization whereby the profits may go largely to Municipalities and District Boards. That is the point at issue, Sir, and I think the Hon'ble Mr. Patel's object in introducing this Bill was to prominently draw the attention of the Council to the desire of the people to retain, if possible, the profits for the benefit of the local bodies, Municipalities and Local Boards. Again, I do not think small foreign companies would be of greater efficacy or value from the point of view of the capital employed than District Boards or Municipalities combined together. I do not think there is much advantage there. Of course, private companies have more initiative and push, and they take certain risks which public bodies do not readily undertake, therefore there is a chance of speedier development if the enterprises are undertaken by private companies. At the same time if you give contracts ranging over 50 years or so, the chances may be that in the long run we shall lose even in rapidity of progress because vested interests will prevent any large developments requiring great expert knowledge and capital. Secondly, the profits may be locked up too long and local bodies may suffer. I hope, therefore, this question will receive further attention and that Government would reconsider their decision, and treat Mr. Patel's Bill more favourably. If that cannot be done, I hope that when they undertake the revision of the Electricity Act these points will be taken into consideration."

The Hon'ble Mr. V. J. Patel :—" Sir, may I know if the amendments to the original motion are not to be taken up ? " 7-25 P.M.

The Vice-President :—" This is a motion to take the Bill into consideration."

The Hon'ble Mr. V. J. Patel :—" The amendments are put down on the agenda, therefore I ask that question."

The Vice-President :—" Certainly, we do not take up the amendments till the motion that the Bill be taken into consideration is passed. If that motion is lost, the Council cannot consider the amendments."

The Hon'ble Mr. V. J. Patel :—" Sir, I had hoped that I would be able to place this small Bill on the Statute-book and thus further the interests of local self-government. In fact when I came over to Delhi to attend the Council meeting and met the Hon'ble Sir Claude Hill, I was encouraged in my hope. But as things have taken a different turn and Government have decided to oppose my Bill, the usual fate it must meet.

"The Hon'ble Sir Thomas Holland said that about ten days ago the Bombay Government have passed orders granting a licence for the supply of electricity to the Bandra Municipality and that my mission to this Council is therefore successful, thereby hinting that I brought this forward because I had some hitch in getting for the Bandra Municipality a licence for the supply of electricity. When I moved my Bill I said these words :—

> 'The main consideration which has induced me to bring in this Bill is that under the policy recently inaugurated by the Government of India the local authorities are now going to enjoy more independence and more freedom, and I beg to submit that it is high time that Acts containing restrictions which hinder the healthy development and growth of local bodies should now be abrogated or amended.'

"That is the sole object with which I have brought forward this Bill, say what the Hon'ble Sir Thomas Holland may.

"Now Sir, I am told that I should withdraw this Bill because the whole matter of amending the Act is under consideration by the Government. Well, if I had been given some hope that the proposals contained in this Bill would be favourably considered at the time there was some sense in asking me to withdraw, but as it is the Hon'ble Sir Thomas Holland has very clearly pointed out that none of the local Governments who were consulted on the general amendment of the Electricity Act has suggested the amendment which I now propose, and therefore perhaps my hon'ble friend Sir Thomas Holland could not give me any hope that the proposals contained in the amending Bill would be considered when the whole question would be taken up. Well, Sir, there is no hope, so far as I understand the position for these proposals being considered at the time and I am sorry I cannot therefore withdraw.

"It has been said that I have brought this Bill on the basis of the English law. Not at all. The English law goes much further than this Bill. English law, as I have stated in my opening remarks, provides that no licence for the supply of electricity can be given to any person or Company without the consent of the local authority for whose area the licence is applied for.

"My Bill does not go so far as to say that the applicant should be required to obtain consent of the local authority, all it says is that if the local authority also applies for a license within the area, that local authority should, in the absence of special circumstances, be given preference. That is the only demand that I make. But apart from that, when I cite the English law we are told that the English law has been found unworkable ; that it has worked to the detriment of industrial development. When I cite the opinions of Local Governments in favour of my Bill, my Hon'ble friend Mr. Crum comes forward and says 'Local Governments know very little about these things.' I do not know whom to cite or what to cite. My Hon'ble friend Sir Thomas Holland says that three Local Governments have opposed my Bill, and they have given reasoned opinions, while the Local Governments who have supported me have not given any reasons. Well, of the Local Governments who have opposed the Bill, the reasoned opinion of one Local Government has been read by my Hon'ble friend Mr. Chanda to this Council ! From Delhi we hear . . ."

The Hon'ble Mr. C. A. Barron :—"May I rise to a personal explanation ? That was not my opinion."

The Hon'ble Mr. Kamini Kumar Chanda :—"The Deputy Commissioner."

The Hon'ble Mr. V. J. Patel :—"Oh ! with regard to other two Local Governments I see no reasons given by them, but if you will turn to the opinion given by the Bombay Government you will see that it is a very important and well reasoned opinion. What has my Hon'ble friend Sir Thomas Holland got to say about that opinion, which says that the Bill is all right and it should be supported, subject to the inclusion of a proviso that within four months the local authorities must apply to the Local Government for the license ? I heard no reply from my Hon'ble friend Sir Thomas Holland to that reasoned opinion of the Bombay Government. But it is not in favour of the position he has taken up, so it is worthless I suppose ! But it is worthwhile knowing that three Local Governments who oppose my Bill are the Central Provinces, Delhi and Ajmer-Merwara, very important local administrations indeed! And the Provinces of Bombay, the United Provinces and Bihar, who support my Bill, are not in the opinion of my Hon'ble friend Sir Thomas Holland perhaps so important. However there it is. Here is a Bill, a non-official Bill, the first part of which is supported by nine out of twelve Local Governments and both parts are supported by six Local Governments. Only three Local Governments, Delhi, Central Provinces and Ajmer-Merwara, oppose the whole Bill. All the municipalities and local boards consulted support the Bill, and other bodies and associations consulted by Local Governments have also supported it. Even Messrs. Killick, Nixon and Company of Bombay have supported this Bill, and yet the Government of India, for reasons best known to themselves, say no, we have decided not to support it; Local Governments may do what they like. But they have not considered the whole Bill in the manner in which the Government of India have considered it. Well, I find from the opinions before us that the Local Governments have consulted their Public Works Department, their engineers among others. Whom else could the Local Governments consult? And after consulting those experts, they have formulated and submitted their opinions, and the Hon'ble Sir Thomas Holland says that the Local Governments have not looked at the Bill from the point of view from which the Government of India looks at it. I have to make one request so far as the first portion of the Bill is concerned. It is supported by, as I say, nine Local Governments. The second part is supported by six, and as I understand from the Hon'ble Mr. Crum, he himself has no objection to the first portion of the Bill. I would therefore request you, Sir, to put the two separately to the Council, and I would still appeal to the Hon'ble Sir Thomas Holland and ask him if he can see his way, at any rate, to accept the first portion, which, as one Local Government has said, is harmless."

The Vice-President :—"I am afraid I cannot put a motion to take into consideration in two halves. If we get over this fence, I shall be very happy to put the Bill section by section."

The Hon'ble Mr. V. J. Patel :—"I am entirely in the hands of the Hon'ble Sir Thomas Holland."

The motion was put.

The Vice-President :—"You had better ask for a division, Mr. Patel."

The Hon'ble Mr. V. J. Patel :—"Yes, Sir."

The Council divided by Members standing and 17 voted for the motion and 24 against the motion, which was therefore negatived.

INDIAN ARMY (SUSPENSION OF SENTENCES) BILL.

His Excellency the Commander-in-Chief :—"Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the suspension of sentences passed by Courts-martial under the Indian Army Act, 1911. The object of this Bill is stated in the Statement of Objects and Reasons which is self-explanatory and I have no remarks to add thereto. 7-39 P.M.

"The Bill is to enable us to retain, as a permanent measure, an Act which has proved very useful during the war and enabled the military authorities to maintain a high standard of discipline while exercising clemency in cases where such clemency is desirable.

"In adopting this policy, we are merely following the policy adopted in the case of the British soldier. The changes proposed are of a minor character and are the result of experience in the working of the Act during the war."

The motion was put and agreed to.

His Excellency the Commander-in-Chief:—"Sir, I beg to introduce the Bill and move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English."

The motion was put and agreed to.

The Council adjourned at 7-40 P.M. till 11 A.M. on the 18th March, 1920.

A. P. MUDDIMAN,

Secretary to the Government of India,
Legislative Department.

DELHI:
The 27th March, 1920.

APPENDIX A.

[*Referred to in answer to Question No. 37.*]

Statement showing the number of (i) *Technical and Industrial Schools,* (ii) *Commercial Schools, and* (iii) *Agricultural Colleges and Schools in the various provinces in India and the expenditure incurred on their account during the year 1918-19.*

Province	TECHNICAL AND INDUSTRIAL SCHOOLS.		COMMERCIAL SCHOOLS.		AGRICULTURAL COLLEGES AND SCHOOLS.				REMARKS
					COLLEGES.		SCHOOLS.		
	Number of schools.	Expenditure.	Number of schools	Expenditure.	Number.	Expenditure.	Number.	Expenditure.	
		R		R		R		R	
Madras	36	4,94,265	2	15,984	1	98,500	...	...	
Bombay	28	3,69,681	43	88,488	1	1,03,000	5	22,000	
Bengal	78	2,97,378	20	55,964	...	...	...	...	
United Provinces	25	1,82,348	1	13,161	1	1,63,593	...	...	
Punjab	33	1,14,291	...	...	1	72,800	...	...	
Burma	6	9,322	7	19,542	...	...	...	...	
Bihar and Orissa	41	98,011	5	6,187	1	93,000	...	...	
Central Provinces	11	67,033	...	...	1	52,500	2	1,400	
Assam	8	10,645	...	...	...	...	...	...	
Other Administrations	6	13,378	1	813	...	...	...	...	
India (Imperial)	...	...	...	...	1	*6,52,120	...	...	* Includes R2,33,920 for the office of the Agricultural Adviser and Director of the Agricultural Research Institute and College, Pusa.
TOTAL	272	16,56,352	79	2,00,139	7	12,40,513	7	23,400	

N.B.—There are also one Government Commercial College in Bombay with an expenditure of R81,545 and two aided Commercial Colleges in the United Provinces with an expenditure of R12,036.

APPENDIX B.

[Referred to in answer to Question No. 38.]

Statement showing purchases of rice in the Madras Presidency for military purposes.

	Tons.
1914-15	22
1915-16	76
1916-17	155
1918	60
1919	*Nil.*

APPENDIX C.

[*Referred to in answer to Question No. 39.*]

Statement showing the details of the labour strikes which have recently taken place in India.

Place.	Concern.	No. of operatives involved in each.	Manner in which the strikes were settled.	REMARKS.
PUNJAB.				
Bhatinda	North Western Railway .	*	Amicably settled	* Exact number not known.
BURMA.				
Rangoon .	Wharf coolies . . .	1,000	Increase of pay.	
MADRAS PRESIDENCY.				
Madura . .	Madura Mills	†	Returned unconditionally.	† Number not known.
Madras .	Army Clothing Factory .	31	Ditto.	
„ . .	Madras Tramways . .	1,400	The strike was settled through the intervention of the Governor and the Commissioner of Labour. The men were granted an increase of wages and other relief and they undertook not to strike in future without reference to the Commissioner of Labour.	
BIHAR AND ORISSA.				
Jamalpur .	East Indian Railway Workshops	10,300	Returned to work unconditionally.	
Patna . .	Patna Law Press . . .	70	Ringleaders resigned and remainder returned to work on wages being increased.	
Muzaffarpur .	Postal employees . . .	‡	Amicably settled.	‡ Ditto.
CENTRAL PROVINCES.				
Hinganghat .	Rai Sahib Reckchand Mohta Mill.	1,000	Enhancement of grain allowance.	
Nagpur . .	Empress Mills . . .	5,000	Increase of wages.	
UNITED PROVINCES.				
Bareilly . .	Rohilkhand and Kumaon Railway.	600	Acceptance by the men of the rates of pay which were about to be given to them when they went on strike.	
Saharanpur .	North Western Railway . .	About 1,500	Assurance given that any legitimate grievance would be examined and remedied as far as possible.	
Jhansi . .	Great Indian Peninsula Railway Workshop.	§	The strike lasted for a few hours only and was amicably settled.	§ Ditto.
Allahabad .	Pioneer Printing Press . .	746	Men returned unconditionally but management made certain adjustments and improvements in pay.	
Cawnpore .	Elgin Mills, Woollen Mills, Victoria Mills, Muir Mills, Cawnpore Cotton Mills, Jute Mills, Ganges Flour Mill, Cooper Allen and Company, The Tannery, Empire Engineering Company.	20,000	Increase of wages, payment of bonus and shorter hours.	
„ .	Elgin Mills	300	Amicably settled.	
„ .	Tailoring Department, Elgin Mills.	125	Increase of wages was given.	

Statement showing the details of the labour strikes which have recently taken place in India—contd.

Place.	Concern.	No. of operatives involved in each.	Manner in which the strikes were settled.	Remarks.
		UNITED PROVINCES—*continued.*		
Cawnpore	Elgin Mills	2,000	Redress in respect of payment of wages in time promised.	
"	Woollen Mills	2,000	Amicably settled.	
"	Weaving Department, Victoria Mills.	300	Amicably settled.	
"	Victoria Mills	200	Redress in respect of fortnightly payment of wages promised.	
"	Cotton Mills	2,500	Promise of an increase of wages	
"	Ditto	500	Payment of bonus.	
"	Ditto	2,000	*	* Men still on strike o 20th February 1920.
"	Cooper Al'en and Company	5,000	Payment and increase of bonus.	
"	Ditto	200	Amicably settled.	
"	Cooper Allen and Company and Tannery.	6,000	†	† Strike partially co tinues. Latest info mation on 20th F bruary 1920.
"	Empire Engineering Company	300	A small increase of wages was given.	
"	Ditto	500	‡	‡ Strike continue Company has decid to enlist new men an new mistris.
"	Harness Factory	3,000	Men returned to work after a fortnight when paid servants of company were given an increase and contract workers promised an increase.	
"	Jajmau Mills	500	Increase of wages given.	
"	Hafiz Halim Tannery	300	Ditto.	
"	Premier Oil Mills	150	Men listened to advice and returned to work the same day.	
"	Swadeshi Cotton Mills	600	Amicably settled.	
"	Palledars working in Generalganj.	50	Increase of wages given.	
		BENGAL PRESIDENCY.		
Calcutta	Masons	10,000	Increase of wages.	
Burdwan Kulti	Bengal Iron and Steel Works	11,000	Promise of an increase of wages.	
Rajshahi	Hackney carriage drivers	50	Amicably settled.	
Pabna	Ditto	15	Ditto.	
Howrah	Jute Mills, Ghusuri, New Central, Ganges, Fort William and Howrah.	27,000	Men resumed work on condition that their grievances were to be considered and their wages increased.	
"	Workers in 8 Jute Presses and an electrical workshop of Messrs. Parry and Company.	300	Ditto.	
Calcutta	Messrs. Graham and Company's Hide Godown.	100	Men resumed work unconditionally.	
"	Taxi drivers	1,200	Strike settled by the Commissioner of Police, Calcutta.	
"	Rickshaw coolies	300	Owners agreed to a reduction of the daily rates of hire for each rickshaw.	

Statement showing the details of the labour strikes which have recently taken place in India—contd.

Place.	Concern.	No. of operatives involved in each.	Manner in which the strikes were settled.	Remarks.
		BOMBAY PRESIDENCY.		
Bombay City .	Cotton Spinning and Weaving Mills.	135,000 roughly.	Increase of allowances, reduction of working hours and other minor concessions.	
„ .	Dye Works	1,842	Ditto.	
„ .	Mackenzie Saw Mills . .	250	Increase of wages.	
„ .	Royal Indian Marine Dockyard.	4,175	Ditto.	
„ .	Bombay Port Trust Workshops	3,500	Ditto.	
„ .	Bombay Port Trust temporary tally clerks.	300	Ditto.	
„ .	Bombay Port Trust Hamallage labourers (Coolies).	2,000	Ditto.	
„ .	Bombay Port Trust Cranemen.	450	Ditto.	
„ .	Bombay Port Trust sweepers	375	Daily wages raised and holiday granted on Sunday from 1 P.M.	
„ .	Times of India Press, Machinery Department.	200	Grant of an allowance.	
„ .	Prajamitra-Parsi-Press .	25	Increase of wages.	
„	Sanj Vartaman Press .	100	Amicably settled.	
„ .	Caxton Works-Printers . .	250	Increase of wages.	
„ .	Osler and Company Electricians.	40	Men resumed work at the old rates.	
„	Messrs. Alcock, Ashdown and Company (Carnac Iron Works, Carnac Road).	500	An increase of wages and promise to consider question of the grant of a bonus.	
„ .	Messrs Alcock, Ashdown and Company (Docks).	250	Increase of wages and grant of a war allowance.	
„ .	Messrs. Alcock, Ashdown and Company, Mazagon.	685	Increase of wages.	
„ .	Bombay Municipality-Drainage Department. Babula Tank Road.	300	An increase of wages.	
„ .	Messrs. Hyland and Company, Motor Workshops Hughes Road.	249	Increase of wages and other minor concessions.	
„ .	Marsland Price . . .	40	Dismissed from work.	
„ .	P. and O. and B. I. S. N. Company Dockyard..	6,000	Increase of wages and grant of a bonus.	
„	B. I. S. N Company's Firemen of Cargo boats.	42	Increase of wages.	
„ .	Oil Installations . .	1,688	Grant of an allowance.	
„ .	Padamsey Glass Company .	135	Increase of wages.	
„ .	Tramway Company's Workshops at Dadar.	1,500	Ditto.	
„ .	Eastern Chemical Company	270	Not settled. Men have not resumed work.	Latest information on 24th February 1920.
„ .	Tally clerks of the Stevedore Messrs. Osaka Loren-Kaisha	35	Wages raised.	
„ .	Boiler-makers of the Porenpim Foundry at Jacob Circle working in Docks.	64	Increase of wages.	

Statement showing the details of the labour strikes which have recently taken place in India—concld.

Place.	Concern.	No. of operatives involved in each	Manner in which the strikes were settled.	REMARKS.
			BOMBAY PRESIDENCY—*concld.*	
Sind Karachi	Coolies of Stevedores at Karachi.	600	Strike still continues	Latest information on 24th February 1920.
Presidency Proper. Bandra.	Railway strike	105	Settled by increase of pay.	
Bulsar	Ditto	185	Ditto.	
„	Ditto	210	Settled by promise to consider grievances	
Kalyan	Ditto	250	Settled by increase of pay.	
Sholapur	Ditto	20	Resumed work unconditionally first day after strike.	
„	Mill strike	13,600	Strike still continues	Ditto.
Barsi	Ditto	565	Ditto	Ditto.
Poona	Copper Smiths	150	Settled by increase of pay.	
„	Mill strikes	500	Settled by increase of wages	
Ahmedabad	Ditto	4,822	Strike settled by increase of wages in four mills, bonus in 10, increased wages to folder in all mills and one by compromise.	One mill at a time on seven occasions, two at a time on 4 occasions. On one occasion Folding Department in all mills struck work. The total number of strikes is 11 affecting 15 mills entirely and 1 strike affecting Folding Department only in all mills.
Godhra	Municipal sweepers	113	Settled by an increase in grain compensation allowance.	
„	Peons in Post and Telegraph Offices.	*	Settled by granting an increase of wages.	*Number not known.
Amalner	Mill strike	610	Settled by increased wages and bonus and reduction in working hours.	

APPENDIX D.

[Referred to in answer to Question No. 44.]

List of lines for which funds have been provisionally reserved in 1920-21.

(1) Dholka Dhanduka Railway (Bombay, Baroda and Central India Railway).
(2) Vizagapatam Harbour (Bengal Nagpur Railway).
(3) Raipur Vizianagram Railway (Bengal Nagpur Railway).
(4) Ramgarh Bokaro Extension (Bengal Nagpur and East Indian Railways).
(5) Vasad Katana Railway (Bombay, Baroda and Central India Railway).
(6) Chinchli Bagalkot Railway (Madras and Southern Mahratta Railway).
(7) Trichinopoly Ramnad Railway (South Indian Railway).
(8) Chittagong Akyab Railway.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915
(5 & 6 Geo. V. Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Thursday, the 18th March, 1920.

PRESENT:

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*, and 58 Members, of whom 51 were Additional Members.

JAGANNATH COLLEGE BILL.

The Hon'ble Mr. Shafi :—"Sir, I beg to move that the Bill to transfer the Jagannath College at Dacca from Trustees to the Governor of Bengal in Council be taken into consideration." 11-4 A.M.

The Hon'ble Mr. L. M. Chatterji :—"Sir, when the Hon'ble the Member for Education introduced this Bill into Council, I rose in my place to speak in support of it, but, unfortunately, failed to catch the eye of His Excellency the President. I wanted then to say a word of explanation and a word of thanks. As the Hon'ble the Member for Education explained very clearly in his speech when introducing the Bill, the object of this short Bill is to enable the Jagannath College, which I have the honour to represent, to be incorporated in the new University. This College, Sir, is subject to two agreements. One agreement is between the proprietor and founder of the College and a number of gentlemen whom he appointed trustees with power to carry on the College. The other agreement is between the trustees and Government under which they obtained from Government certain grants. It is necessary that the College should be freed from these conditions before it can be incorporated in the new University, and it was thought that this would be the best, the speediest and the safest way of bringing the trust to an end and incorporating the College in the new University. 11-5 A.M.

"Hon'ble Members will remember that in the Dacca University Bill, as it was first drafted, there were two sections bearing upon the position of the Jagannath College in the University. From these two sections we find that it was contemplated that the College might remain for three years outside the University. This provision filled the minds of the trustees of the College with considerable misgivings. It was not clear to them what the object of these two sections might be. The real object, Sir, as we know now, was that time might be given to the trustees so that the preliminary arrangements might be completed before the College could be included in the University. But it was feared that if the College was put back for three years, it might have a very disastrous effect. It might be said that three years is not much in the life of a University; but these first three years of the University might make a very great difference. That was what the trustees felt and they hastened to telegraph to the Local Government who very kindly took up the cause of the College and put themselves in communication with the Government of India, and the result of that is this Bill. In connection with this, Sir, I want to make it clear that this has been done at the express desire of the trustees. The result of this Bill will be that, as soon as the Dacca University Bill is passed and this Bill is passed, the College will be transferred to Government. Then the post-intermediate classes will be incorporated in the University and the intermediate college will remain and may become a Government institution or may be handed back to the trustees, not as the Government may desire, but as the trustees may desire; so that there is no difficulty about that matter. In this connection, Sir, I want to express my most grateful appreciation of the readiness with which the Hon'ble the Member for Education and the Education Secretary have met the wishes of the trustees. All through the proceedings we have received the most sympathetic consideration of our claims at their hands. I wish also to acknowledge the great courtesy shown by you, Sir, and by the Legislative Department in going into the subject, getting this Bill ready and giving us the time that was necessary for all this. I wish also to express my appreciation of the readiness with which Lord Ronaldshay and the Government of Bengal took up our cause in this matter.

"Sir, with this Bill we have reached a stage in the history of the Jagannath College from which it is interesting to look back and it is good to look forward. The College was founded in 1884; it is therefore one of the oldest privately managed colleges under the Calcutta University. The founder of the College was a local zemindar, none too rich; but he spent money upon the College. He was ambitious, and though he could not give much money to the College he did one great service to it in watching over its early years of struggle. I have said, Sir, that he was not without ambition. The College was an Arts College to begin with, but, he added a Law Department. There was also a school for teaching homeopathy and a school for teaching Indian art. The founder of the College, however, found that it was no good trying to be a universal provider. So some of these dropped off for want of funds. But it showed the vigorous life that there was in the College. In 1907, a new chapter was opened when the trustees went up to the Government for substantial grants. These were given and the college started on a new career. It was re-born so to speak. It raised the status of the whole institution so that to-day we have a first grade college which compares favourably with any other institution in the high ideals at which it aims and in the organisation of its teaching and discipline. It is the only private college, which has been allowed to teach English up to the M.A. standard, and altogether, Sir, its connection with the Government has been all for the good; it has brought strength without, I hope, the college losing any of its independence.

"I hope, Sir, I may be forgiven for using such language regarding the college which I represent, but after all it is the swan song of the college. Before long the college will lose its separate existence in the greater life of the University. As to the future, of course that depends upon what the University is going to be. In spite of differences about particulars, I hope this University, which is the first of the new Universities after the great report of the Sadler Commission was published, will be a University of which Bengal will be proud. After all, the good work it can do will depend chiefly upon its teaching staff and the organisation of its work. I hope and trust, indeed I feel quite sure that the Jagannath College or the Jagannath Hall will be equal to any other Hall in the University in promoting the aims of education and culture, and, what is more important, in helping to shape the citizen of the future broad-minded, just, free, willing and able to bear responsibility.

"With these words, Sir, I give my support to the motion."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :—"Sir, I welcome the incorporation of the Jagannath College as one of the Halls of the Dacca University, ready to take its part in the life activities of the University from the very start. Sir, under the principalship of my Hon'ble friend Rai Lalit Mohan Chatterjee Bahadur, the Jagannath College had a career of great usefulness in the past and is recognised as one of the premier colleges in the Calcutta University. I hope in the new and wider sphere of influence it will prove of still greater service to my countrymen in Eastern Bengal. 11-14 A.M.

"With these few words, Sir, I beg to lend my hearty support."

The Hon'ble Rai Sita Nath Ray Bahadur :—"Sir, I also beg to support the motion that the Jagannath College should be transferred from the Trustees to the Governor of Bengal in Council. But at the same time I must state that the original founder of the College, Keshuri Lal Ray Chaudhri, though not a very rich man, spent his whole fortune in founding and in maintaining the college with some difficulty; he had successfully done so up to 1907 when the college was transferred from his own management to the trustees and a grant obtained from the Government for the maintenance of the College. All this is very praiseworthy indeed. And I want to know if the gentleman who founded that college and, as I have said, who spent his whole fortune in maintaining the college, I want to know whether his representatives will have a voice in the management of the college at all. That is a point which has been troubling me for some time. If his representative is to be deprived of any voice in the control of the college, I consider that it would not be a very graceful thing to do. I therefore submit that the representative of the founder of the College should have a voice in the control of the college." 11-15 A.M.

The Hon'ble Mr. Shafi.—"Sir, there is only one observation which I would like to make in connection with what has fallen from the lips of my Hon'ble friend Rai Sita Nath Ray Bahadur. He apparently forgets that the plan which I sketched out in my opening speech clearly indicated that the present Jagannath College will be split up into two institutions, the fourth and fifth year classes being removed to the University which will constitute a Jagannath Hall of the University. The name of the founder of the institution will thus be perpetuated within the University itself. The first and second year class will remain in their present habitation and will form an Intermediate College connected with the University. This Intermediate College will no doubt continue to be managed by the Board of Trustees as at present constituted or as they will be constituted under the arrangement which will be entered into between the Local Governments and the Trustees, so that the representatives of the founder will continue to exercise a very powerful influence in the educational institution at Dacca which will have the founder's name attached to it." 11-17 A.M.

The motion was put and agreed to.

The Hon'ble Mr. Shafi :—"Sir, I now beg to move that the Bill be passed."

The motion was put and agreed to.

DACCA UNIVERSITY BILL.

The Hon'ble Mr. Shafi :—"Sir, I have the honour to move that the Report of the Select Committee on the Bill to establish and incorporate a unitary teaching and residential University at Dacca be taken into consideration. It is unnecessary for me to invite the attention of Hon'ble Members to all the changes which have been made in this Bill as originally introduced. 11-19 A.M.

in the Select Committee. The Report of the Select Committee has been in the hands of Hon'ble Members for the last three or four days, and I have no doubt whatever that they have familiarised themselves with the nature of the changes which have been introduced.

"There are, however, some of the more important modifications made in the Select Committee to which it is necessary for me to invite the attention of Council. It will be noticed that in clause 4(2) a change has been introduced in what is put down as (*b*), which enables teachers in educational institutions to take their degrees at the new University without having to pursue a course of study in the University itself. This was an omission, an inadvertent omission, which has now been supplied to the benefit of a class who, if I may venture to say so, are entitled to this recognition.

"In clause 6, a sub-clause (*4*) has been added to provide for tutorial instruction in the various Halls and Hostels of the University, and I am sure Hon'ble Members will recognise that this is a desirable improvement in the Bill.

"In clause 7(2) an addition has been made which again will be recognised by Hon'ble Members as a distinct improvement. The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereon. It will be seen that according to the Bill, as originally drafted, this inquiry might possibly have been an *ex parte* one without notice to the University and without a representative of the University being present at the inquiry. This omission has now been rectified.

"In clause 10, the words now printed in the Bill in italics secure that the Executive Council shall have a voice in the matter of the appointment of the Vice-Chancellor. The Vice-Chancellor according to the clause as it now stands shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and I am sure Hon'ble Members will readily recognise that this constitutes a distinct improvement.

"In clause 16 which describes the constitution of the Court, sub-head (*xii*) has been added, which secures the representation of public associations on the court; 10 persons will hereafter be elected by such public associations. This too is a distinct improvement securing representation on the court of public associations in Dacca.

"In clause 22, which gave originally the list of Faculties to be created, two further Faculties of medicine and agriculture have been added in deference to public opinion in Dacca, as well as to the opinion expressed by almost all non-official members who took part in the debate on the introduction of this Bill. The Government of India recognised that it was desirable, under these circumstances, to have these Faculties and they have readily acceded to the demand that was made by Hon'ble Members in this Council.

"To clause 28, sub-clause (*6*) has been added to the following effect:—

> 'Notwithstanding anything contained in this section no Statute shall be made affecting the proportion or method of Muhammadan representation on the Court, the Executive Council or the Academic Council, save with the previous sanction of the Governor-General in Council.'

"The Muhammadan representatives in this Council as well as in the Select Committee pointed out that as the Statutes were liable to repeal an amendment by the court, the intention of the Calcutta University Commission had not been carried out in the Bill as originally drafted. In consequence, this sub-clause (*6*) has been added to provide a further safeguard against hasty or ill-considered amendments or repeals of Statutes concerning Muhammadan representation.

"To clause 48 a proviso has been added to this effect:—

> 'Provided that nothing in this section shall apply to any agricultural or other technical institution established or maintained in connection with the University with the sanction of the Governor General in Council.'

"This proviso has been added in order to make it possible for the University to establish agricultural or other technical institutions even beyond the radius of five miles to which the jurisdiction of the University is limited, and will be recognised, I am sure, by Hon'ble Members as a distinct improvement on the original Bill.

"Coming now to the Schedule, to clause 2 of the Schedule, sub-clause (*2*), a provision has been added showing that the 15 non-Muslim graduates will be elected by non-Muslim registered graduates. As the Bill originally stood the Muhammadan graduates had a right to elect half the graduates as their representatives on the court and the election of the remaining half of the graduate representatives on the court was left to the graduates as a body. The Select Committee recognised that it would be unfair to the non-Muslim graduates that Muhammadan graduates, who had a right to elect half the number of graduates as representatives of their own on the court, should have the further right to take part in the election of the non-Muhammadan graduates, and in consequence this modification was introduced.

"Similarly, in clause 3 (*1*) 'Constitution of the Executive Council—other Members, a modification has been introduced in sub-head (*iv*) confining the election of the non-Muhammadan Members of the Court on the Executive Council to the non-Muhammadan members of the court itself, so that the Muhammadan members who are conceded the right of electing two representatives of their own on the Executive Council should not take part in the election of non-Muhammadan members of the court on the Executive Council.

"In clause 13 the words 'by a resolution passed with the concurrence of not less than two-thirds of the members voting' are introduced in order to secure that the withdrawal of degrees and diplomas in any individual case shall not be by a bare majority, but that at least two-thirds of the members of the Executive Council shall concur in such withdrawal.

"In clause 18 which provides for the establishment of committees of selection in the United Kingdom, certain changes have been introduced in deference to the criticism addressed in connection with this clause by the Hon'ble Mr. Sastri. In sub-clause (*1*) (*b*) the word 'Chancellor' has been substituted for 'the Secretary of State' so that the action contemplated therein will be taken not at the instance of an outsider, but at the instance of the head of the University itself, thereby maintaining the autonomy of the University. In sub-clause (*2*) which relates to the constitution of this Committee of selection changes have been introduced in order to improve the constitution of the committee. Formerly three of its members were to be appointed by the Secretary of State and two by the Academic Council.

"Now two will be appointed by the Secretary of State, two by the Academic Council and by the Chancellor of the University, so that the majority of the members will now be appointed by the University authorities, while only two will be appointed by the Secretary of State. I am sure Hon'ble Members will recognize that the modifications and changes to which I have invited the attention of Council constitute distinct improvements and have liberalised the Bill, which cannot but be regarded as in the highest degree satisfactory."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 11-32 A.M.
"Sir, the motion asks for the final voice of the Council which will give the force of law to the measure before us. I beg to say that I have very great pleasure in supporting this Bill. It will, no doubt, be received by the people of Eastern Bengal with enthusiastic gratitude.

"No one can say after reading the Bill, as amended by the Select Committee, that this is not a measure on sound lines and a distinct improvement.

"Sir, the Muhammadans of Eastern Bengal have every reason to rejoice at the generosity with which the promoters of the Bill have treated the communal principle in the representation of the Muhammâdan community. It is, however, a matter of very great satisfaction to me to hear, Sir, that some of my Hon'ble friends who have sent in amendments regarding the question of communal representation, have arrived at some understanding, by which they will not now press them. Such a sentiment, on the part of our Hindu brethren, will go a long way to cement the tie of Hindu-Moslem unity.

"Sir, I hope and trust the Dacca University will be conducted in such a way, that it will be satisfactory to the people, for whom it is designed and that it will turn out good and healthy citizens. I trust, as the Bombay University has appointed a Committee, to examine the recommendations of the Calcutta University Commission, other Universities will follow suit."

The motion was put and agreed to.

The Vice-President:—"The Council will now proceed with the amendments on the list."

11-34 A.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"I beg to move the amendment which stands against my name. It is, if I may say so, merely a formal amendment and it will not be necessary to take up much of the time of the Council. I hope my Hon'ble friend will be able to give an encouraging answer if he is not barred by technical difficulties from accepting the amendment which I have the honour to move.

"My amendment reads as follows:—that at the end of the definition of 'Local Government' in clause 2—the words 'together with the ministers' be added. When the Indian Reform Act comes into force this will mean popular ministers and therefore they will be a part and parcel of the Local Government. I raised this point in Select Committee, but I was told that there were technical difficulties in the way. I am not a lawyer and I am not prepared to say whether these difficulties are of an insuperable character or not. I hope my Hon'ble friend will be able to give us an assurance that as soon as may be the insertion will be made and that the popular ministers will be regarded, as they will be to all intents and purposes, a part and parcel of the Local Government."

11-36 A.M. **The Hon'ble Mr. Shafi:**—"Sir, my Hon'ble friend has, I venture to think, already noticed the difficulties lying in our way in accepting the amendment. The Local Government at present means the Governor of Bengal in Council. Ministers have not yet been appointed and as we hope the Dacca University will come into existence before the appointment of such Ministers, it is difficult for us to include Ministers in the definition of Local Government. But I can give him this assurance that when under the Reforms Act Scheme Ministers are appointed the expression 'Local Government' will of necessity include ministers and the necessary change will then be made."

The Hon'ble Mr. Surendra Nath Banerjea:—"I beg to withdraw the amendment after that assurance."

The amendment was withdrawn.

The Vice-President:—"Does the Hon'ble Mr. Chanda accept that assurance too?"

The Hon'ble Mr. Kamini Kumar Chanda:—"Yes, I shall not move my amendment* in view of what has been said."

The Vice-President:—"The amendment is withdrawn."

The Hon'ble Mr. Surendra Nath Banerjea:—"This amendment runs as follows:—

'That in clause 4 (2) the words 'to hold examinations and' be inserted before the words 'to grant.'

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* That in clause 2 at the end of the definition of "Local Government" the words "and the Ministers (when appointed)" be added.

"This is a drafting matter which I raised in Select Committee and which I desire to raise again. The clause does not say 'to hold examinations; it merely says 'to grant and confer degrees and other academic distinctions to and on persons,' etc., etc. The functions of the University are described in that section. The holding of examinations is one of the most important of the functions of the University. I suppose I shall be told in reply that that is already implied in the words. But no harm is done by being a little explicit in the matter of legislation. I think my lawyer friends are not very careful about tautology, and they use the same expression for the sake of being explicit *ad nauseam*. I hope my Hon'ble friend will see his way to accepting the amendment."

The Hon'ble Mr. Shafi :—"I accept the amendment."

The motion was put and agreed to.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move my amendment which runs :— 11-37 A.M.

'That in clause 7 (*3*) the words 'and shall advise the University upon action to be taken thereon' be omitted.'

The clause in the Bill reads as follows :—

'The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Executive Council the views of the Visitor, and shall advise the University upon the action to be taken thereon.'

This is a matter which relates to the inspection of the University which may be made by the direction of the Visitor. I say the natural course would be for the Chancellor to call upon the University to express its views on the result of the inspection, and then the Chancellor may, if necessary, advise the University. It is not right that the Chancellor should form an opinion and communicate it to the University before hearing what the University has to say. I trust the Hon'ble Member in charge of the Bill will see his way to accepting this amendment."

The Hon'ble Mr. Shafi :—"I am afraid I am unable to accept the amendment which the Hon'ble Mr. Chanda has placed before the Council. I feel sure that he will on reflection be convinced that this amendment, if accepted, would, instead of being beneficial to the University, result in considerable harm. Hon'ble Members will have noticed that according to the framing of this clause, the Visitor has first the right to cause an inspection to be made by such person or persons as he may direct of the University buildings, etc., and to cause an inquiry to be made in like manner in respect of any matter connected with the University. On receipt of the Report the Visitor may address the Chancellor with reference to the results of such inspection or inquiry, and the Chancellor shall communicate to the Executive Council the views of the Visitor 'and shall advise the University upon the action to be taken thereon.' It is these last words that my Hon'ble friend would omit. But what will be the consequences of the omission of these last words? The consequences will be these, that not only will the Chancellor, who is the head of the University and who occupies a position somewhat analogous to the position of a President in any other institution, be deprived of his inherent right to give advice to the institution of which he is the head, but it will also result in this that as under clause 5 the final action is to be taken by the Chancellor the University will be deprived of an opportunity of seeing what that final action is to be in the form of the advice that will be given to them by the Chancellor, and they will also be deprived of an opportunity of making a representation to the Chancellor in connection with that advice, so that the result will be injurious to the University rather than beneficial to this institution. But if the Hon'ble Mr. Chanda were to so amend his proposal as to provide that the Chancellor, if he deems it necessary, should ascertain the views of the Executive Council before offering his advice, Government will be prepared to accept such an amendment." 11-38 A.M.

11-43 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"That is exactly what I meant by my amendment. The drafting might be faulty. What I mean is that the Chancellor before passing an opinion should ascertain the views of the University, and I am quite prepared to accept the suggestion of my Hon'ble friend."

The Vice-President:—"May I know what amendment I am to put to the Council?"

The Hon'ble Mr. Shafi:—"May I read the words to my Hon'ble friend, Sir?"

The Vice-President:—"Certainly."

The Hon'ble Mr. Shafi:—"If the Hon'ble Mr. Chanda moves an amendment to provide that the Chancellor, if he deems it necessary, should ascertain the views of the Executive Council before offering his advice, I shall be glad to accept it."

The Hon'ble Mr. Srinivasa Sastri:—"Am I in order if I say a few words at this stage, Sir?"

The Vice-President:—"Not strictly, but we may hear you as the Hon'ble Mr. Chanda will in the meanwhile be able to formulate his amendment."

11-45 A.M. **The Hon'ble Mr. Srinivasa Sastri:**—"It seems to me, Sir, that the insertion of the words which the Hon'ble the Education Member seems to approve of would merely complicate procedure and introduce another stage; as he himself pointed out, sub-clauses (*4*) and (*5*) provide for an intermediate stage under which the Executive Council shall first report to the Chancellor and then if the Chancellor is not satisfied, he can direct final action. There is therefore time for consultation between the Chancellor and the Executive Council. It seems to me that Mr. Chanda's amendment is somewhat misconceived. It is desirable that the Chancellor should at once indicate, not direct—because the word used is 'advised,'—the line of action that seems appropriate to him. Then the Executive Council sees how much of it they should follow, and finally if the Chancellor is not pleased, he directs that such and such action should be taken. I think that is quite enough, and the clause may stand as it is".

11-47 A.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, if I may say so, it does seem to me that there is an advantage if the amendment proposed by the Hon'ble the Education Member is accepted. Before the Executive Council submits its report to the Chancellor, the Executive Council should have an opportunity of knowing beforehand when considering the matter, the views of the Chancellor, before submitting its final report. It does seem to me that it places them in possession of materials which would be useful to them in submitting their report to the Chancellor, and from that point of view the Hon'ble the Education Minister's amendment is worthy of acceptance."

The Vice-President:—"Will the Hon'ble Member say what amendment he wishes to substitute?"

The Hon'ble Mr. Kamini Kumar Chanda:—The revised amendment, Sir. It is this: That between the words 'and shall' and the word 'advise' the words 'after ascertaining, if he so thinks fit, the opinion of the Executive Council, there' be inserted."

The amendment as revised was then put and agreed to.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move that in clause 8 the following be inserted after sub-clause (*v*) :—(*vi*) The Librarian 'and that sub-clauses (*vi*) and (*vii*) be re-numbered (*vii*) and (*viii*).' What I mean by my amendment is that the Librarian should also be one of the officers. I may mention to the Council, probably they are already aware of it, that it is one of the recommendations of the Calcutta University Commission that the Librarian should be one of the officers of the University and of a rank not below that of a Reader. Under these circumstances, I think, Sir, that the Librarian should also be one of the officers of the University and should come in the Bill and not in the Statute merely" 11-84 A.M.

The Hon'ble Mr. Shafi :—" Sir, I am afraid I am unable to accept this amendment. The frame of clause 8 will show to Hon'ble Members that while the higher officers of the University are expressly named in the Bill as officers, a general clause, sub-clause (*vii*) to clause 8, is added, or rather a head is added to clause 8, which lays down 'such other officers as may be declared by the Statutes to be officers of the University.' Surely, a Librarian cannot be considered to come in the same class as the Chancellor, the Vice-Chancellor, the Treasurer, the Provosts, the Registrar and the Deans of the Faculties. Hon'ble Members will notice that in clause 16 in the Schedule a Librarian is included among the officers of the University, so that all the necessities of the situation are provided for in the Bill read together with the Statutes. The Government is not prepared to make any further modification in respect of this matter." 11-50 A.M.

The Hon'ble Mr. Kamini Kumar Chanda :—"It is not a very important point, Sir, and I need not press it in view of what the Hon'ble Member has said, but my submission is that the rank of Librarian, according to the Calcutta University Commission, should not be below that of the Treasurer, and in that view it would probably be better if that were provided for here. However, as the Hon'ble Member says, his rank will not be so high as the officers mentioned here, I need not press it." 11-51 A.M.

The amendment was withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, clause 10, sub-clause (*1*) reads as follows :— 11-52 A.M.

> '(*1*) The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes,'

and I beg to move that for the words 'for such term' to 'Statutes' the following be substituted :—

> 'for three years and shall be eligible for re-appointment. He shall receive such remuneration from the funds of the University as the Chancellor may determine. His pay should be on the estimates of the University.'

" Now I will tell the Council in a minute the points in favour of this amendment. In the first place in all the existing universities the Vice-Chancellor is only appointed for a term of three years. This has been going on for about half a century, and I think that course might be taken as regards the Dacca University also. Of course, he will be eligible for re-appointment and that would be more advantageous than to have an officer appointed for a very long term. On the other hand, if you have a permanent Vice-Chancellor he will somewhat overshadow the University, and thirdly, that was the recommendation of the Dacca University Commission. Of course they said five years and I make it three years to make it uniform with the practice of other universities. There are many cases where after a certain time it may be found undesirable that a Vice-Chancellor should continue. So I should think, under these circumstances, it might be as well to limit his term to three years. One objection to this is that it may be said that you will not get a really good man if the appointment is only for a short time. But we are getting Members of the Government of India for five years, and there is not very much difference between five years and three years. It is on a question of principle that I am asking for it. On this ground, Sir, I put forward this amendment and trust it will receive sympathetic consideration at the hands of the Hon'ble Member in charge. I also provide that he shall receive such remuneration from the funds of the University as the Chancellor may determine. The University, I think, ought to be allowed to have some say in the matter after some time.

"With these few words I put forward this amendment."

11-55 A.M. **The Hon'ble Mr. Shafi** :—" Sir, I feel sure that Hon'ble Members will recognise that the question of the term of office and the conditions of the Vice-Chancellor's appointment are matters which ought not to be laid down in the Bill itself and ought to be left in a fluid condition. The University has to come into existence. It has, so to speak, to be built up, so that it is undesirable to lay down a hard and fast rule which shall apply even to the first Vice-Chancellor. It will be noticed that sub-clause (*1*) of clause 10 lays down that the term of office and the conditions may be prescribed by the Statutes. There will be nothing to prevent the University hereafter laying down that in the Statutes the term of office shall be three years, but for the present it would be a mistake to lay down a hard and fast rule in the Bill, and therefore the Government are not prepared to accept this amendment."

The Hon'ble Mr. Kamini Kumar Chanda :—" Sir, I agree to the reservations of my Hon'ble friend and do not press this amendment."

The amendment was withdrawn.

11-56 A.M. **The Hon'ble Mr. Kamini Kumar Chanda** :—" Sir, in clause 11 it is stated :—

> 'The Vice-Chancellor shall be a whole-time officer of the University. He shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat, unless he is a member of the authority or body concerned.'

I move that the words from 'and shall be entitled' to 'body concerned', be omitted. That is to say the Vice-Chancellor shall not himself be entitled to attend every meeting of every body he pleases and speak at it. My reason is that if you have this you attribute to him the quality of a '*sub janta*' (a 'know-all'). I do not think that is very desirable. Of course he will attend the meetings of the body of which he is a member, but I do not think he ought to attend the meetings of every body and give an opinion on every matter discussed by that body. Unless he is a member he should not have a right to speak at the meetings of those bodies."

11-57 A.M. **The Hon'ble Mr. Shafi** :—" Sir, I am afraid I am unable to accept this amendment. It must be obvious to Hon'ble Members that the Vice-Chancellor will not exercise the right which he is given by this sub-clause on each and every occasion. It is only when questions of very great importance will come before any particular body that he will take the trouble of being present and offering his advice. To rob him of this privilege is to rob the particular body, before which important questions may come for discussion, of the benefit of his advice. The rule embodied in this sub-clause is in accordance with the existing practice, and my own experience of over 20 years as a Fellow of the Punjab University convinces me that the practice is perfectly sound and is in the best interest of university education. I am, therefore, unable to accept this amendment."

11-58 A.M. **The Hon'ble Mr. Kamini Kumar Chanda** :—" I do not think, Sir, there will be any difficulty in making him a member of any body of which it is considered necessary that he should be a member, but, unless he is a member of the body, I do not think there is much point in giving him a right to go and speak at the meetings of such body. I do not pretend to have a fraction of the experience of my Hon'ble friend. I have a very limited experience of the Calcutta University, but I have had the advantage of having discussed the matter with some experienced members of the Calcutta University, and I thought it would be undesirable to have a provision of this kind, and therefore I put my amendment before the Council."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I move that to clause 11 (*4*) the following be added :— 11-59 A.M.

'If an individual officer is concerned such officer shall have the right of appeal to the proper authority.'

In sub-clause (*4*) of clause 11 the Vice-Chancellor may take action against any individual officer in case of necessity. I provide that that officer should have the right to appeal to the proper authority. Of course, such a right is generally conceded, but at times it so happens that it is denied to an officer unless it is expressly mentioned in the Act, and therefore, I think, this right ought to be given."

The Hon'ble Mr. Shafi:—"Sir, in dealing with this amendment may I invite the attention of Hon'ble Members to clause 41 of the Bill, sub-clause (*1*) of which lays down: 12 P.M.

'An appeal may be made by petition to the Chancellor against the order of any officer' (including even the Vice-Chancellor) 'or authority of the University affecting any class of persons in the University.'

It seems to me that it is not advisable to carry this right of appeal in express terms in the Bill any further. Of course, a person aggrieved has constitutionally always a right to appeal to higher authority, but if this right were to be conceded in express terms in the Bill in regard to individuals the result would be the fostering of a spirit of insubordination and impairing of discipline. In consequence, I am not prepared to accept this amendment.

The Hon'ble Mr. Kamini Kumar Chanda:—"I do not press it."

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, with regard to amendments* Nos. 9 to 11, I had the advantage of discussing them yesterday with the Hon'ble Mr. Sharp, and, as a result of that discussion, I beg to withdraw my amendments, Nos. 9, 10 and 11." 12-1 P.M.

The amendments were by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda—"Sir, I beg to move— 12-2 P.M.

'That in clause 12, sub-clauses (*5*) and (*6*) be omitted.'

"Clause 12 relates to the functions of the Treasurer. Now the Calcutta University Commission recommended that the Treasurer should be an honorary officer. In this clause you will find it is not said in so many words that he shall be an honorary officer, but it is said that he 'shall receive such remuneration (if any) from the funds of the University as the Chancellor shall deem fit'. If the clause contemplates that he should be an honorary officer I do not think it would be right to saddle him with so many duties. Sub-clause (*5*) says:

'Subject to the powers of the Executive Council he shall be responsible for seeing that all monies are expended on the purpose for which they are granted or allotted',

while sub-clause (*6*) says:

'All contracts shall be signed by the Treasurer on behalf of the University.'

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*9. That to clause 11 (*6*) the words 'and the regulations' be added.

10. That in clause 12 for sub-clause (*1*) the following be substituted :—

'(1) The Treasurer shall be an Honorary Officer appointed by the Chancellor after a report from the Executive Council upon such conditions and for such period as may be determined by the Chancellor.'

11. That for sub-clause (*3*) of clause 12 the following be substituted :—

'(3) He shall be an *ex-officio* member of the Executive Council'.

"I ask that sub-clause (5) be omitted on the ground that the Treasurer will be an honorary officer and these duties ought not to devolve on him.

"As regards sub-clause (6), I say that the duty described in it is a duty that ought to be entrusted to the Registrar. He ought not to be merely a clerk; therefore, I say the duty of signing all contracts ought to fall on the Registrar as in other Universities.

"With these remarks, I move this amendment."

12-7 P.M. **The Hon'ble Mr. Shafi**:—"Sir, the Hon'ble Mr. Chanda's ideas regarding the position and duties of the Treasurer differ materially from those which we entertain. In our view it is not only one of the legitimate functions, but, as we consider, the necessary duties of the Treasurer to see that all monies are expended on the purpose for which they are granted or allotted, and we think that it is a legitimate privilege of the Treasurer, who has to discharge such important functions in connection with the expenditure of the University funds, that all contracts on behalf of the University should be signed by him. Therefore, I am unable to accept this amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"I have nothing to add to what I have said."

The Vice-President:—"You wish me to put the amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"Yes, Sir."

The amendment was put and negatived.

The Vice-President:—"Your amendment* No. 14, Mr. Chanda, will, I think, follow the fate of this one. It is merely intended to make the Registrar responsible for signing all contracts on behalf of the University."

12-8 P.M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I beg to move—

'That in clause 13 after the word 'Court' the words 'the Academic Council' be inserted.'

"I wish that the Registrar should also act as Secretary of the Academic Council.

"Clause 13 as it stands says:—

'The Registrar shall act as Secretary of the Court and the Executive Council.'

"I do not see any reason why he should not act as Secretary of the Academic Council too, and that is the reason why I want to move this amendment."

12-9 P.M. **The Hon'ble Mr. Shafi**:—"Sir, I am unable to accept this amendment. It seems to me that the Academic Council should have perfect liberty to elect its own Secretary. If the Academic Council were to wish that the Registrar should be its Secretary there is nothing in the Bill to prevent their electing him to that office. But it seems to me that the Registrar, being an executive officer and not a teacher in the University, it would be wrong to bind the hands of the Academic Council in the manner in which my learned friend would wish.

"I am therefore unable to accept this amendment."

The amendment was put and negatived.

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* 14. That in clause 13 after the words 'registered graduates' the words 'and sign all contracts on behalf of the University' be inserted.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I think, in view of what we heard before, that I need not press this amendment."*

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move.

'That in clause 17 (2) for the word 'thirty' the word 'fifteen' be substituted and the following be added: -'The Court shall appoint a Committee of Reference. The constitution and powers of this Committee shall be fixed by the Statutes.'

"I wish in clause 17 (2) to substitute the word 'fifteen' for the word 'thirty' Clause 17 (2) as it stands at present says:—

'The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.'

"My difficulty is this. If you have such a high number as thirty I do not know whether it will be possible to convene a special meeting. I believe—that is my impression—that in the Patna University the number is fifteen. I would ask the Hon'ble Education Member, therefore, if he cannot see his way to reduce the number from thirty to fifteen. I am afraid it will be very difficult to get thirty people to sign a requisition."

12-11 P.M. **The Hon'ble Mr. Shafi:**—"Sir, I am afraid I cannot accept this amendment The result of accepting it would be that whenever 15 persons could be got together by interested people, they would always be sending in requisitions for extraordinary meetings. Requisitions for extraordinary meetings are justified in exceptional circumstances only, and I submit that the number 30 is from no point of view too large for the purpose of calling an extraordinary meeting."

The amendment was put and negatived.

12-12 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, I beg to move the amendment which stands against my name and which runs as follows:—

'That in clause 18 after the words 'shall exercise' the words 'control over the general policy and finance of the University and' be inserted.'

"Sir, my amendment concerns section 18, and it is somewhat important looking at it from the constitutional point of view. The word used here is 'Court.' I think this is the second time in University legislation where that word occurs. The first time it occurred was in the case of the University of Benares Our word is 'Senate' and the Patna University calls it 'Senate.' Well, Sir, the object of this amendment is to give some power to the Court over the policy and over the finances of the University. At present the Court is more or less in the nature of an Advisory Board. It may criticise, but of real power it has little or none. My object is to give it some measure of power; without power there can be no responsibility, and without responsibility there can be no interest.

"A Court constituted such as this Court would be more or less in the nature of a useless appendage, and if I were a member of a Court such as this and asked to attend its meetings, I do not think I would do so for the simple reason that it would be a sheer waste of time. I might criticise, I might move resolutions, I might make speeches, but they need not be listened to. We want to be in places where we have real power—that is our complaint against this Council—we want to convert what seems to me to be a useless agency into a useful organisation. I want to give it some general control and power over finance, and in this connection I find that I am supported by the high authority of the Sadler Commission. The Sadler Commission is more or less a gospel to my Hon'ble friend the Member for Education, and I hope he will treat it as sacrosanct in this particular case. I will read an extract from the Report of the Sadler Commission:—

'We have proposed that University legislation should be submitted to the Court and have proposed that all changes in constitution and ordinance should require their sanction.'

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* 'That in clause 16 (1) after sub-clause (vi) the following new sub-clause be inserted:—'(vii) The 'Librarian,' and that the remaining sub clauses be re-numbered.'

A part of this is done under the first part, namely, the control over finance.

'In regard to the supervision of University finance which in so many cases involves policy, we propose that the Court should have greater powers than those proposed for the Dacca University.'

"Well, Sir, we have concurred in these words of the Sadler Commission and my amendment proceeds upon the lines of their recommendation. I may just point out in passing that, unless very weighty reasons are brought forward, I am entitled to hold that my amendment ought to be accepted by the Hon'ble the Education Member. Possibly the objection would be that the Court would be more or less a mixed body, and that they would largely be persons other than educationalists, and therefore it would not do to give them any substantial measure of control over an educational body like the University. Well, Sir, questions of policy are general questions which need not require the knowledge of experts. Questions of finance come under the same category. Therefore, even if you have a body of outsiders having little or no experience of educational matters, their views would be useful and their authority would be beneficially used in ~~keeping~~ helping the University in matters of policy and finance. Therefore, it seems to me that the objection does not arise, and I strongly urge the Hon'ble the Member for Education to accept the view which has been put forward by the Sadler Commission.

"I may point out, in conclusion, that we have a Court or Senate constituted under the Patna University Act, but of course the argument would be that that Court is differently constituted from the Court which is contemplated under the new Act. I think it is admitted that we ought in this matter to follow the recommendations of the Sadler Commission and some measure of control over the general policy and over expenditure should be given to this body."

12-15 P.M. **The Hon'ble Mr. Shafi** :—"Sir, may I invite the attention of Hon'ble Members to the clause as it is actually framed? One of the powers of the Court embodied under the head '(*b*)' is of making Statutes and of amending or repealing the same. It is obvious that this power is a very extensive one—as extensive as can be desired under the circumstances. The Statutes will no doubt cover all phases of University life. They will relate no doubt to the powers of the Executive Council, of the Academic Council and so on, so that when the Court is given this extensive power of framing Statutes and of amending or repealing the same from time to time, it is obvious that it does exercise considerable powers of control. Again, under head '(*d*)' the Court is given the power of considering and passing resolutions on the Annual Report, the annual accounts and the financial estimate so that estimates for the ensuing year as well as the annual accounts come under the scrutiny of the Court under this head. It thus seems to me, Sir, that sufficient power of control, both financial and otherwise, is provided for in this clause 18. I am afraid, therefore, that I am unable to accept the Hon'ble Member's amendment."

12-17 P.M. **The Hon'ble Mr. Surendra Nath Banerjea** :—"Sir, my Hon'ble friend's speech divides itself into two parts. In the first place, he says that some considerable powers of control are given and these powers are set forth in the power of making Statutes and so on. I think I recognised that powers of control are given to some extent, but what about finance? My Hon'ble friend says that they will be at liberty to pass resolutions and to scrutinise accounts, but their resolutions will be like the resolutions of this Council—pious aspirations which may or may not be fulfilled. That is to say, that these resolutions would not be binding upon the Executive Council or upon the University; they would be mere recommendations. The resolutions of the higher body would not be binding upon the subordinate or inferior body, but apart from that, I do say that if you have given them the power of passing resolutions, why not also give them power of making these resolutions effective. My complaint is that these resolutions may or may not be accepted by the Executive Council. What I want is, that these resolutions should be binding upon them and that these powers of control ought to be given. Is my Hon'ble friend prepared to do that? If he is then I will withdraw my amendment; if he can give me this assurance I shall be content."

The Hon'ble Mr. Shafi:—"May I, in connection with my Hon'ble friend's observations, invite the attention of the Council to the further power which is given to the Court by clause 18?" 12-19 P.M.

The Vice-President:—"I must remind the Hon'ble Member that Mr. Banerjea is replying on his amendment. If he desires he can make an explanation in answer to Mr. Banerjea, but I am afraid the Hon'ble Member has no right of reply."

The Hon'ble Mr. Shafi:—"I was merely inviting attention to this fact, Sir, that this further consideration placed before the Council by my Hon'ble friend is already provided for That is all."

The Vice-President:—"No doubt, Mr. Banerjea would like to hear that."

The Hon'ble Mr. Shafi:—"'And shall exercise such other powers and perform such other duties as may be conferred upon it by the Statutes' and the Statutes are to be made by the Court. If necessary, the Court can pass a Statute just of the type my Hon'ble friend contemplates and exercise powers which he thinks are necessary for the Court to do under that Statute . . .

The Hon'ble Mr. Surendra Nath Banerjea:—"There is just one point, if this is not expressly provided for in the Act, would not the Statute, which gives this power of control over finance, be considered as *ultra vires*, that is to say, they make statutes but somebody may say 'you have no power to make these Statutes because you have no control provided for the Court over finance'? Therefore, Sir, why not put this point in so that it will not be possible for anybody to argue that these powers have not been given? If these powers are given, why not make it explicit and say so. That is all I have to say." 12-20 P.M.

"The amendment was put and declared carried.

The Council divided as follows:—

Ayes—17.

The Hon'ble Mr. S. N. Banerjea.
„ Pandit M. M. Malaviya
„ R. B. L. M. Chatterjee.
„ Mr. S. Sastri
„ R. Ayyangar.
„ Mir Asad Ali, Khan Bahadur.
„ Sir Dinshaw Wacha.
„ Mr. V. J. Patel.
„ Rai Sitanath Ray Bahadur.
„ Maharaja Sir M. C. Nandi.
„ Raja of Kanika.
„ Chaudhuri Muhammad Ismail Khan.
„ Sir Umar Hayat Khan.
„ Sir Zulfikar Ali Khan.
„ Sardar Sunder Singh.
„ R. B. K. V. Reddi.
„ Mr. K. K. Chanda.

Noes—29.

His Excellency the Commander-in-Chief.
The Hon'ble Sir Claude Hill.
„ Sir George Lowndes.
„ Sir William Vincent.
„ Mr. Shafi.
„ Sir Arthur Anderson.
„ Sir Thomas Holland.
„ Mr. C. F. de la Fosse.
„ Mr. H. Sharp.
„ Mr. A. H. Ley.
„ Sir William Marris.
„ Mr. R. A. Mant.
„ Maj-Genl. Sir Alfred Bingley.
„ Mr. E. Burdon.
„ Sir Sidney Crookshank.
„ Mr. G. R. Clarke.
„ Mr. H. Moncrieff Smith.
„ Mr. A. P. Muddiman.
„ Mr. C. A. Barron.
„ Mr. W. E. Marjoribanks.
„ Mr. E. H. Jaffer.
„ Sir Fazulbhoy Currimbhoy.
„ Mr. K. C. De.
„ Mr. L. F. Morshead.
„ Mr. C. A. Kincaid.
„ Mr. P. J. G. Pipon.
„ Mr. B. C. Allen.
„ Mr. G. F. S. Christie.
„ Maung Bah Too.

The amendment was therefore negatived.

12-30 P.M. **The Hon'ble Mr. Shafi:**—"The amendment which stands in my name is merely a consequential one. It is—

'That sub-clause (*a*) of clause 18 be omitted, and that the remaining sub-clauses be re-lettered.'

Hon'ble Members will notice that in clause 3(*i*) (*iv*) of the Schedule an amendment has been made in the Select Committee to this effect:—

'Two non-Muhammadan members of the court elected by the non-Muhammadan members thereof at its annual meeting.'

As this stood originally these two members were to be elected by the whole court in its annual meeting. As modified, these two members will be non-Muhammadans and they will be elected by the non-Muhammadan section of the court. In consequence, these words, which were in clause 18(*a*), have become not only redundant, but are inconsistent with the Schedule as modified. The words here are—

'of electing at least one member to the Executive Council.'

that is to say, the whole court shall exercise that power; and as the election of members will now rest with the non-Muhammadan section of the court, the retention of this head, as it stands, would be inconsistent with the Statute. Therefore, I propose that this sub-clause (*a*) should be omitted."

The Hon'ble Mr. Srinivasa Sastri:—"It would have the effect of removing one election at which Hindus and Muhammadans would be voting together."

12-32 P.M. **The Hon'ble Mr. Shafi:**—"Sir, sub-clause (*a*) of clause 18 provides for something which does not exist under the Statute; the power of electing at least one member to the Executive Council. You will have to re-consider the constitution of the Executive Council if sub-clause (*a*) is to be amended."

The amendment was put and agreed to.

12-33 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"I beg to propose that to clause 18 the following words be added:—

'and may for the purpose appoint a Committee of reference.'

This is really a corollary to the amendment which has been lost. I recommend that the control over the general policy and finance should be given to the court and the machinery that I suggest for the purpose of this control is a Committee of reference. This is not my idea; it is the recommendations of the Sadler Commission; they were of opinion that new items of expenditure should be laid before the court in order that they may be scrutinized. My friend talked about scrutiny and examinations, etc. May I ask how 200 persons are to scrutinize the accounts? It would be more or less, if I may be permitted to use a strong expression, in the nature of a farcical proceeding for 200 persons to sit together for the purpose of scrutinizing accounts. It cannot be done. The Sadler Commission recommended that some financial control should be given to the court. They also suggested, practical men as they were, there should be an organization for the purpose. They recommend the formation of a Committee of Inquiry.

"Now, Sir, let me read an extract from the Commission's Report.—

'We think they (court), should also have some effective power' (mark you not merely the passing of Resolutions) 'some effective powers of criticising the body of the new expenditure, and we therefore propose that the court should elect a committee of Reference which would have the power of conferring with the Executive Council, the Academic Council and of hauling up items of new expenditure for the consideration and discussion of the court.'

"It seems to me that that would be pre-eminently the function of a body like the court, which would be composed of business men, who would go into details. There should be an agency provided for this and here is the agency.

If my Hon'ble friend thinks that the power of control of the finances is given, then why not accept this recommendation, namely, that a committee of reference should be appointed.

"With these words I beg to move my amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"I beg to support the amendment."

The Hon'ble Mr. H. Sharp:—"I am afraid this amendment cannot be accepted. It is quite true that the Sadler Commission did make a recommendation for a committee of this kind, and a committee of this sort would in certain circumstances undoubtedly be an extremely useful body. But I cannot help suspecting that when that recommendation was made by the Commission, it was made primarily with reference to the University of Calcutta and that they thought it might also not unsuitably be fitted into the university of Dacca. Now there is a considerable difference between these two universities. The University of Calcutta is going to be a very large and complicated organisation with colleges in various stages of association or affiliation. The Dacca University is going to be a smaller thing; it is going to be a unitary university; there will be much more community of feeling between the bodies and professors and all concerned. If I may say so it will be very much more of a happy family, in which things will go along, everybody knowing what everybody else is doing. As regards financial control, of which the Hon'ble Mr. Banerjea has made a considerable point, I think that the financial control by the Court is already sufficiently clear. The accounts of the Council are to be made public and it will be open to the Court to pass resolutions about the finances of the University as well as other important matters. These resolutions will not be binding on the Executive Council. Nevertheless, it is quite certain that the Executive Council will take very serious notice of them. Some criticisms have already been directed at this Bill even as it stands, that for a small unitary university we are overloading the constitution with a mass of authorities. I feel myself the weight of these criticisms, but I do not see how we can lessen the number of the more important bodies, the Court, the Executive Council and the Academic Council. But I do think it is unnecessary to add a fifth wheel to the coach. It will be open, if experience dictates the desirability, to the Court to have such a Committee of Reference, which would act as a kind of *liaison* officer between the Court and the Executive Council and other bodies. We should act on the principle that we should not in the first instance dictate over much to this university in the Act which will constitute it, and that we ought to leave it a certain amount of reasonable liberty in the constitution of minor bodies which will go to help it in its various activities. I think we may leave out this Committee of Reference and that it may be left to the University to decide if it is going to have such a body or not." 12-35 P.M.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, what my Hon'ble friend the Education Minister says is that the Dacca University should not be on the comprehensive scale of the University of Calcutta, and that it would perhaps be a mistake to overload it with organizations. Is that an argument that would stand the test of scrutiny? You have already got many organisations and that if you add one more, a small one to this number, it would not make a very sensible addition to the organisations already constituted. This Committee of Reference would be a small Committee, it would not consist of a large number of men, perhaps half a dozen would suffice to form the Committee. It does seem to me, especially in the crucial matter of finance, that we cannot afford to make mistakes; if the Court is to exercise any control, any kind of audit, this can only be done by having recourse to a Committee. My Hon'ble friend suggests that the University can add such a Committee, but you are not suggesting in your Statutes or laws that it should be done; where questions of finance are involved they should not be left to chance. 12-40 P.M.

"Then my Hon'ble friend says that financial control is secured. Well, if financial control has been secured, for the Court in order to make it effective to use the words of the Commission, a Committee of Reference should be appointed.

"Then, Sir, my Hon'ble friend Mr. Sharp observed that this was meant for the Calcutta University, and then it was applied afterwards by the Commission to the Dacca University. Well, I am not conversant with the history of the development of the ideas of the Commission. My Hon'ble friend may be more cognisant of the inner secrets of what passed in the minds of the Commission, and I am not in a position to say yes or no. But the fact remains that these remarks which I have quoted apply to the Dacca University. Therefore, it seems to me, Sir, that on all grounds it is desirable that a small Committee of this kind should be appointed for the purpose of helping the Court in the supreme matter of exercising effective financial control over the affairs of the institution."

The amendment was put and negatived.

12-43 P.M. **The Hon'ble Mr. Shafi:**—"Sir, for the reasons which I have already explained in connection with my amendment to clause 18, I now beg to move that the last three lines of clause 19 consisting of the words. 'The Statutes shall provide that at least one member of the Executive Council shall be elected by the Court' be omitted."

The amendment was put and agreed to.

12-44 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I do not want to move—No 21.

21. 'That in clause 20 in the proviso to sub-clause (*c*) for the word 'emoluments' the following be substituted :—

'and of the appointment, emoluments, suspension and dismissal.'

The amendment was by leave withdrawn.

12-4 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, I beg to move—

'That in clause 20, sub-clause (*f*) after the word 'appoint' the words 'and shall have power to suspend and dismiss' be inserted, and the following proviso be added at the end—

'Provided that, in the case of the Registrar, the Librarian and the Provosts, the order of dismissal, passed by the Executive Council shall be subject to confirmation by the Court'.

Sub-clause (*f*) provides that the Executive Council shall appoint the officers (other than the Chancellor, the Vice-Chancellor and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts. Nothing is said about the suspension or dismissal of these officers which the Executive Council will appoint. I think, Sir, this question of dismissal or suspension of the officers by the Executive Council ought to be made clear, and therefore I say that in this clause the words 'and shall have power to suspend and dismiss' should be inserted after the word 'appoint.' It has the power of appointing, and, I think, it must also have the power of suspending and dismissing..

"Then I want a proviso added at the end, namely 'Provided that in case of the Registrar, the Librarian and the Provosts the order of dismissal, passed by the Executive Council shall be subject to confirmation by the Court.' Because the officers I have named in the proviso are senior officers, and I think it is desirable that any order to suspend or dismiss passed against them should be subject to confirmation by the bigger body. Of course, Sir, it may not be necessary to exercise this power, I hope that no occasion will arise to take any such steps against any of the senior officers, but I think it would be extremely desirable to make provision that any order passed to suspend or dismiss against any of the higher officers I have named shall be subject to confirmation by the Court. Therefore, I propose that, while you say that the Executive Council shall have the power to appoint certain officers, it should also have the power to suspend or dismiss them, and that in the case of the officers I have named in the proviso, this power should be subject to confirmation by the Court."

The Hon'ble Mr. H. Sharp:—"Sir, I am not a lawyer, but I believe that it is a principle of drafting never to use an excessive word or phrase. Now, were we to insert the words at this point which the Hon'ble Mr. Chanda desires to see inserted, I think they would be excessive, because appointment carries with it the powers of suspension and dismissal. I think the Hon'ble Mr. Chanda will be able to satisfy himself on that point if he looks up the General Clauses Act, I believe it is section 16, in which it is laid down that the one power connotes the other two powers. I, therefore, suggest that possibly the Hon'ble Mr. Chanda may think fit to withdraw this amendment, but, if not, I am afraid that there are not sufficient grounds for its acceptance." 12-47 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"The Hon'ble Member has not said anything about the proviso regarding the higher officers."

The Hon'ble Mr. Sharp:—"I am afraid that I had only heard the Hon'ble Member speak on the one point about his amendment No. 22 Now it is the proviso that he wishes me to deal with. 12-48 P.M.

"As I said, I did not hear the Hon'ble Member speak anything about that. Surely the proviso that the Hon'ble Member wishes to put in here would constitute a breach of the division of functions which it is the object of this whole constitution, as framed by the Commission, to bring about. The Executive Council is, as its name shows, the executive body which will deal administratively with all questions of appointment and also the other questions arising out of them, and while it will be in general matters subject to the legislative and supervisory powers of the Court, it must be left free to carry out matters of this kind itself; and I fear that if a proviso of this sort were put into the Bill at this point, it would constitute rather a serious inroad into the proper functions and powers of the Executive Council. For that reason this part of the amendment also cannot be accepted."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I would like to withdraw the first part of the amendment, but not the other part of it."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move that in clause 21 for the word 'education' the word 'examination' be substituted. At present it is laid down that the Academic Council shall be responsible for the maintenance of 'standards of instruction and education.' I would like to have 'examination' brought in here. The word is not there and I propose it should be inserted." 12-50 P.M.

The Hon'ble Mr. Shafi:—"I agree to the word 'examination' being added, not substituted for 'education.' The word 'education' will remain and 'examination' will be added."

The Hon'ble Mr. Kamini Kumar Chanda:—"I agree to that, Sir."

The Vice-President:—"I understand the clause will run 'standards of instruction, education and examination'."

The following amendment was put and accepted :—

'That in clause 21, the word 'and' before 'education' be omitted, and after the word 'education,' the words 'and examination' be added."

12-53 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:**—"Sir, I beg to move the amendment that stands against my name and runs thus:—

'That in clause 22 (*1*), after the word 'Arts' the following words be inserted 'with a department of Islamic Studies conferring the same degrees as in the other Arts Department.'

" Sir, even since the time the proposal for the establishment of a University at Dacca had begun to take a practical shape, it has been universally recognised that a Department of Islamic Studies should form a principal and characteristic feature of the proposed University. The Nathan Committee, after consultation with the distinguished savants like late Shams-ul-Ulama Maulana Shibli Namani, Shams-ul-Ulama Syed Ali Bilgrami and Dr. Horoviz, included Faculty of Islamic Studies in their scheme of the Dacca University. The Calcutta University Commission, too, have lent the weight of support and approval to the proposal in the following words 'the proposal to establish a strong Department of Islamic Studies on modern lines, combining with instructions in those studies a thorough grounding in English language, forms an essential feature in the Dacca University Scheme, and we fully endorse the desirability of establishing a Department of Islamic Studies on these lines.' In Chapter XLIX, page 214, they further observe 'turning to the Dacca University we have placed in the forefront of our proposal the establishment of a strong Department of Islamic Studies.' Sir, the department that was admitted to be an essential feature of the University, the proposal that was placed on the forefront by the Calcutta University Commission has unfortunately been thrust back into the background by the Government and no mention of it has been made either in the Bill or in the Statutes. It might be argued that Ordinances and Regulations will make provisions for the Department of Islamic Studies. But, Sir, according to clause 29 the Ordinances are to be made subject to the provisions of the Act and the Statutes, and if the department is not mentioned either in the Bill or in the Statute, the framers of the Ordinances will undoubtedly hesitate to initiate any such Department. I refuse to admit the contention that special mention of the department of Islamic Studies will necessitate the specific reference to the other departments of the Art Faculty—in view of the fact the Department of Islamic Studies has no parallel in Arts Faculty of any of the existing Universities in India and as such deserve to be specially alluded to. The mention of the Department in the Act itself will preclude all possibility of the authorities neglecting or delaying to establish it and will give it a position in the forefront of all other branches of studies. It would give the department, as well as the students who graduate in it, a recognised and an honourable position. Sir, there is another and graver reason which is not purely sentimental why the Department of Islamic Studies should be specially mentioned in the Act. In pursuance of the proposal of the Dacca University Committee the Government of Bengal have already reformed and modernised the courses of study in all the colleges except the Calcutta Madrassa, and instituted an examination called the special Matriculation equivalent to the Matriculation Examination of the Calcutta University. They have further instituted a two-years' collegiate course in the Dacca Madrassa, in the Islamic branches of learning which are equivalent to the first and second years' courses of any college affiliated to the Calcutta University. The students now reading in all the Reformed Madrassas, who number thousands and specially the students of these two advanced classes, are confidently looking forward to the opening of the Faculty of Islamic Studies in the Dacca University so that they can complete their courses and obtain their degrees. It would be a cruel injustice and an unbearable disappointment to this large body of students if the Faculty of Islamic Studies is not initiated simultaneously with the establishment of the University.

"An Islamic Course properly framed will attract the Muhammadan youth and the greatest benefit will by this means be bestowed upon them and upon the greatest number of them. These weighty considerations do not apply to the students of Sanskritic studies. We have not the slightest objection to the formation of a Board of Sanskritic Studies or any other studies later on. What I desire to emphasise is the essential necessity of providing for the Department of Islamic Studies as a fundamental part of the University. As to the part of my amendment asking for the same Arts degree for the students of the Department of Islamic Studies, it might be said that inclusion in the Faculty of Arts should and does connote the privilege of the same Arts degree and so my amendment is unnecessary. I wish it were, but suggestions have been made that the degree of B.I. and M. I. should be conferred on the students of Islamic Department rather than the ordinary Arts degrees of B.A. and M.A Muhammadans, Sir, have unanimously protested against this proposed distinction between the students with equal culture, and the Calcutta University Commission have supported the Muhammadan view. In volume 4, page 181, they remark 'We have pointed out above that we should welcome the conferment of an Arts degree in Islamic studies, but we think it should be conferred only on students who have received an adequate basis of Western education and have pursued their Islamic Studies with a knowledge of the critical methods employed by Western Scholars.' Muhammadans too, Sir, agree in welcoming any course of study that demands of the student an acquaintance with the methods of Western criticism combined with a thorough knowledge of Islamic culture. The curriculum for Islamic studies should, of course, be as liberal and inclusive of as much modern culture as the degree courses in any other subject, but we would surely object to our boys receiving a degree different from those of their fellow students in other departments of Arts Faculty. A different degree is likely to be looked down upon as an inferior degree. We want sound education for our boys. Sir, I have never been an admirer of cheap degrees and would strongly oppose any arrangement that tends in that direction. We want equally liberal culture and the same standard of education for our boys so that they can fight on equal terms with graduates of other communities in the battle of life, but we want their education to be combined with instruction in our religious subjects to make them better men morally as well as intellectually.

"With these words Sir, I beg to move my amendment."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 1 P. M.
"Sir, I strongly support the amendment moved by my Hon'ble friend Nawab Ali Chaudhuri. It seems to me that he is not making any new demand nor is he asking for any fresh concession. As we understand from his speech, in anticipation of the establishment of the Faculty of Islamic Studies, orthodox Madrassas have already been started all over Bengal to serve as feeders to the Islamic side of the Dacca University. My friend's object is only to secure statutory recognition for a system of education initiated and approved by the Government themselves as best suited to the genius of the Mussalmans of Eastern Bengal. The addition suggested is purely a formal one and I therefore see no reason why it should be refused.

"Sir, I also agree with my friend that the same Arts degree should be conferred on all the students of the Faculty of Arts. It is absolutely beyond my comprehension why this curious degree of B. I. should be given to the graduates of the Islamic department of the Arts Faculty. I see no justification for making this invidious distinction in degrees granted to students studying under almost identical conditions.

"On these grounds I should strongly urge the Government to accept the amendment."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I desire to support the amendment with this reservation, which, I hope, my Hon'ble 1-2 P. M.

friend will accept, and which, I hope, the Government will also see its way to accept, that instead of a Department of Islamic Studies the scope of the Department should be widened and it should be made a Department of Oriental Studies including Islamic and Sanskrit Studies. I have been having a conversation about this matter with my Hon'ble friend the Mover of the amendment. He is quite willing to accept it and I trust it will be satisfactory, both to the Hindu as well as to the Muhammadan communities of Eastern Bengal; and the co-operation of both these communities is essential to the success of the new University.

"Sir, there is one other point to which the amendment refers to which I desire to call attention. My Hon'ble friend has suggested that the degrees to be given should be the same as in other cases Well, I have no objection provided, and I am quite sure my friend will be of the same opinion, that the standard is sufficiently high and that modern culture is insisted upon. A B.A. or an M.A of a University has the hall-mark of a certain amount of modern culture apart from Oriental culture which he may be in possession of. I think it is important, as my friend does not want that there should be any lowering of the standard in respect of these qualifications, that a suitable standard should be fixed for the purpose.

"I have, therefore, great pleasure in supporting the amendment of my Hon'ble friend."

1-5 P. M. **The Hon'ble Mir Asad Ali, Khan Bahadur**:—"I beg to support the amendment of the Hon'ble Mr Banerjea. Instead of having only a Faculty of Islamic Studies, the Dacca University should have a Faculty of Oriental Studies as in the Punjab University and degrees similar to those of B.A.'s and M.A.'s should be granted for proficiency in Sanskrit as well as in Arabic."

1-6 P. M. **The Hon'ble Mr. L. M. Chatterji**:—"Sir, I have great pleasure in supporting the first part of the amendment brought forward by the Hon'ble Mr. Nawab Ali Chaudhuri. I think that one of the distinguishing features of this new University will be its Oriental side and, with the Department of Islamic Studies and the Department of Sanskritic Studies which will come, I hope that this University will have something which the Calcutta University has not yet been able to show.

"But, with regard to the second part of the amendment, I want to submit that the Report of the Calcutta University Commission is expressly against it. The argument has been brought forward that, if the qualifying standard of culture demanded is high enough, why should not the ordinary B A. degree be given? My answer to that is that this will be a different *kind* of culture, though not necessarily an inferior culture. I do not accept the argument of the Hon'ble Nawab that these Oriental degrees will be looked down upon. I think they will compare favourably with the other degrees; they will only show that the students who go in for them have gone through a different kind of culture. I do not see any reason why the special colour that is given to the Dacca University in this Oriental side should be taken away. I look forward to the time when the degrees of the Oriental side will rank quite as high as the ordinary degrees. It is because the degrees will be new that there is this prejudice against these degrees. I submit that, considering the very great real difference that there will be between the two kinds of culture, the two kinds of degrees should be retained to mark the distinction."

1-8 P. M. **The Hon'ble Mr. Kamini Kumar Chanda**:—"Sir, I wish to give my support to the amendment of my Hon'ble friend the Nawab Sahib as further amended by the Hon'ble Mr. Surendra Nath Banerjea, that is to say, that there should be a Department of Oriental Studies and not of Islamic Studies only. That is what I pleaded for when I spoke on the motion to refer the Bill to the Select Committee."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan:— 1-9 P. M.
"Sir, very few words are needed after the speech of the mover to commend the ~~Resolution~~ to the acceptance of the Council. It is a question of vital importance to the Muhammadans and I hope the amendment will be accepted by all members of this Council, irrespective of caste or creed. I further support the amendment of the Hon'ble Mr. Banerjea who ably moved for Sanskrit study."

The Hon'ble Mr. Shafi:—"Sir, the Government are prepared to 1-10 P. M. accept the happy compromise which has been arrived at between the representatives in this Council of the two communities concerned. So far as the actual drafting of the amendment is concerned, I trust that my Hon'ble friends will leave it to us to do that.

"With reference to the observations made by my Hon'ble friend Mr. Banerjea with regard to the course of study and the standard of examination, I have only one word to say. It will be the duty of the Faculty to frame a suitable course and to fix a high enough standard for this examination, so that the degree in this department may rank as high as the degrees in the other departments of the Faculty."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:— 1-11 P. M.
"I am grateful to the Hon'ble Educational Member for his remarks and I quite support the intention of my Hon'ble friend Mr. Surendra Nath Banerjea. We shall be very glad to see side by side with the Department of Islamic Studies a Department of Sanskrit Studies. I do not mind a change in the wording of the amendment, but our intention is to see that the degrees to be given to the students should be B.A. and M.A. and not B.I. and M.I.

"With these words, I press my amendment."

The Vice-President:—"I understand an amendment in the following form will commend itself to the Hon'ble Member; if so, I take it the Hon'ble Nawab Ali Chaudhuri will move the amendment in place of the one which stands on the paper."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:— 1-12 P. M.
"Yes, Sir."

The Vice-President:—"The question is (1) that after sub-clause (*4*) of clause 22 the following sub-clause be inserted, *viz.*:—

(*5*) The Ordinances shall provide for Departments of Oriental Studies (including Departments of Islamic and Sanskritic Studies) in the Faculty of Arts, on which the same degrees shall be conferred as in the other Departments of that Faculty, and

(2) That sub-clause (*5*) of clause 22 be re-numbered (*6*)."

The revised amendment was put and agreed to.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, the object 1-15 P. M. of my amendment* is to include Technology among the Faculties. Originally the Bill included Arts and Law, but two Faculties have been added by the Select Committee—Medicine and Agriculture. I submit, Sir, that Technology is so important a subject that it should be included and set forth in the Bill as being a Faculty which the University should be provided with even at the start. At the present moment there is a very strong feeling all over India, especially in Bengal, in connection with the study of Technology, and, I think, a University which does not possess that Faculty would be considered as being imperfectly equipped. There is no reason why we should not have it, and there is another reason in favour of the amendment which I have the honour to move. It is this If you have this Faculty specifically mentioned in the Bill there are rich men in Dacca—my friend over there, the Hon'ble Rai Sitanath Rai Bahadur, is one of them—and they will come forward as Sir Rash Behari Ghosh has come forward, with large donations for the purpose of helping this institution. Sir, the Council is aware of the fact that Sir Rash Behari Ghosh has given 21 lakhs of rupees out of his private fortune, 11 lakhs for the establishment of a course of studies in Technology, and it seems to me that in order to popularise the institution, in order to meet the generally felt wish which may have the effect of stimulating the springs of benevolence, it is desirable that the Faculty of Technology should be included. What harm is there in expressly stating that the Faculties shall include the Faculty of Technology?"

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* That in clause 22 (*1*) the word 'and' where it first occurs be omitted and the words 'and Technology' be inserted after the word 'agriculture.'

1-17 P. M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi:**—"Sir, I have much pleasure in giving my cordial support to the amendment just moved by my Hon'ble friend, Mr. Banerjea. In every part of Bengal there is a crying necessity for technological education, and facilities should be offered in every university to meet this growing demand. It is for this reason, Sir, that I support this amendment."

1-18 P. M. **The Hon'ble Rai Sita Nath Ray Bahadur:**—"Sir, I wanted to move an amendment similar to this one, but as it has now been moved by my Hon'ble friend Mr. Banerjea, I heartily support it. But I should like to add that I am glad the Select Committee have included a Faculty of Agriculture among the Faculties. The fact that the Agriculture Department of the Government of Bengal is now located at Dacca makes it more convenient to arrange for agricultural education in the new University. But, I am sorry, the claims of Technology have been ignored, both by the framers of the Bill and by the members of the Select Committee The Industrial Commission recognised the importance of technological training. In their report they said 'it will be necessary in the immediate future for the Government to consider the more general question of the part to be played by the existing Engineering Colleges and the Universities, in providing for the increasing need in India for scientific, technical and technological training.' They said that 'the simplest way of meeting this demand would be to expand the engineering colleges into technological institutes by the creation of new departments.' For the industrial re-generation of India and the solution of her poverty problem, it is absolutely necessary that the Faculty of Technology should be included in the list of Faculties in our Universities. Unfortunately even our Muhammadan friends who are so keen on securing special representation on the governing bodies of the University have not pressed the claim of Technology. While fighting for the shadow they let the substance slip away. We are all in agreement upon this point that the Faculty of Technology should be introduced into the Dacca University."

1-20 P. M. **The Hon'ble Haji Chaudhuri Muhammad Ismail Khan:**—"Sir, I have pleasure in supporting the amendment of my Hon'ble friend Mr. Banerjea. I have always felt that the poverty problem of India can be solved if we can successfully establish flourishing industries. The need for technical education has been discussed by the Industrial Commission in their report, and I hold that it would benefit the country if instead of establishing a Law College we establish an Institute of Technology in connection with the University of Dacca. India cries aloud for Industries other than the universal but insecure industry of arigculture which depends on the caprice of the clouds. I am glad that the inclusion of a Faculty of Agriculture has been found possible. And I hope a Faculty of Technology will be included in the list of Faculties."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir, the amendment moved by my Hon'ble friend Mr. Banerjea has my hearty support. For the industrial advancement of the country we require experts and specialists in particular branches of industry, and a modern University should undertake the duty of training up the educated youths in applied Science and Technology which will be a valuable adjunct to the Dacca University, and I would gladly welcome the institution of such a Faculty there. I quite realise that it might not be possible to set up at once such a costly institution in the new University of Dacca, but there is no harm in including it in the Bill as one of those departments which it should be the goal and ideal of the University to strive after. We want the University to be started with those Faculties which can be included with the least possible delay, and to add others gradually when funds and circumstances permit. In any case, the establishment of the University should under no circumstances be postponed or delayed, pending the completion of arrangements for any of the Technical Faculties." 1-21 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I support this amendment. I was one of those who asked for it when speaking on the motion for reference to the Select Committee."

The Hon'ble Mr. Shafi:—"Sir, the Council is aware that we, ourselves have met Hon'ble Members more than half way by proposing the inclusion in clause 22 (*1*) of two out of the three Faculties which were asked for. The addition of these Faculties, of course, cannot in any way delay the initiation of the University. But it has to be remembered that the Faculties of Medicine and Agriculture, on the one hand, and of Technology, on the other hand, in view of the actual existing circumstances, in Dacca, are on two different positions. The object which my Hon'ble friends have in view has my entire sympathy. I too hope that the Faculty of Technology will come into existence as soon as possible. The provision is already there, contained in the clause in the words 'such other Faculties as may be prescribed by the Statutes,' but there are difficulties in constituting this particular Faculty at once. I have personally no doubt whatever that the desirability of constituting a Technological Faculty at an early date will not be lost sight of. 1-22 P.M.

"I trust my friends will be content with this assurance and will not insist on the inclusion of this Faculty by name in clause 22 (*1*)."

The Hon'ble Mr. Surendra Nath Banerjea:—"If I may be permitted to ask a question, Sir, may we expect from the Hon'ble Member any assurance as to the period of time within which this Technological Faculty will come into existence?" 1-24 P.M.

The Hon'ble Mr. Shafi:—"I am sure, Sir, that my Hon'ble friend is aware that the actual setting up of the necessary machinery for a Faculty like this is more in the hands of his own local Government than in the hands of the Government of India, and it is, therefore, impossible for the Government of India to name a particular date before which such Faculty must necessarily come into existence."

The Hon'ble Mr. Surendra Nath Banerjea:—"As there is very strong feeling in favour of this matter, Sir, I should like to ask you to put the matter before the Council."

The Vice-President:—"Does the Hon'ble Mr. Banerjea desire to reply?

The Hon'ble Mr. Surendra Nath Banerjea:—"No, Sir."

The Motion was put and the Council divided as follows:—

Ayes.—17.

Hon'ble Mr. W. E. Crum.
„ „ S. N. Banerjea.
„ „ M. M. Malaviya.
„ R. B. L. M. Chatterjee.
„ Mr. R. Ayyangar.
„ Sir Dinshaw Wacha.
„ Mr. V. J. Patel.
„ Sir Fazulbhoy Currimbhoy.
„ Rai Sitanath Ray Bahadur.
„ Maharaja Sir M. C. Nandi.
„ Nawab Ali Chaudhuri, Khan Bahadur.
„ Raja of Kanika.
„ Chaudhuri Mohamed Ismail Khan
„ Sir Umar Hayat Khan
„ Sardar Sundar Singh.
„ Mr. K. K. Chanda.
„ Sir Zulfikar Ali Khan.

Noes.—35.

His Excellency the Commander-in-Chief.
Hon'ble Sir Claude Hill.
„ „ George Lowndes.
„ „ George Barnes.
„ „ William Vincent.
„ Mr. Shafi.
„ „ W. M. Hailey.
„ Sir Arthur Anderson.
„ „ Thomas Holland.
„ Mr. C. F. de la Fosse.
„ „ E. M. Cook.
„ „ H. Sharp.
„ „ H. McPherson.
„ „ A H. Ley.
„ Sir William Marris.
„ Mr. R. A. Mant.
„ Major General Sir Alfred Bingley.
„ Mr. E. Burdon.
„ Sir Sydney Crookshank.
„ Mr. H. R. C. Dobbs.
„ Sir John Wood.
„ Sur.-General W. R. Edwards.
„ Mr. G. R. Clarke.
„ „ H. Moncrieff Smith.
„ „ A. P. Muddiman.
„ „ C. A. Barron.
„ „ N. E. Marjoribanks.
„ „ K. C. De.
„ „ L. F. Morshead.
„ „ C. A. Kincaid.
„ „ P. J. G. Pipon.
„ „ H. A. Casson.
„ „ B. C. Allen.
„ „ G. F. S. Christie.
„ Maung Bah Too.

The amendment was therefore negatived.

The Vice-President:—"Does the Hon'ble Member Mr. Sita Nath Ray wish to move his amendment* ?"

The Hon'ble Rai Sita Nath Ray Bahadur:—"No, Sir."

The Vice-President:—"The amendment is withdrawn."

[At this stage the Council adjourned for lunch.]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, the next amendment . . . ."

The Hon'ble Mr. V. J. Patel:—"I rise to a point of order. There is no quorum, Sir."

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*That in clause 22(*1*) the word 'and' where it first occurs be omitted and the words 'and technology' be inserted after the word 'Agriculture.'

The Vice-President:—"There is more than a quorum, I think. Additional Members are coming in."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, the next amendment of mine is in clause 22, which reads thus:— 2-48 P.M.

'That in clause 22(*4*) for the words 'the Vice-Chancellor shall appoint' the words 'the teachers of the department shall elect' be substituted and the words 'as he thinks fit' be omitted.'

"Sub-clause (*4*) of clause 22 says 'that each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances. The head of every such department shall be the professor of the Department or, if there is no professor, the reader. If there is more than one professor or more than one reader of a department, as the case may be, the Vice-Chancellor shall appoint such professor or reader to be head of the department, as he thinks fit.' This is a point in which the question whether election or selection should be the basis for appointment is involved, and I submit that we ought to see that the appointment will be made by election by the different staffs of the department and not by the Vice-Chancellor. We had a discussion before about the question of selection *versus* election to the teaching body. That is the basis of my amendment. With these few words I move my amendment."

The Hon'ble Mr. Shafi:—"Sir, I wonder if my Hon'ble friend realises that if in the existing state of things the selection of a Principal for a college were left to the professors on the staff of that college, what would be the condition of affairs in this country? That is exactly an analogous case. My friend wants that the head of a department in which there is more than one professor shall be elected by the professors and not by the Vice-Chancellor. If I may venture to say so, with all deference to him, the absurdity of the position is so obvious that I need say nothing further about it." 2-49 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I do not unfortunately see any absurdity in my amendment, and therefore I cannot see my way to withdraw the motion."

The amendment was put and negatived.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I beg to move 'that in clause 24 after the words 'Muhammadan Advisory Board' the words 'a Hindu Advisory Board' be inserted. 2-50 P.M.

"There is provision for a Muhammadan Advisory Board, and it seems to me that other Boards may be formed. Those are the words in the clause. That being so, I think it would be as well specifically to state it. I understand the Hon'ble the Education Member has a proposal in this connection, but if one particular Board is mentioned there, the other should also be mentioned, but if none is mentioned, that would satisfy me altogether."

The Hon'ble Rai Sitanath Ray Bahadur:—"Sir, I beg, to support this amendment."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir, it appears to me that this amendment is based upon a clear misapprehension of the duties and functions of the Advisory Board. Perhaps the institution of a Moslem Advisory Board has led my Hon'ble friend Mr. Banerjea to demand the complement of a Hindu Advisory Board too. Sir, some of the peculiar educational needs and grievances of our backward community found their solution in the establishment of a Moslem Advisory Board. Absence of identical drawbacks in the highly advanced Hindu community renders the institution of 2-51 P.M.

indentical Boards wholly unnecessary. It was to secure to the under and the unrepresented a hearing in the Councils of the University, and not perhaps to turn it into a cock-pit of conflicting interest that the Calcutta University Commission recommended the establishment of the Moslem and the women Advisory Board. For the strong and powerful Hindu community which will, as a matter of course, preponderate in the University staff and the principal bodies, the addition of an Advisory Board is not at all justified by any real necessity. Besides, I am not sure, Sir, that the addition of a fifth wheel to the already complicated machinery of the University coach will not prove an impediment to the progress of the University. Personally, I consider it unnecessary and superfluous in the best interest of the University I would rather suggest the abolition of the Moslem Advisory Board than institute two permanent rival Boards ever ready with antagonistic suggestions in every question that is brought before the University It will serve only to accentuate the difference between two communities and lead to undesirable complications. The abolition of the Moslem Advisory Board would, Sir, involve a great sacrifice to the part of the Mussalmans, but we would rather forego a privilege than create the rival institution that would widen the gulf that separates Hindus and Muhammadans. I would add, however, that in taking the action I am now proposing in regard to Dacca, I am in no sense authorised to commit the Muhammadan community to the acceptance of a similar course in regard to the Calcutta University."

2-53 P. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, I desire to thank my Hon'ble friend Nawab Ali Chaudhri, because the suggestion he makes is that the words 'Muhammadan Advisory Board' should be deleted. The effect of keeping Muhammadan Advisory Board would be to accentuate differences which he and I agree are very undesirable Therefore, I quite accept the suggestion that the words 'Muhammadan Board' should be deleted, and that no mention of any kind of Board be made."

2-54 P.M. **The Hon'ble Rai L. M. Chatterji Bahadur:**—"Sir, I entirely support the suggestion of my Hon'ble friend."

2-55 P.M. **The Hon'ble Mr. Shafi:**—"The Government of India welcome this happy settlement of another difficult point in connection with this Bill, and agree that the provision regarding the Advisory Board should be eliminated. This, of course, will not prevent the University itself hereafter from having either the one or both the Boards if they consider the existence of such Boards necessary and advisable."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I beg to withdraw my amendment."

The Vice-President:—"I may point out to the Council that if this amendment is now sprung on the Legislative Department, it may be impossible to pass the Bill to-day. A number of consequential amendments will be necessary and we shall have to re-number the whole Bill. I am afraid we cannot possibly pass the Bill to-day, unless the Legislative Department is given a wide discretion to make all necessary amendments. It is rather a big thing, but we are quite willing to do it."

The Hon'ble Mr. Surendra Nath Banerjea:—"We are willing to do that."

The Vice-President:—"The amendment put is this—that all references to Muhammadan Advisory Boards in the Act be deleted and the consequential amendments made."

The amendment was put and agreed to.

The Hon'ble Mr. Kamini Kumar Chanda :—withdrew his amendments Nos. 29, 30 and 31. 2-5

29. That in clause 24 after the words 'Advisory Board' the words 'a Hindu Advisory Board' be inserted.

30. That in clause 25 (i) after the words 'Advisory Board' the words 'and the Hindu Advisory Board' be inserted.

31. That to clause 27 (e) the words 'and the Hindu Advisory Board' be added.

The Vice-President :—"Before we come to No. 32, perhaps Mr. Banerjea will state his proposals with regard to communal representation."

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, with 2-5 your permission, I desire to announce to the Council the compromise that we have arrived at in regard to communal representation which finds a place in this Bill. We had several anxious conferences about this matter with our Muhammadan friends, and we have at last agreed that all amendments in respect of communal representation which find a place in this Bill, whether proceeding from my Hon'ble friend Mr. Sita Nath Ray or myself or the Hon'ble Nawab Nawab Ali Chaudhri, should be all withdrawn from the list of amendments. I hope, Sir, that is a compromise which will commend itself to the approval of this Council. In making this announcement, I desire to make one reservation and that is this, that we do not in the slightest degree, neither my friend Mr. Sita Nath Ray nor myself, nor the Hon'ble Nawab Nawab Ali Chaudhri, we do not in the slightest degree deviate from the position which we have taken up in our several amendments in respect of our attitude in regard to communal representation. Our convictions are there, but for the sake of peace, for the sake of co-operation, for the sake of creating an atmosphere which will be helpful to the successful working of the Dacca University scheme and of the working of that greater scheme which awaits experiment, we have arrived at this compromise, and that in the highest interests of the country as I take it. I hope, Sir, that this announcement will be assented to by this Council and we shall be allowed to withdraw our amendments."

The Hon'ble Mr. V. J. Patel :—"May I know from the Hon'ble Member who were the partners to that agreement?"

The Vice-President :—"I am going to put the amendments Mr. Patel. The first amendment that arises on this question is No 32. Does the Hon'ble Member (Hon'ble Nawab Ali Chaudhri) desire to withdraw his amendment No. 32?"

32. 'That in clause 28 (2), after the word 'Statutes' where it first occurs the following words be inserted 'except those affecting the proportion or methods of Muhammadan representation on the Court, the Executive Council and the Academic Council' and that sub-clause (6) of clause 28 be omitted.'

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri :— 3 1
"Yes, Sir."

The amendment was by leave withdrawn.

The Vice-President :—"Mr. Sita Nath Ray, do you desire to withdraw amendments 35 and 37?"

35. 'That sub-clause (6) of clause 28 be omitted.

37. 'That to clause 28, the following proviso be added :—

> 'Provided that notwithstanding anything contained in this Act in every case where this Act provides for the special representation of the Muhammadan community by election, such election shall be by electorates consisting of Muhammadan and non-Muhammadans and the provision of the Act providing for such communal representation shall be in force for a period of ten years only.'

3·1 P.M. **The Hon'ble Rai Sita Nath Rai Bahadur**:—"Yes, Sir, with these words that though I adhere to the view I expressed when the Dacca University Bill was introduced that it can do no good to any community to introduce the principle of communal representation in the matter of education, which should be conducted only by thoroughly efficient men and experts, we have been advised to withdraw all our amendments touching communal representation. To proceed in moving the amendments of which we gave notice would only lead to mutual bickering and ill-feeling. Therefore, with a view to restore peace and promote good feelings, both parties, I mean those interested in the Dacca University Bill, (I do not mean other Members of Council), have come to this understanding that all our amendments relating to communal representation should be withdrawn."

The Vice-President:—"Do I understand the Hon'ble Member withdraws Nos. 35 and 37 ?"

The Hon'ble Rai Sita Nath Ray Bahadur:—"Yes, Sir."

The Vice-President:—"Does the Hon'ble Nawab Ali Chaudhri withdraw No. 36, or does he wish to make any statement ?"

36. 'That in clause 28 (6) for the words 'the previous sanction of the Governor General in Council' the following words be subsituted 'the consent of three-fourths of the Muhammadan Members of the Court and the sanction of the Governor General in Council.'

3 3 P.M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhri**:—"Sir it is a great satisfaction to us to find that the Government have accepted the principle of separate and communal representation in the University bodies. It was the earnest desire of the Muhammadans that those provisions of Statutes which provide for a definite representation of Muhammadans on the major authorities of the University should be brought into the Bill, in order that their amendment should not be possible without legislation. The proviso added to clause 28 is a compromise and some improvement on the Bill as originally drafted. The Muhammadans, however, rightly think that their representation has not been adequately safeguarded, while my friends the Hon'ble Mr. Banerjea and Rai Bahadur Sita Nath Ray consider it as an undue concession. As there has been a good deal of discussion on this point on a previous occasion, I am afraid that further discussion on a point in which the Muhammadans feel so strongly will result only in unpleasantness and bitterness. Sir, I am glad to be able to say that we have come to a compromise and on the promise of my friends the Hon'ble Mr. Surendra Nath Banerjea and Rai Bahadur Sita Nath Ray to withdraw all their amendments on the question of separate and communal representation, I too beg leave to withdraw my amendment. I should like to say that we are grateful, for our part, to the Hon'ble Education Member for the part he has played in suggesting a course which, while it does not wholly meet the views of either party, permits us both to retire with honour and satisfaction."

The Vice-President:—"Does the Hon'ble Mr. Banerjea desire to withdraw No. 44 ?"

44. 'Notwithstanding anything contained in this Act or the Statutes in every case where this Act or the Statutes provide for the special representation of the Muhammadan community by election, such election shall be by electorates consisting of Muhammadan and non-Muhammadan electors and the provisions of this Act and the Statutes providing for such communal representation shall not remain in force for a period of more than ten years.'

The Hon'ble Mr. Surendra Nath Banerjea:—"Yes, Sir."

The Vice-President:—"Then Nos. 32, 35, 36, 37 and 44 are withdrawn."

The Hon'ble Mr. Shafi :—"Mr. Vice-President, before you put this question of withdrawal, I have a few words to say."

The Vice-President :—"I do not put the question. Hon'ble Members withdraw their amendments; it is not for the Council to give leave. The Hon'ble Member will have an opportunity of dealing with this question later. Mr. Chanda, will you move No. 33, unless you wish to follow the good example just set to you?

The Hon'ble Mr. Kamini Kumar Chanda :—"I will withdraw a number of my amendments; but this one I wish to put. I shall do it without a speech. The object of this amendment is to give more powers to the Court for the initiation of legislation. I wish the following clause to be substituted for sub-clause (3) of clause 28 :—

> 'The Court may, on the recommendation of the Executive Council or on its own motion, when it sees fit, pass any Statute. ....'

"That is the governing part of it and I think I need not read out the whole of it. That is the principle that I am asking for, that the Court should have larger powers of initiation. I trust this may commend itself to my Hon'ble friend."

The Hon'ble Mr. H. Sharp :—"Sir, as I understand this amendment, it has two objects in it. The first is to give to the Court the power of initiating any legislation, and the second is to give it certain untramelled powers of carrying through legislation apart from the other bodies of the University. 3-5 P.M.

"As regards the former of these two points, there is a short passage in the report of the Commission which I should like to read to this Council. 'Besides this,' says the report—

> 'The Court would have important legislative functions to perform. All proposals for new Statutes, or for the amendment or repeal of existing Statutes would be laid before the Court by the Executive Council. The Court should, we suggest, have power to reject or refer back such proposals, but not to amend them. Its assent would be required before they were submitted for final sanction to the Governor of Bengal in Council. The fundamental legislation of the University would thus depend upon the assent of the Court.'

"I would commend that passage and the passages before it and after it to those who, like Mr. Chanda, think that the powers of the Court are insufficiently wide.

"But this proposal about initiation of legislation would be contrary not only to the intentions of the Commission, but also to the existing practice, so far at least as I know it, in Indian Universities. In the very forefront of the regulations of the Calcutta University we find that proposals must first be considered in the Syndicate, which is the executive of the University, before they are laid before the Senate, and I believe that the same is the case in the Allahabad University. Those are the two Universities with which I have been connected in the past, but I think that the same would probably also be found in the case of other Universities. Now these regulations of the Universities have been passed for the most part by the Universities themselves, and those bodies have seen the expediency of this rule.

"I pass to the second point. I am not sure whether Mr. Chanda in framing this amendment had read through to the end of this clause. I cannot see how his amendment could possibly stand along with the very important sub-clause (5), which runs as follows :—

> 'The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court, and shall be submitted to the Chancellor.'

"Now, if the second part of this amendment were to be adopted not only would there be an end of this sub-clause later on, but we should be placing in the hands of the Court an untrammelled power of legislation which has not been conceded to any other body; and, moreover, we should have the statute-making power, which, as will be seen from the clause before, is very wide, thrown open to all sorts of amendments, repeals, and so on, which had not been considered by the bodies which they concern.

"Now, the whole idea of this constitution, as built up by the University Commission, is a very careful arrangement of balances of power between the various constituent bodies of the University in such a way as to give each a fair degree of independence in its own sphere and yet to allow a wholesome action and re-action of influence between them But, if Mr. Chanda's amendment were to be accepted, the whole of that carefully thought-out constitution would fall to the ground like a house of cards.

"I have to say, therefore, that Government cannot accept this amendment."

3-10 P.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, my difficulty is this that it is not always that you follow the recommendations of the University Commission. If you did that consistently, I could have no objection to it, but as you pick out a portion here and a portion there, I have also done the same, and in this view I have drafted this amendment. I think the larger body ought to have this power."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to withdraw amendment No. 34:—

'34. That in clause 28 for the word 'Chancellor' in sub-clauses (*4*) and (*5*) the words 'Local Government' be substituted.'

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"I also withdraw amendments Nos. 38, 39 and 40:—

'38. That sub-clauses (*4*) and (*5*) of clause 30 be omitted.

'39. That in clause 35 (*1*) for the words from 'an admission' to 'Council' the words 'Head of a Hall or Hostel subject to such regulations as to the number and other matters as the Academic Council may make' be substituted.

'40. That in clause 35 (2) for the words from 'the intermediate examination' to 'in force' the following be substituted:—

'an examination recognised by the Academic Council as suitable for admission to the degree course in the University.'

The amendments were by leave withdrawn.

3-12 P.M. **The Hon'ble Mr. Surendra Nath Banerjea:**—"Sir, I beg to move:—

'That in clause 48 for the words from 'beyond' to 'of the University' the following be substituted:—'beyond the limits of the municipal area of Dacca'.'

"Sir, the object of my amendment is to restrict the limits of the Dacca University to the municipal area of Dacca I am anxious to make the University effective for the purposes for which it is created. It is to be a teaching and unitary University. That being so, the wider the limits, the less efficient it is likely to be. Therefore, the limits ought to be fixed with reference to the effective use of the power vested in the University within the prescribed limits.

"Now, Sir, in fixing the city limit, I stand upon very firm ground, and I feel that if I were appealing to a judicial tribunal the judgment would be given in my favour. Well, I trust that the Legislative Council will for a moment divest itself of whatever partiality it may have for a Bill which has been drafted by the Government and will approach the consideration of this matter in a judicial spirit. My first authority for making this suggestion is the Government of India. The Government of India in their letter No. 811, dated the 4th of April, 1912, addressed to the Government of Bengal, said :—

'It is desirable that new Universities should be, where possible, of the teaching and residential type binding together the colleges of a single town or of a single circumscribed area, that is to say, wherever a University is established in future it should, so far as possible, limit its activities to the area of a single town.'

"That is what the Government of India, the highest authority on the subject, said. Now, let us hear what the Government of Bengal has to say. Acting upon those instructions, the Government of Bengal in their Resolution No. 567, dated the 27th of May, 1912, laid down that the new University at Dacca should not include any college beyond the limits of the town. In their letter the Government of Bengal say 'The University should not include any area beyond the town.'

"And that is my amendment, namely, that the limits of the University should be fixed within the municipal limits. Now, let us hear what the Dacca University Commission, which was appointed with this object and this object only, and which went specifically into the matter, have to say. They observe :—

'We are instructed' (of course the instruction comes from the Government of India and the Government of Bengal) 'that the University of Dacca should be of the teaching and residential and not of the federal type, and that it should be a self-contained organ unconnected with any colleges outside the limits of the city. We have carefully followed the instructions of the Government.'

"Therefore, Sir, we have got three authorities of the highest distinction and of the highest weight who urge that the University should be confined to within the municipal area. What is the justification for a departure from the instructions of the Government? Nothing that I can see but to accept the recommendation made by the Sadler Commission and that again subject to a reservation which does not apply in this case. Let me read the recommendation of the Sadler Commission, they say—'We think that the City limits proposed are rather too narrow, especially as the Government Agricultural Farm which is just outside this, might as we have suggested be associated in future with the Agricultural College.' Therefore, Sir, their departure from these recommendations is based mainly upon the consideration that the Agricultural Farm and College should come within the purview of the University, and therefore the limit should be extended to 5 miles. Indeed we have in the Bill quite a distinct provision—clause 48, that the Agricultural College might be beyond 5 miles and could be in any area, that the College should be considered as being within the University limits. Therefore, Sir, the objection of the Sadler Commission does not hold, whereas the authority of the Government of India and the Government of Bengal are there supporting the proposition which I have ventured to lay before the Council, namely, that the University should be confined within the City limits. I have, thus, authority on my side—the highest authority—and something more than that. Not only have I authority on my side, but the merits of the case favour my amendment. A Unitary University extending to somewhere about 5 miles cannot possibly be so effective in its operation as one with a more restricted area, otherwise the interests of teaching and discipline would suffer.

"On these grounds I venture to recommend this amendment for the favourable acceptance of the Council."

The Vice-President :—"I think it will be convenient if the Hon'ble Member who has the next two amendments will move them together. It will save time."

3-19 P. M. **The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:—** "Sir, I beg to move amendment No. 42 in the list standing in my name which runs as follows :—

'That in clause 48 for the word 'that limit' where they first occur the words 'the limit of fifteen miles from the Convocation Hill' and for the words 'that limit' where they occur for the second time the words 'the limit of fifteen miles' be substituted.'

"Sir, my object in moving this amendment is simply to protect the Dacca University from unfair competition with the University of Calcutta. We all know that the standard of the Examinations of the Calcutta University is very low. To illustrate my point, I would only ask my Hon'ble colleagues to visualise the fate of the Colleges at Allahabad for example, if the authorities of the Calcutta University are allowed to start a college there. In that case my Hon'ble friend Mr. De la Fosse will seriously have to consider the alternatives of hanging the sign-board of 'to let' on the walls of the imposing edifice of the Muir Central College or of applying to the learned Syndics of the Calcutta University to be graciously pleased to affiliate the Muir Central College to their temple of learning. It is to avoid a similar contingency with reference to the University of Dacca that I propose a neutral zone of ten miles to separate the boundaries of the two Universities. Ominous portents, Sir, are already visible, for the Calcutta University Senate, for reasons best known to themselves, want to restrict the Dacca University to the ludicrous limit of one mile only and rumours of the establishment of a new college at Narayanganj are even now in the air. Sir, I would only quote two distinguished educationists in support of my amendment and leave the Council to decide if I am justified in my apprehension. The Hon'ble Mr. Jennings, the Vice-Chancellor of the Patna University, in his opinion on the Dacca University Bill, remarks clause 48 deals with the territorial exercise of powers and lays down that the powers of the University shall not extend beyond the radius of five miles from the Convocation Hall. There is a good deal of prejudice against the territorial powers of Universities in India. It would appear, however, that in practice the great Universities of Europe have always had some such territorial power. Receiving their charter from the Pope, the Emperor or King the European Universities had practically a guarantee that no other University would be chartered so as to encroach upon their reasonable jurisdiction. The modern affiliating Universities have rendered it necessary explicitly to exclude rival institutions. I venture to think that under clause 48 there is nothing to prevent another University affiliating an educational institution at a short distance from the five miles radius of the Dacca University, and that such an institution may prove seriously inconvenient to the new University, interfering both with its standard and its discipline. The Hon'ble Nawab Sir Syed Shums-ul-Huda, K.C.I.E., Judge of the Calcutta High Court, also emphasises the same difficulty. He writes 'On one point of general interest, I feel very considerable doubt. The Bill provides in clause 48 a limit of five miles from Convocation Hall of the University as the area within which its activity should be confined. This limit seems to me either too narrow or too wide. However, I shall be content to leave it as it is, but I would add that within a limit, say of 15 miles, no non-residential college should be established and affiliated to any other University. The residential system is more costly and if a non-residential college were established at a place like Narayanganj, it will have the effect of drawing away a large number of students that would otherwise have gone to the Dacca University. Either because it would be less costly or because it will take time to create confidence in the new University. It is very likely that advantage will be taken by those opposed to the creation of a new University at Dacca to take the earliest opportunity to counteract the influence of the new University by establishing college affiliated to the Calcutta University in an important centre like Narayanganj."

"With these words I put the amendment before the Council."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan :— 3-24 P.M. ' Sir, I rise to support the amendment moved by my Hon'ble friend the Nawab. When you establish a University at Dacca and leave open the possibility of establishing a rival college within 5 miles or so you stultify yourself. I remember how Sir Ashutosh Mookerji deplored the establishment of a University at Dacca and one at Patna on the ground that curtailment of jurisdiction would result in a decrease of income for the Calcutta University. If it is wanted to make the University of Dacca a success, it will be necessary to leave ample powers for it to extend its radius; at least the possibility of a rival institution being set up within a few miles should be properly precluded."

The Hon'ble Major Malik Sir Umar Hayat Khan :—" Sir, I 3-25 P.M. just rise to say one word. I was very pleased to hear that there was a compromise on many points, and I was very thankful to my Hon'ble friend, Mr. Surendra Nath Banerjea for it. But, Sir, after saying that every facility should be given to us and that this should be one of the best Universities, I may add that, if this amendment is brought in and carried, we might as well be located in the Andamans or any other similar place where nobody is allowed to go. If you are going to restrict the college like that, how is it going to be prosperous? We have been trying yesterday and to-day to make this scheme a success; but what is the use if it has no jurisdiction? I am very sorry that such a thing has been brought in and I would have liked very much that this also was compromised. I think, Sir, that both the amendments should be rejected and some solution should be arrived at."

The Hon'ble Rai Sita Nath Ray Bahadur :—" Sir, I heartily 3-26 P.M. support the amendment proposed by my friend, the Hon'ble Mr. Banerjea, that the jurisdiction of the University should be confined to municipal limits. It would be greatly inconvenient to extend the jurisdiction to an area of fifteen miles. If that is done in accordance with the amendment proposed by my Hon'ble friend, Nawab Nawab Ali Chaudhuri, that the jurisdiction of the Dacca University should be extended to an area of fifteen miles, it will greatly inconvenience the students outside Dacca in that area; because in that case they will be compelled to go to Dacca and study there, which is very costly. Therefore, we must not do a thing which will go to inconvenience the students who may not be able to take advantage or who may not be in a position to take advantage of the costly education that will be provided by the Colleges in Dacca. I therefore beg to support my Hon'ble friend, Mr. Surendra Nath Banerjea, in the amendment which he has moved that the jurisdiction of the University should be confined to the municipal limits. I beg to repeat that it will greatly inconvenience outsiders if this jurisdiction of the University were extended to a radius of 15 miles, which was never contemplated by anybody. It is something like a counterblast which has been introduced by my friend, Nawab Nawab Ali Chaudhuri."

The Hon'ble Mr. Kamini Kumar Chanda :—" Sir, there is an 3-27 P.M. amendment in my name also to the same clause*. If I move it, it will be a triangular fight. I think it is better to withdraw my amendment, and I join my friend, the Hon'ble Major Sir Umar Hayat Khan, in the hope that the best course would be to drop both these amendments and revert to the clause in the Bill as it stands."

The Hon'ble Mir Asad Ali, Khan Bahadur :—" Sir, I beg to support the Hon'ble Mr. Chanda.

The Hon'ble Mr. Shafi :—Sir, I feel sure that Hon'ble Members, at 3-28 P.M. least the majority of them, will agree with me when I say that in this conflict of opinion the Government of India cannot do better than to stick to their original proposal. My friend, the Hon'ble Mr. Surendra Nath Banerjea, would confine the limit of jurisdiction of the new university to the town of Dacca.

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* That in clause 48 for the words " five miles " the words " one mile " be substituted.

I am sure he has visited the town of Dacca more than once, but probably his visit was confined to the town itself and he did not for himself see the university site which is proposed for the new educational institution. Otherwise, he would not have put forward this proposal; for the acceptance of his proposal would make it absolutely impossible for the university to establish any college or build a hostel or hall outside the site which has been at present marked out for the university. Not very long ago the limits of the Dacca Municipality were confined to that portion which lies on the town side of the railway line. Even the present university site has been included within the limits of the municipality only recently. It will be absolutely impossible for the University authorities to extend the university site on the off-side of Dacca if the proposal put forward by Mr. Banerjea were to be accepted. So far as the proposal originally put forward by the Hon'ble Mr. Chanda is concerned, as he has withdrawn it, I need say nothing further. It seems to me, further, that a radius of five miles from the university Hall is a very appropriate and suitable limit of jurisdiction for our unitary teaching and residential university, and this Council ought to adhere to that limit."

3-31 P.M. **The Hon'ble Mr. Surendra Nath Banerjea**:—"I just want to point out, Sir, that I have some local knowledge of Dacca; I have been there several times; but I cannot say that I possess that strict and accurate local knowledge which would enable me to make a statement contradicting the statement of my Hon'ble friend, the Education Minister in this Council. I learn from my Hon'ble friend to my right (Hon'ble Rai Sita Nath Roy Bahadur) who knows Dacca thoroughly well and visits the place several times in the year that the municipal limits of Dacca extend a mile and a half beyond the proposed university buildings. That is what he says; he speaks with the authority of one who is thoroughly conversant with the topography of Dacca. I have some knowledge of the municipal law of Bengal, and if it is necessary it would be easy enough for the municipality of Dacca to extend its territorial limits with the sanction of the Government, and in a case of this kind the sanction of the Government would not be withheld. I think this completely meets the argument of my Hon'ble friend the Education Minister.

"But he said nothing about the authorities whom I have quoted, namely, the Government of Bengal and the Government of India. What has he got to say about—I was going to say disregard—the neglect of these authorities? Both the Governments observe that the university should be confined to the city limits. You are going beyond the city limits; what is your justification? Absolutely none; and in this Council you are not able to bring forward any valid reason for it. Therefore, the position that I have taken up upon the basis of these instructions of the Governments, remains unchallenged and undisputed.

"My friend, the Hon'ble Nawab Sahib says that we must extend the jurisdiction to a radius of 15 miles outside Dacca. Now, Sir, that completely ignores the fundamental idea of this university; it is to be a teaching and unitary university, and as I said in my opening speech and what I wish to repeat now is, the wider the area the less effective the university becomes for the purposes for which it is created, namely, as a teaching and unitary university. Therefore, to extend the area of the University to 15 miles is to lay the axe at the root of the vital principle upon which this university is based. After that you need not have this university; it becomes a federal university to all intents and purposes and the whole of this Bill is to create a teaching and unitary University.

"One word with reference to what fell from my friend, the Hon'ble Major Sir Umar Hayat Khan. This question stands upon a wholly different footing from the question of communal representation. We have agreed with reference to the question of communal representation; but with regard to the details of the University we are at perfect liberty to form our own independent judgment, and it is to the interest of the University in which Hindus and Muhammadans are vitally concerned, it is to the interest of the University that these different standpoints should be focussed and discussed and a proper conclusion arrived at. Therefore, I think, I claim that I am doing a public service to the Muhammadan community in bringing forward the arguments that I have urged. This will be a Muhammadan university, and ve Hindus are putting our shoulders to the wheel in order to make it a uccess, which a temple of learning ought to be. Therefore, Sir, I cannot withdraw my amendment. I think it ought to be accepted by the Council. My arguments remain unanswered, and I do appeal to my Hon'ble friend to e-consider the decision which he has arrived at and to accept my amendment."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :—Sir, I do not propose to increase the area of the University. We are quite satisfied with five miles. My proposal was to define some area in which no institution can be affiliated to other universities, which will tell very much upon the Dacca University. 3-35 P.M.

"I think the Hon'ble Member Mr. Sita Nath Ray misunderstands me. It was not my intention at all to enlarge the area of the Dacca University. My intention was to have some area in which no other institution could be affiliated by other Universities. On that point I have received no reply and I insist on my amendment."

The amendment was put and negatived.

The Vice-President :—" Nos. 41 and 42 are therefore lost; 43 and 44 are withdrawn :—

43. That in clause 48 for the words '.five miles' the words 'one mile' be substituted.

44. That after clause 48 the following be inserted as clause 48A :—

Notwithstanding anything contained in this Act or the Statutes in every case where this Act or the Statutes provide for the special representation of the Muhammadan community by election such election shall be by electorates consisting of Muhammadans and non-Muhammadan electors and the provisions of this Act and the Statutes providing for such communal representation shall not remain in force for a period of more than ten years."

The Hon'ble Mr. Surendra Nath Banerjea :—" I beg to move :— 3-37 P.M.

'That in clause 50 the words 'Governor in Council' be substituted for the words 'Governor General in Council'.'

" This is a small matter and I hope my Hon'ble friend will see his way to accepting it. The Bill says the Vice-Chancellor must be appointed by the Governor General in Council. I think it must be the feeling of every educationist that our University should be autonomous. We have great respect for the Governor General and for his personality, he is the personal representative of the Sovereign, but why should he meddle in our affairs? Our University should be controlled by our Chancellor. the appointment of the Vice-Chancellor should be made by the Chancellor of our University who is the Governor and not the Governor General. It is the principle of autonomy that I desire to see introduced."

The Vice-President :—" I am afraid that is not the Hon'ble Member's amendment. It says by the Governor in Council."

The Hon'ble Mr. Surendra Nath Banerjea :—" Perhaps I made a mistake."

The Hon'ble Mr. Shafi :—" What my friend seeks to substitute is 'Governor in Council' for 'Governor General in Council'."

The Hon'ble Mr. Surendra Nath Banerjea :—" Be it so, still."

The Hon'ble Mr. Shafi :—" That does not make the University autonomous." 3-40 P.M.

The Hon'ble Mr. Surendra Nath Banerjea :—" It does make the University autonomous, because the Governor is the Governor of the Province, the Governor General does not represent the Province. I do not think the amendment departs from the spirit of that. The whole point is that we want as little interference from outside authority as possible. You ask the Governor General in Council to intervene in this matter, we say the Governor General has no place here and ought not to have any. If necessary, the Governor in Council should have a place here."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to withdraw my amendment*."

The Vice-President :—"No. 46 is withdrawn."

3-43 P.M. **The Hon'ble Mr. Shafi** :—"If amendment No. 46† is withdrawn then it follows that the Hon'ble Mr. Banerjea's amendment that 'Governor in Council' be for 'Governor General in Council' remains. That, I submit, knocks the bottom out of the whole argument put forward by my Hon'ble friend, because the Governor in Council is as much an outside executive authority as the Governor General in Council. Something could have been said on the point if Mr. Chanda's amendment had remained before the Council, and to that I would have been prepared to advance what I consider an adequate reply, but, as matters now stand, it is perfectly clear that the Hon'ble Mr. Banerjea would substitute one outside executive authority for another outside executive authority. Well, Sir, this particular clause of the Bill has been drafted on the recommendation of the Calcutta University Commission. If Hon'ble Members will turn to Volume V, page 211, paragraph 173, they will find that the Calcutta University Commission observed as follows: 'We are of opinion that the Vice-Chancellor of the University of Dacca should in the first instance be appointed by the Governor General in Council.'"

The Hon'ble Mr. Surendra Nath Banerjea :—"The Sadler Commission?"

The Hon'ble Mr. Shafi :—"Yes, and that subsequently the appointment should be made by the Chancellor of the University. Now this recommendation was the unanimous recommendation of the whole Commission, including the Hon'ble Sir Asutosh Mukherji, who, as I understood in Calcutta, was the life and soul of the Calcutta University. To employ an expression used by me the other day, I appeal from Mr. Banerjea to Sir A. Mukherji, that great veteran educationist of Bengal. I think the Council will agree with me that in this respect the recommendation of the Calcutta University Commission is sound and ought to be accepted."

3-45 P.M. **The Hon'ble Mr. Surendra Nath Banerjea** :—"With reference to the observations that have fallen from my Hon'ble friend, I am reminded of the very long answer he gave yesterday about certain statements made by Sir Asutosh Mukherji in the Senate; and from that answer it did not appear to me that Sir Asutosh Mukherji was the object of his idolatry that he used to be when the Bill was first introduced. However that may be, it is a personal matter; but I am not deterred even by so sacrosanct an authority as that of Sir Asutosh Mukherji. I may be permitted to differ from him if I have sufficient grounds for doing so. My friend says that the Governor in Council is just as much an outside authority as the Governor General.

"Sir, is there not a degree of difference between the Governor in Council and the Governor General in Council? The Governor in Council is the Governor in Council of Bengal; Dacca is situated within Bengal and is the second capital of Bengal. Therefore, if there is any autonomy at all, there is more autonomy in my suggestion than in that of the Hon'ble Member. I do not want to make a violent change in the Bill, I have put that amendment forward and I want to move along the line of least resistance. My amendment is far more autonomous than the suggestion contained in the Bill."

The amendment was put and negatived.

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* '46. That in clause 50, for the words 'Governor General in Council' the word 'Chancellor' be substituted.'

† 'That in clause 50, for the words 'Governor General in Council' the word 'Chancellor' be substituted.'

The Hon'ble Mr. Kamini Kumar Chanda :—"I beg to withdraw my amendment,* Sir." 3-46 P.M.

*47. That in clause 2(1) of the schedule to sub-clause (*i*) the following be added: 'and the Ministers of the Governor of Bengal'.

The amendment was withdrawn.

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, I beg to move :— 3-47 P.M.

'48. That in sub-clause (*iii*) of clause 2 (1) of the schedule the word 'and' be omitted and the words 'and the first Subordinate Judge' be inserted after the words 'Sessions Judge'.

"This is a very small matter, and I hope my Hon'ble friend will accept it. I want to introduce the first Sub-Judge as one of the members of the Court. This matter was discussed in the Select Committee, and my Hon'ble friend did not see his way to accept it, but I hope he will do so now."

The Hon'ble Mr. Shafi :—"I am afraid I cannot accede to my Hon'ble friend's wishes. The Government think that local judiciary is sufficiently well represented on the Court by the District and Sessions Judge of Dacca, and that it is not necessary to extend the representation to any one else."

The Hon'ble Mr. Surendra Nath Banerjea :—"I beg to withdraw the amendment, Sir."

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda :—"I do not move any more." 3-49 P.M.

Amendments Nos. 49, 50 and 51 withdrawn :—

49. That in clause 2(1) of the Schedule sub-clause (*xiii*) be omitted.

50. That in clause 2(3) of the Schedule, for the word "forty" the word "twenty-five" be substituted.

51. That clauses 17 and 18 of the Schedule be omitted.

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, I move the deletion of the clause 18 of the schedule providing for the Selection Boards in England. Sir, the appointment of a Selection Board in England is altogether a novel procedure in this Bill. I do not think it finds a place—if I am not very much mistaken; I am open to correction—in any of our University laws. It being an altogether new thing, it has to be justified, and the burden of proof is on those who have introduced this provision in the Bill. That is my first point. 3-50 P.M.

"Secondly, Sir, whatever evidence there is with regard to the working of Selection Boards such as they are in England, it is altogether unsatisfactory. I understand that at the present moment Selection Boards are constituted *ad hoc* for the recruitment of professors in Indian colleges. Well, I hold in my hand a list which shows the appointments made till 1913 by the various Selection Boards, and when I read out the figures I think the Council will agree with me that the result is poor and unsatisfactory. The figures are these. There have in all been 167 appointments. Out of these first class men were 54, that is to say 32 per cent.; second class men were 60, that is to say 36 per cent. and thus the number of the second class men is higher than that of first class men. Then the third class men were 26, or 16 per cent. Then come the Pass degree men, a very inferior sort of thing altogether in England, and their number is 15 or about 9 per cent., but I have not yet come to the end of this dismal tale. We have some men who have no degrees at all, and their number is 12 or about 7 per cent. Thus out of 167 we have at least 27 persons recruited for the office of professors in India who either had no degrees or degrees of a very inferior kind. Now do you regard this as a satisfactory outturn of work? I say it is work which is very unsatisfactory. But perhaps you might say this is ancient history. It is as old as 1913, and we are in the year of Grace 1920. To that my reply is this that the burden of presumption is raised against you that things are not s they should be. A presumption is raised against you, and you have to rebut that presumption by the logic of facts. You have to show that the method of selection since 1913 has improved far better than what is disclosed in these figures. Where is that proof? I should like to have it from the Hon'ble Members on the Government Benches. But I have a more recent case, only one and it shows the temper in which these Selection Boards do their work. A very distinguished Indian, a high wrangler, a Smith's prize-man, applied for admission to the Indian Educational Service. He was refused admission. He came out to this country, and stayed here for two years doing nothing. At last in consequence of a vacancy having occurred owing to the accident of war, he was admitted as a professor of Mathematics in the Dacca College, and he is now one of the most distinguished professors in that College. What do you say to that? What have Hon'ble Members got to say to an Indian being treated in that way? It seems to me, therefore, that so far as Selection Boards are concerned, their work in the past has been unsatisfactory. There is no evidence that their work has improved; there is evidence, at least in the case of one, that their work is exceedingly unsatisfactory. Therefore, with this evidence before me I ask the Council to refuse their assent to the creation of these Selection Boards in England.

"Not only that, Sir, but there is one more point to be urged. Does public opinion count for aught in the Councils of the Government of India or in the deliberations of this Legislative Council. I hope it does. My Hon'ble friend Mr. Sastri in eloquent terms referred to the dissatisfaction which exists with regard to the manner in which selections are made in England for recruitment to the professorial staff in this country. Where have you got the professors of old whose names are household words amongst us at the present moment, men like Sutcliffe, Richardson, Cowell, Gravel, Ives, Tawney and others? Where are they? Who are their successors? I know of none at present. Therefore, I say the work has been unsatisfactorily done, and because it has been badly done, I say that there is no justification for the creation of these Selection Boards. You might ask me, 'all that is very well, but then how are we to recruit in England at all if there are to be no Selection Boards.' I will tell you the better method of doing it. What does a body like the Corporation of Calcutta do? What do the business firms do when they have to recruit men in England? They advertise, and they get a number of applications. They appoint a Selection Board which goes through those applications and then makes its choice. I know at least of one notable instance in which the exercise of this power of selection by such a body was attended with the best results. Many many years ago when I was a member of the Corporation of Calcutta the post of Health Officer became vacant. Dr. Mohendralal Sirkar, now dead, was a member of that Corporation. A Committee was appointed of which he was the Chairman, and we sent out advertisements inviting applications. We received a number of them, of which there were some from Englishmen, and we selected under the direction and guidance of Dr. Mohendralal Sirkar, Dr. Simpson as our Health Officer.

"Dr. Simpson came out to this country and has now earned as Health Officer world-wide fame. It seems to me that that is a perfectly feasible process to go through, a perfectly practicable thing to do—why have this incubus of a Selection Board? For these reasons I move that the clause be deleted and there be no Selection Boards established in England."

3 56 P.M. **The Hon'ble Mr. Sharp**:—"Sir, before the Hon'ble Member for Education answers on this amendment, I should like to rise for one moment in order to say that I feel that I must put in a few words to defend the selections which have been made at home and the Indian Educational Service. Mr. Banerjea has given us some figures. I shall be very glad if he will, before he goes back to Calcutta, give me an opportunity of looking at those figures, and I think it possible that I may be able to show him, not perhaps that the actual figures are wrong, but that statistics are sometimes very fallacious. For instance, what is the meaning of talking about people who have no degrees? They may possess the very highest engineering qualifications

"I will add two little things. When the Public Services Commission came to this country I made two lists of the Service, together with their qualifications, one a list of men mostly recruited some 20 years before, and the other a list of men recruited later I did not find much difference between the qualifications, although the earlier list showed slightly better qualifications. I happened to place that list before a very distinguished scholar, a Fellow of the Royal Society; I placed it before him quite humbly and asked him what he thought of it, and he said 'These men possess qualifications of which any service in the world might well be proud.'

"The other thing is this. There is a certain college in India—it is quite a small college too—which within the last few years has had men recruited by the Selection Board at home, every one of whom has a European reputation."

The Hon'ble Mr. Shafi :—"Sir, in their recommendation, the Calcutta University Commission in Volume IV, page 157, paragraph 59, observed as follows:— 4 P.M.

> 'We are clearly of opinion that it is essential, if the new university is to be started on right lines, that it should have the assistance of a number of capable teachers recruited in Europe.'

"Hon'ble Members will notice that to this part of the recommendation of the Commission the Hon'ble Mr. Surendra Nath Banerjea does not object. What he objects to is the selection of men from England by means of a Selection Board of the kind which we have proposed in this clause. Now the Commission go on to say:—

> 'It is quite true that a Committee of selection, constituted in the way described, will not be debarred from choosing its candidates from Europe or America, but this process would always take time and we think that it should be laid down that a certain number of posts should be filled by the Secretary of State acting on the advice of a specialist Committee in England to whom the University would furnish the necessary particulars. We recommend that the procedure adopted should be similar to that which we shall recommend for corresponding appointments in the Presidency College.'

"It will be noticed that the procedure which we have proposed in the clause under discussion is a distinct improvement upon the procedure suggested by the Commission. It must, further, be obvious that competent men on the spot are in a better position to make suitable selections than people sitting in consultation thousands of miles away out here in India. The real thing is to secure a suitable constitution for this Selection Committee so that the Selection Committee shall not consist of mere nominees of the Secretary of State, but should mainly consist of persons selected and appointed from India, partly by the University itself and partly by the head of the University, meaning the Chancellor. That is fully secured in our proposals. It seems to me that a Committee consisting of five members, one of whom is nominated by the Chancellor, two selected by the University and two selected by the Secretary of State will constitute a Selection Board perfectly competent to make proper selections and in a position to make such selections The mere fact that in the past a number of men have been selected, some of whom were first class and some second class men and so on, is neither here nor there The real test is, have these men, selected in the past, been successful in the performance of the respective duties which were allotted to them when they came out to India or not. My hon'ble and venerable friend has not been able to point out a single instance in which any of the persons selected by these Selection Boards proved a failure out here in India when he was placed in charge of whatever duties were entrusted to him. It seems to me, Sir, that the constitution of this Selection Committee having been made as it has been made in the Select Committee, this discussion ought now to stop. The proposals embodied in this clause are worthy of the acceptance of this Council and I have no hesitation in recommending them to the Council."

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, I have been challenged to point out a single case where there has been a failure. I am sure my hon'ble friend does not want me to enter into personal matters in this Council. I should be very sorry to point to even a single notorious case 4-1 P.M.

of failure if I knew of it and I should not like to do it. Here we discuss questions on general grounds, and I brought forward these figures, not with a desire in the slightest degree to cast any reflection on any person or any member of the Educational Service, but in order to make my point, that there was not sufficient justification for the appointment of a Selection Board, and I think it was a fair argument. I think I was perfectly justified in placing these facts before the Council without any extenuation or any exaggeration, and having been gathered from the official records, there can be no question of their accuracy. Then my hon'ble friend says that to point out that these are first class men or second class men is neither here nor there. Is there not a presumption that a first class man will be better than a second class man, and a second class man better than a third class man, and a man without any degree would be very bad indeed? I think that is a fair presumption, and I think I was quite right in pointing out that there were these figures, the first class men not being in the majority, but the second class men being in the majority. However that may be I do not want further to elaborate this somewhat unpleasant theme, and I do not see my way to withdraw my amendment. I beg, Sir, that you will put it to the vote."

"The amendment was put and lost.

The Council divided as follows:—

Ayes—9.

The Hon'ble Mr. S. N. Banerjea.
„ Mr. S. Sastri.
„ Mr. R. Ayyangar.
„ Sir Dinshaw Wacha.
„ Mr. V. J. Patel.
„ Sir Fazulbhoy Currimbhoy.
„ Ray Sitanath Ray Bahadur.
„ Maharaja Sir M. C. Nandi.
„ Mr. K. K. Chanda.

Noes—39.

The Hon'ble Sir Claude Hill.
„ Sir George Lowndes.
„ Sir George Barnes.
„ Sir William Vincent.
„ Mr. Shafi.
„ Mr. W. M. Hailey.
„ Sir Arthur Anderson.
„ Sir Thomas Holland.
„ Mr. W. E Crum.
„ Mr C. F. de la Fosse.
„ Mr. E M. Cook.
„ Mr. H. Sharp.
„ Mr. H. McPherson.
„ Mr. A. H. Ley.
„ Sir William Marris.
„ Mr. R. A. Mant.
„ Major-General Sir Alfred Bingley.
„ Mr. E. Burdon.
„ Sir Sydney Crookshank.
„ Mr. H. R. C. Dobbs.
„ Sir John Wood.
„ Surgeon-General W. R. Edwards.
„ Rai Bahadur L. M. Chatterjee.
„ Mr. G. R. Clarke.
„ Mr. H. Moncrieff Smith.
„ Mr. A P. Muddiman.
„ Mr. C. A. Barron.
„ Mir Asad Ali, Khan Bahadur.
„ Mr. N. E Marjoribanks.
„ Mr. K. C. De.
„ Nawab Ali Chaudhuri Khan Bahadur.
„ Mr. L. F. Morshead.
„ Mr. C A. Kincaid.
„ Mr. P. J. G. Pipon.
„ Sir Umar Hayat Khan.
„ Mr. H. A Casson.
„ Rai Bahadur K. V. Reddi.
„ Mr. B C. Allen.
„ Mr G. F S. Christie.

The amendment was therefore negatived.

The Hon'ble Mr. Surendra Nath Banerjea :—" Sir, I beg to move— 4-13 P.M.

'That in clause 18 of the Schedule for the whole of sub-clause (1) and the first two lines of sub-clause (2) from the words 'The Committees of selection' to 'as follows' the following be substituted :—

'(1) Such Professors shall be recruited in England as the Executive Council on the recommendation of the Academic Council may determine and when such a recommendation has been made a Committee of Selection for the purpose shall be constituted as follows.'

" My objection to this clause is of a twofold character. In the first part of the clause you say that one-third of the Professors shall at least be recruited in England. My first objection is what is the data for that proportion? Why not one-half, one-eighth, one-tenth? I asked for the data in the Select Committee, I could not get the information. I repeat my request for it to-day. What is the data for fixing this proportion of one-third ? I suppose I shall be told that it is the recommendation of the Sadler Commission. Well, Sir, great as may be our respect for Sir Michael Sadler and his colleagues, I do not think we are prepared to surrender our conscience or our judgment to their decision. Their decision can only command weight when backed by facts and arguments. Now what are the arguments for fixing that minimum figure at one-third ? I should like to have an explanation from the Hon'ble the Education Member about this matter. Well, Sir, that is my objection, and I therefore suggest that, instead of fixing a proportion in that way, the words should run 'Such Professors shall be recruited in England as the Executive Council on the recommendation of the Academic Council may determine'. The number, the percentage, is to be left to the discretion of the Executive Council upon the advice of the Academic Council. They will be on the spot ; they will know the circumstances which may vary from year to year. Therefore, this matter ought to be left flexible and elastic. But, instead of that, you fix a minimum and there is no data for fixing that minimum.

" That is my first point.

" Secondly, if my amendment is accepted and I hope, as my hon'ble friend has been rejecting so many of my amendments, he will see his way to accept this one, I will ask for the deletion* of the words 'and Readerships.'

The Hon'ble Mr. Shafi :—" My hon'ble friend is taking both the amendments, together."

The Vice-President :—" I think Mr. Banerjea must confine himself to amendment No. 53 "

The Hon'ble Mr. Surendra Nath Banerjea :—" These are my arguments. The matter ought to be left to the discretion of the Executive Council who will act in accordance with the recommendations of the Academic Council. For this reason I beg to recommend this amendment for favourable acceptance."

The Hon'ble Mr. Shafi :—" Sir, I am afraid that I cannot accept this amendment, partly for the reason that I am going to accept the next. My hon'ble friend would like to delete 'Readers' from this clause. If we take 'Readerships' out of the purview of the Selection Boards, what remains is that 30 per cent. of the professors will be selected by them in the manner laid down in England. I think my hon'ble friend ought to be satisfied with that and ought not to press the matter further " 4-15 P.M.

The Hon'ble Mr. Surendra Nath Banerjea :—" My difficulty, Sir, is this. I want a proper explanation. I want to know the data of this 30 per cent. If you can give me reasonable data upon which I can proceed I will accept 40 per cent. or more, but I must have the data. I want your calculation and unless you give me 4-16 P.M.

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* No. 54.

your calculations I am not prepared to subscribe to this as a responsible legislator of this Council."

The Hon'ble Mr. Shafi:—"Thirty per cent is selected simply on the ground that the figure represents a suitable proportion If we had selected 50 per cent. I have no doubt that my hon'ble friend would have put the same question and if we had selected 25 per cent. I feel sure he would have put the same question.

"To us it appears that 30 per cent. is a suitable proportion in the matter of the selection of professors from England."

The Vice-President:—"I might point out to the Hon'ble Member that according to the clause it is 33 per cent."

The Hon'ble Mr. Shafi:—"I am sorry for having stated 30 per cent. It is 33 per cent. that is to say one-third of the total number of professors. Having taken 'Readership' out of the clause the number will be reduced to much less than one-quarter of the entire staff."

The Hon'ble Mr. Surendra Nath Banerjea:—"Well, I have stated my facts. I do not know that my hon'ble friend has brought forward any arguments which may be taken as an effective reply to the arguments that I have brought forward, and therefore I ask him to put the matter to the vote of the Council."

The amendment was put and negatived.

The Vice-President:—"I understand that amendment No. 54 is accepted."

The Hon'ble Mr. Shafi:—"It is accepted, Sir."

The Vice-President:—"In that case I do not think there is any need formally to put it to the Council."

The Hon'ble Mr. Shafi:—"Sir, I have now the pleasure to move that the Bill, as amended, be passed."

4-20 P.M. **The Hon'ble Mir Asad Ali, Khan Bahadur**:—"With your permission, Sir, I should like to congratulate the Government of India on the Dacca University Bill about to be passed in this Council. As this measure becomes law one more University will come into existence in India. It will be the first University of its kind—a unitary teaching and residential University on lines more or less similar to those suggested by the weighty report of the Calcutta University Commission. While the vastness and immense educational possibilities of this country may require quite a number of such universities, it is none too soon that the Dacca University scheme has been ushered into existence. What is particularly gratifying from the Muhammadan standpoint is that a suitable provision for the adequate representation of Muhammadan interests on the governing bodies of the University has been embodied in the Bill. By doing so, the Bill as a whole has come to find favour with the Muslim community all over India. In this connection I desire on behalf of my community to thank heartily the Hindu members of this Council not only for the cordial support they have accorded to this measure, but for their generous aid to the cause of Muslim communal representation on the managing bodies of the New University. I trust, Sir, that similar universities will at no distant date spring forth in some of the major provinces of India. With these words I heartily welcome the Bill before the Council."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:— 4-23 P.M.
"Sir, before I make any remark on the motion I think I should take this opportunity of drawing the attention of the Hon'ble Education Member to certain passages in the speech he delivered when he referred the Dacca University Bill to Select Committee, that has given rise to some apprehension in the mind of the Mussalmans. Referring to the available sites in Dacca he said 'in the extensive site surrounding these beautiful buildings we have room not only for erection of the Muhammadan and Jagannath Hall and so on . . ' Thus it seems, that it is proposed that a new building will be erected for the Muhammadan Hall; but that is not what the Muhammadans were all along given to understand was the intention of the Government. The old Secretariat Building has always been looked upon as the future Muslim Hall and the Muhammdan students of the Dacca College have been accommodated in that house in anticipation of the building being turned into the Muslim Hall. Alterations have even been made at an enormous cost in the building with a view to utilising it as a Muslim Hall, but now we are told that the Muhammadan boys are to be turned out of the beautiful building to make room for others. Calcutta University Commission on page 237, Volume 4 of their Report, recommend 'the two wings of the old Secretariat might be used for the teaching of Islamic studies, and Law, respectively. The central portion of the Secretariat (now a Muslim Hostel) should form part of the Muslim Hall. Two more blocks could be built for this Hall immediately behind the Secretariat and in close proximity to the present Muslim Dining Hall. The Government is pledged to give effect to the recommendations of the Calcutta University Commission, and we want an assurance from the Government that the Muhammadan boys should not be transferred to any building old or new, leaving the Secretariat to be occupied by students of other Halls or to be utilised for some other purpose.

"Sir, I should like to press another point on the attention of the Government. As I had said before the appointment of the Mussalmans to the University teaching staff is the most vital of all the matters that affect the Muhammadan interest. It is the voice of the University teachers that alone will count in the administration of the University and it is absolutely necessary that in making appointments the Government should pay special attention to the claims of the Muslim candidates. The Calcutta University Commission have also strongly emphasised this point. They remark 'the Committee of selection should as a rule bear in mind the necessity of appointing an adequate number of Mussalmans in the teaching staff, and should the general opinion demand it, the final appointment should be left to the Chancellor of the University so as to leave open to the possibility of Representation if either the Hindu and the Muslim Community were likely to suffer owing to the disproportionately small number of appointment of members of that community.'

"It is of course impracticable to provide in the Act itself for the appointment of teachers in the University and the absence of statutory provision should therefore be made good of by the assurance of the Government that these recommendations should liberally be given effect to. Sir, the crux of the whole problem is here. We want an adequate number of Muhammadan professors and we want them urgently. Competent teachers I repeat, once again, are available, and the Muhammadans are not prepared to believe any statement to the contrary. It will be sorely disappointing to them if the University which in the words of the Right Hon'ble Mr. Montagu is 'intended to offer to the Mussalmans the best opportunity of University Education that they yet had' is staffed mostly with professors of alien race and religion who are not in a position to understand and sympathise with Muslim ideals and so are ill competent to i fuse that spark of enthusiasm which a Muhammadan professor will inspire in the mind of the students of his own denomination. This is the most important factor, the most essential to galvanise our lethargic community to further activity and exertion, in the field of education. Sir, my community feels very strongly on the subject and my earnest prayer is that the Hon'ble Education Member would give us the assurance that Muhammadan element will be sufficiently and strongly represented in the teaching staff of the University.

"One of the most satisfactory features of the debate to-day has been the spirit of compromise and conciliation manifested by my Hindu Colleagues in withdrawing their opposition from the question of separate Muhammadan representation out of regard for the feelings of the Mussalmans. I thank them cordially for their generous attitude which, I am sure, will pave the way for the co-operation of both the communities for the success of the Dacca University.

"I sincerely hope that in future the relation between the Hindus and Muhammadans will be marked by the same spirit of mutual good-will and mutual understanding which we had the pleasure of witnessing in the discussion in the Council to-day.

"Sir, it is seldom that I rose with greater pleasure than I do to-day to support the motion now before the Council. After great vicissitudes of fortune the Dacca University scheme is now going to receive the Legislative sanction. At this Supreme moment of the fruition of our long cherished desire, it is perhaps appropriate that we should pay a fitting tribute to those whose labours have been mainly responsible for pushing on the scheme to the stage it has now reached. My friend Mr. (now Sir Robert) Nathan and his Committee deserve our special thanks for the spade work which they did in the beginning. As a member of the Committee, I can testify how far the success of the Committee was due to the energy, tact and sympathy of its resourceful president. To the Calcutta University Commission lies the credit of modernising the scheme, of adopting it to the new ideals of the University and to the needs and requirements of the people of the Province, and we offer our grateful thanks to the distinguished members of the Committee who had so creditably acquitted themselves of the difficult task of solving the problem of University Education in Bengal. Coming to the Government of India, I shall be failing in my duty if I do not express our deep sense of gratitude to His Excellency Lord Chelmsford who even under the stress of great financial stringency caused by a devastating war had never for a moment wavered in the determination to fulfil the pledge given to the Mussalmans by his predecessor, Lord Hardinge, to whom my community feel greatly indebted. His Excellency's pronouncements from time to time had kept alive the hopes of Mussalmans, and it is particularly gratifying to them that His Excellency's Government took the earliest opportunity after the war, of giving effect to the scheme meant for the educational advancement of the Mussalmans of Eastern Bengal. In this connection it is my pleasant duty to pay the well deserved thanks to Mr. Shafi, the Hon'ble Member for Education. The Muhammadans, Sir, gratefully appreciate the vigour and promptness with which he took up the Dacca University Scheme soon after the publication of the Report of the Calcutta University Commission and the tact and judgment and ability with which he pilotted the Bill through the Select Committee and the Council. I think I am not betraying the secrets of the Select Committee when I say that it has been a novel experience of my life to be engaged in a regular tug of war with my Hon'ble friend on those very points which, under his distinguished leadership, we had, so often in the past, fought on a common platform. But I realise his difficult position and appreciate all the more the services he rendered to the Mussalmans of Eastern Bengal. The Hon'ble Members will, I think, agree with me that his bold and courageous championship of the Muslim Representation was one of the most prominent events of this Session of the Council, and I can assure him that the numerous letters I received from Eastern Bengal were all very enthusiastic in their admiration and appreciation of his services to the Muslim cause. The services of my hon'ble friend Mr. Sharp too have a great claim on the gratitude of the Mussalmans. It may be some gratification to him to learn that the Mussalmans of Eastern Bengal still remember him as the Director during whose tenure of office Muhammadan education received the greatest impetus, and its progress was accelerated at a pace never attained before. Last though not the least of all, our thanks are due to you, Sir, who as the Chairman so impartially umpired in the triangular contest in the Select Committee and to whose wise and sympathetic judgment we owe much of the improvement that has been effected in the Bill.

"Sir, the Dacca University is fortunate in making its beginning under the most auspicious conditions. For in Lord Ronaldshay it will possess a Chancellor who is already taking a keen personal interest in the establishment of the University. The earnestness he has already shown in pushing forward the scheme and setting the necessary machinery in motion, makes us fully confident that the University will have a glorious future under his fostering care and patronage. We can also assuredly count upon the active support and assistance of the Hon'ble Maharajadhiraja Bahadur of Burdwan whose sympathy with educational advancement of his countrymen is well-known and whose fairness and impartiality have won for him the love and esteem of both the Hindu and Muhammadan communities in Bengal.

"Before I sit down, Sir, I desire to make one request to the Government, which I hope will receive their sympathetic consideration. It is the earnest desire of the people of Eastern Bengal that His Royal Highness the Prince of Wales should open the University at Dacca I hope the Government will see their way to arranging the matter accordingly.

"Sir, we hope that the Dacca University will as foreshadowed by the Calcutta University Commission serve as a new home for the study of that Arabic, Philosopy and Science which gave fresh intellectual life to Europe during the middle ages and will bring about a fresh synthesis of eastern and western culture, that it will ultimately fulfil the high expectations of its founders would justify its existence by stimulating the educational progress of the Mussalmans, will produce generations of scholars well-equipped to discharge the duties of citizens of this great empire; and we trust, Sir, that it will for ever remain a living monument of His Excellency Lord Chelmsford's efforts for the uplift of my countrymen in Eastern Bengal. With these words, Sir, I support the motion before the Council."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"Sir, I only stand to congratulate the Education Member on behalf of the Muhammadans of his own province. I also congratulate the Hon'ble Nawab Nawab Ali Chaudhuri for bringing into this Bill a particularly useful thing, *viz.*, Eastern education which I am very glad the Government has accepted. I think we have been suffering through western knowledge alone; and if eastern knowledge also which inculcates respect to God and elders is imparted in this University, I think the trouble we are now having will be much lessened." 4-35 P.M.

The Hon'ble Mr. K. V. Reddi :—"I wish to join, Sir, in offering along with my other friends our hearty and sincere congratulations to the Hon'ble the Education Member for having pilotted this Bill through, somewhat troubled waters. 4-36 P.M.

"Founded on the latest model, and endowed with the most equitable and liberal constitution the University of Dacca bids fair to be the best of its kind. It differs from ancient institutions in many many ways. Perhaps there is not much in comparison between the older Universities and this one. It differs even from the more recent ones. It has not got the denominational character of the Benares University; it has not got the half and half way of the Patna University. Sir, it occurs to me that in this great country of mine the firmament is beginning to be illumined day by day and to-day a bright star has appeared there and many a dark pathway will be illumined. When, before the Joint Committee I said with reference to the Reforms Scheme that it was a colossal scheme with far-reaching consequences, one of my countrymen disputed the statement and said it was a little thing. On the 8th of this month when I stated that the financial condition of this country is one of abounding confidence murmurs were heard giving rise to misgivings, on account of the sale of Reverse Councils. But I am perfectly certain of this that on this question of education my country is moving, moving forward, moving progressively, and I do not think there will be at least on this matter any dissentient voice. Sir, we have every reason to congratulate the country and the Education Minister on the passage of this Bill. It fills me with hope and if only we have more Universities of this type, India's place in the civilized nations of the world will be made secure. There is need for any number of such Universities Sir, I come from a part of the country which has got a literature of its own, a culture of its own, and a civilization of its own, but owing possibly to a mixture of communities and languages that culture and civilization had not received their polish and finish. My hon'ble friend Mr. Sarma has been trying his best in this direction to prevail on the Government to obtain a separate University for us, the Andhras in the near future. Let us hope that very soon the Hon'ble Member for Education will extend the sympathy of his noble heart to people perhaps a little further than Dacca and see his way to establish an Andhra University. There is only one other matter on which I shall congratulate not merely the Hon'ble Member but the Council if I may do so without presumption. I refer to the spirit of compromise, to the spirit of conciliation that has been so generously and noble-heartedly shown in this hall to-day in settling the question of communal representation. It shows me that this Council has risen high above the people in many parts of the country. For two or three years we have been fighting in Madras and fighting without hope, on the mixed question of communal representation to the Non-Brahmins and we could not come to a compromise. The spirit of conciliation so nobly shown in this the highest Council in the land is one which deserves to be copied in every part of the Empire. You have set an example and a noble one indeed."

The Hon'ble Rai Bahadur L. M. Chatterji :—"Sir, I desire to associate myself heartily with what has fallen from the Hon'ble Nawab Nawab Ali Chaudhuri. I wish to congratulate the Hon'ble the Member for Education on the tact with which he has carried this Bill through. I join the Hon'ble Nawab in expressing our congratulations to all those who have helped in shaping this University both here and in Bengal. What this Bill gives us is a means of attaining an ideal, and that ideal, is suggested in the various sections of the Bill. We recognize that in the matter of principle some of us have had to give way, but I also recognize that absolute principles cannot always be pushed to their logical extremes This Dacca University scheme has been a long time being carried into effect and since it was first mooted a great deal has happened. It has been considered by various bodies, and what we have now attained is the result of long deliberation. What the University is going to be really, will depend a great deal on ourselves. The Bill supplies the means, the machinery, the ideal is for us to pursue. This new University has now been established after the publication of the monumental report of the Sadler Commission. There are certain matters mentioned by the Hon'ble Nawab, such as the allotment of buildings. These are little matters. He has also raised the question of Muhammadan teachers, and I have no doubt that when the University bodies are created they will fully consider these various matters. After all these matters should be left to the University bodies who have knowledge of local conditions. There is one little matter to which I should like with your permission, Sir, to draw the attention of the Council. It relates to appeals to the Chancellor The words are 'an appeal may be made by petition to the Chancellor against the order of any officer or authority of the University affecting any class of persons in the University' I confess this section gives rise to some misgivings in my mind. What is the class of persons who may apply? Students who feel themselves aggrieved? I take it that that was not the intention of those who introduced this section. But I should like to have a pronouncement from the Hon'ble the Member for Education on this point and one which will make the point clear to the Council and to the country at large. We must very carefully guard the discipline of the University. It will not do for the question of internal discipline to go to authorities outside the University. The Universisy is the best authority to decide the final question. I want to say one more word if I may, and that is to acknowledge the very great fairness with which you, Sir, have conducted the deliberations on the Bill through the Select Committee. We were greatly impressed with it and we have had full opportunity given to us of presenting our views before the Committee. I take this opportunity also of expressing our appreciation of the earnestness with which the Hon'ble Nawab Nawab Ali Chaudhri has put his views on the various problems before us.

"We differed, but we agreed to differ in most cases, with equal earnestness the Hon'ble Mr. Banerjee presented the other side of the case.

"I hope, now that we have come to an agreement with regard to communal representation. There will be no difficulties, no differences, no embittering differences, in the future and I hope that the University will show that Hindus and Muhammadans can work side by side in a friendly manner with only one ideal before them, namely, the ideal of pursuing sound culture and of shaping the life and character of our youngmen which, I hope, is the main object of this new University."

The Hon'ble Mr. Srinivasa Sastri:—"Sir, I have no difficulty in persuading myself to vote in favour of the motion. As a general rule, I am quite willing to accord my consent to the establishment of a new centre of learning anywhere and almost in any shape or form. In the second place, I have noticed the enthusiasm of the people of Eastern Bengal, particularly of the Muhammadan residents therein, for the establishment of a University of this character. They have been promised the establishment of such a University, and they have looked forward to such establishment as in part a solution for Eastern Bengal having been deprived of the rank of a province. I am, therefore, Sir, entirely in sympathy with the motion that has been made. 1-48 P.M.

"At the same time, there are some features of this Bill which I deprecate and which I deplore. On the whole, however, I believe that a great centre of learning, howsoever started in the beginning, will be able to improve itself, and I have hopes that Saraswati will know how to cleanse her temple of all dross. This new University, Sir, has been criticised in some very unfriendly quarters as really a Moslem University sailing under a false name. One or two imprudences perhaps on the part of Government have given rise to this misconception. But a fair examination shows that this is a grievous and unwarranted exaggeration. The provision made for the representation of Muhammadans never exceeds one-half. It is, therefore, wrong to say that this University is predominantly a Moslem University. I recognise, and gladly recognise, that this provision for communal representation that has been made proceeds from a desire merely to safeguard the interests which otherwise are considered to stand in peril of being forgotten. I cannot see that there is anything in this Bill to justify the charge that it is going to be practically a Moslem University open, however, to all classes in name.

"I spoke of one or two imprudences. May I mention one of them? One of the clauses in this Bill, clause 5, is expressly there for the purpose of saying that this University shall be open to all persons of either sex, and of whatever race, creed or class. Now a statement of that kind has so far been found in University legislation in this country only in the case of the Benares Hindu University which is expressly for the benefit of the Hindu population. It was right that a clause of that kind should be included in the Act which incorporated the Hindu University. If this be a cosmopolitan University, if we are to follow the University incorporation Acts in this country, say for example, the Patna University Act, there is no need for putting in a clause of this character. That has given rise to the suspicion that perhaps the framework of this Bill is for the purpose of creating a Moslem University, and this is merely an exception provided therein. But, Sir, there is a smaller object achieved by clause 5 to which I must draw attention. This is in virtue and in pursuance of a recommendation of the Sadler Commission itself. They have recommended the insertion of a clause to this effect, and they have further said that there shall be no religious or other tests provided, no restriction on the followers of any particular religion for receiving the benefits or enjoying any positions of this University. That again seems to show that there was in the mind of somebody or other a suspicion that things would be otherwise. That, however, is comparatively a small matter. The insistence on religious tests, however, carefully safeguarded as a general rule, is admitted in respect of certain matters One of them is when any particular benefaction accepted by the University requires such a test, that is religious test, and that is made a condition thereof by any testamentary or other instrument creating such benefaction. This is a necessary exception. Obviously it would be very desirable to allow Hindus and Muhammadans to found scholarships or studentships for the benefit of people belonging to their own communities. It is therefore necessary to provide for this exception. But the exception itself, as proposed by the Sadler Commission, should be safeguarded in an important particular, and that safeguard I do not find in the Bill. It is possible to supply the omission which, in my opinion, is unfortunate, it is possible to supply the omission by Statute later on, and that is why I make this suggestion at the present moment. The Sadler Commission say :—"We are of opinion that the only benefactions in which there should be limitations of any kind to particular communities are benefactions for scholarships or bursaries, etc., or the provision of religious teaching and that the University should discourage benefactions with racial or religious limitations of any other character.

"For no other purpose should the religious tests be admitted It is not, however, made clear in the Bill. Now my gratification is quite as great as that of my friend Mr. Reddi, that questions of communal representation have been settled by mutual accommodation. I am not, however, Sir, going to approve of the result of the compromise. I am only expressing my gratification at the fact that a compromise has been arrived at by mutual agreement, for in my judgment in all these matters it is much better to arrive even at a wrong solution by mutual accommodation of the parties interested than that we should go on wrangling, and finally allow third parties to arrive, it may be, at the right solution.

"I must now state why I am not quite pleased with the result of this compromise. I said the other day, in speaking at an earlier stage of this Bill, that I would admit the principle of communal representation into the constitution of the Dacca University as an inevitable necessity. I only pleaded that day for the introduction, along with this inevitable necessity, of suitable correctives thereto The amendments of the Hon'ble Mr. Surendra Nath Banerjea and others were calculated to supply correctives. In so far as the correctives have been ruled out by the compromise, I consider that the compromise is unfortunate. But there is another aspect of the case which somewhat travels beyond the region of the Dacca University. The Dacca University has been framed largely on the recommendations of the Sadler Commission, and it is well understood all over India that the recommendations of the Sadler Commission ought to be considered as a sort of inspiration not only for the Universities of Calcutta and Dacca, but for Universities all over India. Already every University, or every Government has appointed a committee for the consideration of what changes would be appropriate in pursuance of the recommendations of the Sadler Report, and in the University of the Punjab at all events, I am informed that amongst the changes contemplated, one is the introduction of communal representation on the Dacca model. I am, therefore, Sir, bound to draw the attention of this Council and of the country to one of the very undesirable consequences of our doing wrong in one place under pressure of local circumstances. We have yielded to the necessity of the inhabitants of Eastern Bengal. The inhabitants of the Punjab, situated similarly, are asking for the same thing, and it will be very difficult, indeed, to resist the extension of this principle or even to demand that the correctives thereto suggested by the Hon'ble Mr. Surendra Nath Banerjea should have admission into the new constitution of the Punjab University. I fear that elsewhere too an opening will be sought to be made for the separatism, and it is, therefore, necessary that, in giving my assent to the passing of this motion, I should, on behalf of the Madras University, with which I have been connected, state that when the principle of communal representation is sought to be introduced there, I should consider myself at all events free to combat it Of all the sad features, attendant on the introduction of this principle, one, Sir, deserves prominent notice. The Muhammadan community, the Indian Christian community and other communities in a minority which consider their interests imperilled by being mixed up with the interests of a large and preponderant majority, these communities ask for separate representation, and separate representation is granted to them because it is desirable that the wishes of considerable minorities should be respected and their alarms removed. But there is another principle which we ought not to forget in doing this. Let it be understood clearly that I do not object to this, but I am asking that, in doing so, we ought not to forget another principle of equal importance. Every individual, to whatsoever community he belongs, has the right to judge where he actually shall belong for the purposes of general election. If a Muhammadan or an Indian Christian, for example, felt that he was an Indian before being a Muhammadan or an Indian Christian, and that he would like to belong to the general community for the purposes of election, he ought to be free to do so. We now deprive him of the opportunity of belonging to the general community. I know many Muhammadans, I know many Indian Christians who deplore this communal representation and would, if the laws of the land only allowed it, choose to belong to the general electorates in preference to their own communal electorates I will not name any Muhammadans because I have not taken their consent. I have, however, the liberty to name from amongst the Indian Christian community two or three people. One of them must be known to all here, namely Principal Rudra of St. Stephen's College. He would be glad to belong to the general electorate in preference to his own community. So would Dr. Datta, well known to workers of the Young Men's Christian Association in the battlefronts. So would Mr. K. T. Paul, General Secretary of the Young Men's Christian Association in India. Now what is to become of all these people? Why should they not be allowed to choose to belong to general electorates in preference to their own electorates? It seems to me that in not permitting this option, the principle of communal representation is admitted without a necessary corrective element.

"I must also draw the attention of this Council to another point, however small, which fills me with grief, In the course of to-day's discussion this cause of my grief became prominent. The Education Member himself moved two amendments, both of which had the object of removing from the constitution of the Dacca University the one election in which Hindus and Muhammadans would have co-operated together. He explained it to us by saying that in the course of the Select Committee's proceedings they decided that Hindus and Muhammadans belonging to the Court should vote in separate compartments, that each community should have two representatives elected to the Council, and that therefore it was inconsistent with the Statute where this matter finds embodiment to have in the Act another provision of a different tenor. It appears to me there is nothing inconsistent whatever in that. What does it matter if in the Statutes there was provision for Hindus and Muhammadans voting separately? That is not the highest type of voting; that is not the ideal of co-operation in a seat of learning. It would not have been inconsistent at all if at the same time the Bill itself had retained a provision for one seat at least being filled up by a mixed election. What need was there for removing this? Besides, Sir, if the Act and the Statutes were mutually inconsistent, I should have thought that the proper course was to bring the Statutes into conformity with the Bill and not to bring down the Bill so as to be in conformity with an inferior type of provision made in the Statutes. If, even by mistake, a provision for enabling Hindu graduates and Mussulman graduates to sit and vote together once in a way, if even by mistake a provision of that kind had crept into the Bill, I deplore the anxiety of the Education Minister to pull it out and to insist on having it pulled out. Could not one election out of five elections be marked by the harmonious co-operation of Hindu and Muslim graduates sitting together in one session? Was that too much?

"Now, Sir, in my earlier speech on this Bill I referred to the tightness of the control to be exercised by Government over the affairs of this University. I am afraid my complaint does not lose, by the changes made either by the Select Committee or in the course of these discussions, any particle of its original force. The control of Government is to be seen everywhere on the face of this Bill. The Chancellor appoints the Vice-Chancellor; he appoints also a certain number of persons to the Court and to the Executive Council; he appoints or takes part in the appointment of Professors. Besides, his consent is necessary to the passing of Statutes; his veto may be placed on the Ordinances. Everywhere his hand is visible. Now, the Hon'ble Mr. Shafi, in speaking to one of the propositions before us to-day, made a somewhat subtle distinction between the Chancellor and the Governor of the local province. I myself am subtle enough to understand that there is a difference, but it is a difference without any substance in it. The Chancellor, no doubt, belongs, as the highest official, to the University. But, Sir, he never takes part in any of the proceedings except at the formal function of Convocation. He really stands outside a kind of appellate authority on all questions, in the first place of capital importance, and in the second place on all questions in dispute between authorities. Besides, how does the Chancellor exercise his all-important powers in the affairs of the University? He does not possess personal knowledge of many of these matters. He relies on either the Vice-Chancellor or on the Director of Public Instruction for detailed advice regarding University affairs. Now the Vice-Chancellor and the Director of Public Instruction are up to the neck in all affairs of the University. They have a previous voice and a voice of great power in preparing affairs belonging to the University and at the last stage, when matters come up on appeal to the Chancellor, they still have the opportunity regularly provided for them of influencing the final decision. Am I then wrong in saying that it is the Local Government, that is the Governor of Bengal really, that would exercise all the powers of the Chancellor? The distinction then, Sir, made by the Hon'ble Mr. Shafi, seems to me not to take away at all from the control to be exercised over this University by the Government of Bengal. Now, I am one of those who believe that, although Government would probably supply nine-tenths of the funds necessary for the carrying on of this University, nevertheless Government would be doing the right thing, would be doing nothing unusual, would be doing nothing out of conformity with the practice of the best Governments in the world, if at the same time that they gave funds they also gave a free hand to those who expended those funds. It is not always, it is not in every department of administration, that the supplying of the funds carries with it the power to determine policy or to control detailed action. In affairs, at all events concerning the University, it would have been wise if our Bill had provided that the Government's control should be as little as possible. Take, Sir, the most recent instance in England. The other day two very influential Committees were appointed in connection with the Universities of Oxford and Cambridge which both wanted assistance out of the funds that may be voted by Parliament. Two committees have been appointed, but Mr. Fisher, in mentioning the appointment of those Committees, took care to add that nothing would be done to take away from the complete independence in all internal matters which the Universities had hitherto enjoyed notwithstanding the fact that Government intended to subsidise them largely. The Sadler Commission allude in many places to the idea of University autonomy. They quote eminent authorities, English, American and Indian in support of this idea of University autonomy.

"They themselves commend it. Having, however, admitted in theory this idea of University autonomy, the Sadler Commission proceed to qualify it in an extraordinary way in the case of the Dacca University by a peculiar consideration that I shall now bring before the Council. I read, Sir, from their Report..........

The Vice-President:—"I do not know whether the Hon'ble Member would like me to adjourn now. We must adjourn very shortly."

The Hon'ble Mr. Srinivasa Sastri:—"Is it usual, Sir, to adjourn in the middle of a speech?"

The Vice-President:—"We usually adjourn at fixed periods. I will, however, go on if the Hon'ble Member thinks he will finish by half past five."

The Hon'ble Mr. Srinivasa Sastri:—"I will, and you may ask me to sit down even if I happen to be in the middle of a sentence at half past five.

"On page 153 we read these somewhat startling statements. 'This suggests a general consideration which is of importance. We have referred elsewhere to a certain popular suspicion of Government control over education.'

"The Muslim Community does not appear to share in this suspicion. On the contrary, it still looks with confidence to the Government and appears reluctant to entrust its destinies to any popularly constituted body.

"The statement made by my Hon'ble Colleague Nawab Saiyed Nawab Ali Chaudhuri is quoted in support of it. I will only read one or two sentences. 'Muhamedans are afraid that the special facilities which now exist in secondary education will no longer exist, if secondary education be entrusted to a Board. From the experience of the University of Calcutta, Muhamedans will be afraid that the advantages and special facilities which they now enjoy and which they expect to get in future, will all be set aside by the Board should it unfortunately be created.'

"Now, Sir, that seems to me to mark the state of feeling which I would hope, and hope with all my heart is peculiar to the Muhammadan Community in Eastern Bengal I cannot think that this feeling would be shared by Muhammadans in any other province. Now I come to my last point which was also my last point in my former speech with reference to the Board of Selection in England. My criticism on that occasion has caused a few changes in the Report of the Select Committee. I gladly acknowledge the changes as going some way to meet my point; but the principal feature of my point has been altogether missed. I objected to the provision that one-third of the professorships and readerships in this University should necessarily be filled up by appointments in England.

"Is this, Sir, one of those numerous public services with which the Public Service Commission dealt? Was it necessary that a racial proportion should be struck in the service of the University of Dacca? My hon'ble friend Mr. Banerjea contended that one-third might be too high. The only way in which my hon'ble friend Mr. Shafi could meet him was by saying 'I have now struck out the readerships, you ought now to be satisfied' which means. ......

The Hon'ble Mr. Shafi:—"A word of explanation, Sir. I said that in our judgment it was a suitable proportion. The rest was only a side remark."

The Hon'ble Mr. Srinivasa Sastri:—"It was a side remark, but it indicates clearly the origin of this provision. It is merely to provide that a certain suitable proportion should belong to the Europeans. I would ask why is this necessary at all in the case of the University of Dacca. We are quite prepared and I am perfectly certain the Academic Council every time a vacancy occurred would decide whether it would want recruitment to be made in England or whether it would want recruitment to be made in India. I am perfectly certain myself that if I were there I would go to England for recruitment in several cases Wherever there was such a need, wherever there were technical attainments to be taken into consideration, wherever there was scientific knowledge wanted I am perfectly certain that no responsible University authority would have been backward in choosing their professors from any part of the

"How can it be necessary to strike a proportion for which no justification can be found, but this one justification? How far it is possible to go in making that provision, is a mere matter of negotiation. There is no principle involved in it. It will work out very badly for the University in this way. How are you going to provide what that one-third should do? What professorships will you include in this one-third, if the number professorships that must be recruited in England come up only to one quarter? The remaining one-sixth must be put into this category merely to satisfy the statutory proportion.

"Besides, Sir, supposing when a vacancy occurs the most suitable person in the world was to be found in the Calcutta University, in the Benares University, or in the Allahab ad University, this provision would make it obligatory on the part of the University to go to England to find a man—and possibly find a misfit—. Of all the provisions in this Bill I regard this as the most ill-judged and unnecessary. Of course a certain amount of justification could be pleaded in its favour by quoting the Report of the Sadler Commission and it is very interesting indeed—this quotation—I cannot withhold from the Council the origin of this provision. It is most interesting and I would ask the most earnest attention of the Council to these passages:—

> 'From the point of view both of teachers and of the University, we think, therefore that the system of appointment to specific posts which we propose is more advantageous than the service system. But we are aware that the abandonment of that system may raise some misgivings in the minds of the Muslim Community. The Community feel that if Dacca is to exercise the attraction for Muslim students which it is intended to exercise, the Muslim and European teachers must not be altogether outnumbered, as they are both in Calcutta, and in the existing Dacca colleges, by Hindu teachers; and some influential Musalmans at any rate, are inclined to think that it is only by the direct intervention of Government that such a proportion can be secured.'

So that is the object. Hindu teachers may be outnumbered in this way but Mussalman teachers must not be outnumbered. Now the Commission go on to speak merely of 'a certain number' of posts which might be filled by the Secretary of State acting on the advice of a special committee in England. The certain number of posts, I dare say, is to be arrived at after careful examination of the professorships to be instituted in the University. If on going through the list of professorships for which the University will have to recruit, they arrive at the figure five or the figure six as the number for which recruitment might be thought suitable in England, it must stop there. How has this fractional proportion of one-third been arrived at? I do not see any justification for that in the Report of the Sadler Commission, it is only 'a certain number' of posts that they have mentioned Now, Sir, it seems to me that the appointment of professors is the most important duty of the University—for they constitute the very life and soul of the University. It is their character that is going to be impressed on the University however admirable our constitution may be, if the professors are not chosen by appropriate methods the University is not going to function on a high level.

"I should have been better pleased if more suitable provisions had been made for the appointment of professors in this University. I cannot believe, Sir, that the absolute fixation of a proportion—in the words of the Bill 'not less than one-third to be filled in England'—I cannot believe that that absolute fixation of one-third is beneficial to the University.

"I have spoken with some feeling as to some of the drawbacks which disfigure in my judgment the Bill that we are about to pass. Nevertheless as I said before, there are weighty considerations proceeding from the fact that we are after all organising a big University after a new type, proceeding, also from the circumstance that a large and influential community are bent on having a University of some sort; it is these considerations that impel me to vote in favour of this Bill. I gladly do so."

The Vice-President:—"The Council will now adjourn till 6-30 P.M. I understand there are a number of members who still desire to speak."

The Hon'ble Sir Fazulbhoy Currimbhoy:—"I rise to accord my hearty support to the hon'ble Member for Education for having pilotted this Bill so successfully through the Council. I am sorry that the hon'ble Mr. Sastri should have brought in this question of the communal representation at the fag end of the debate. The conciliatory arrangement that had been arrived at was expected to have good effects both in this Council and in the country. It seems rather a pity that our Hindu friends should begrudge the Muslims facilities for education. Unfortunately all the good effects that were produced were lost through Mr. Sastri's criticisms. Muhammadans are very backward in the matter of education and if they wish to give their children the benefits of education we do not think this should be begrudged to us by our Hindu friends. If Muhammadans do not get these facilities the social and political progress of India will be retarded. I wish Mr. Sastri had spoken at the beginning of the debate for then my friend the Hon'ble Nawab Ali Chaudhuri would have got an opportunity of replying to him. I trust my Hindu friends will not oppose or begrudge Muslims having a fair share in the representation of the University. I support the Bill." 6 30 P.M.

The Hon'ble Pandit Madan Mohan Malaviya:—"Sir, I have great pleasure in giving my wholehearted support to the motion which is now before the Council. I offer my cordial congratulations in the first instance to my friend the Hon'ble Nawab Ali Chaudhuri on the stage that this Bill has reached. I remember that he has for years past most earnestly devoted himself to the cause of the Dacca University. I am sure that at this moment there is not one of us who rejoices more than he does at the prospect of the Bill becoming law. I offer my congratulations to the Hon'ble the Education Member for his labours in carrying this Bill through. Nor can I forget the Hon'ble Mr. Sharp who has been working at it for a long time and has done a great deal to help to carry this Bill through the Council But, Sir, most of all our congratulations are due to the people of Eastern Bengal. I am sure that the moment the news reaches them it will gladden the hearts of thousands and tens of thousands who have been looking to the passing of the Bill. Dacca is one of the most important cities in this country; about a hundred years ago it was one of the most prosperous and had a population of 2 lakhs of people. The population has dwindled to something over a lakh, but Dacca deserves to be once more as prosperous and bright as it was in days gone by nay even brighter and more prosperous and the foundation of this university will pave the way for the prosperity of Dacca and the people of Eastern Bengal. I have long thought that the delay in the establishment of the University at Dacca was a matter of regret. The people of Dacca are of keen intelligence, they have virile intellects and if they are furnished with the means of education they will make the fullest use of them. Much of the greatness and the intellectual glory of Bengal is due to Dacca and Eastern Bengal. I expect that when this university is established many a youth will be enabled to make a record of intellectual achievement which will be a matter of sincere satisfaction to every lover of the mother land I look forward to this university broadening the minds of the people, of perfecting their knowledge of the Arts and Sciences and of enabling them to take their proper place in the country. I look forward to the period when this university will impart education not merely in the Faculties mentioned in the Act but also in Technology, Commerce, and also in other departments of human activity in which instruction should be imparted. I look forward to the Dacca University taking its place among the best universities in the country. It is therefore high time that the Dacca University was established. I do not think that this is a matter in which one community alone is interested. I rejoice to think how my Muhammadan friends will be pleased by the establishment of this university. I cannot believe for one moment that my Hindu countrymen in Eastern Bengal will not be equally pleased by the establishment of the university. The population of Eastern Bengal is neither purely Muhammadan nor purely Hindu, they are both in the province. If the population were purely Muhammadans and if the University of Dacca 6 34 P.M.

were going to be established for the education of Muhammadan youths alone I would rejoice as much as I do to-day at the prospect of this university affording facilities for imparting education to both Muhammadans and Hindus and it is our duty to see that every youth in the country receives the best kind of education that is possible, whether he be Muhammadan, Hindu, Christian, Brahmin or Pariah, whoever he may be, it is our duty to see that every youth receives the best education. When education is thus afforded it is a national work for which we ought to express our sincere thanks to God. Therefore even if it were a purely university for our Moslem friends I would rejoice at its establishment but it is not so. I regard this as a national university and I expect that every young man who desires to do so will be free to go and benefit by the university. This will be one of the most important centres of national education. I am sorry that in the debate to-day there has been a little feeling expressed in regard to some of the features of the Bill; that the Bill is not a perfect piece of legislation does not require to be said. I quite admit and recognise that there are unfortunately some features in the Bill to which some of our members, some of the most earnest well-wishers of the country are opposed. I recognise that there are differences of opinion on this question, but I think we have agreed to bury these differences. As we have agreed to bury these differences we have come to a compromise, and I thought there was no more to be said on the point. When we arrived at a compromise every one of us was a party to it and responsible for it. I therefore think that the responsibility for any feature of the Bill does not rest upon any one or any few members of the Council but upon us all. I do not think that taking a view of the whole situation there is any reason to feel gloomy about the Bill. The question of communal representation has given rise to differences of opinion. Our Muhammadan friends owing to their experience of the past do feel nervous about the situation. Should they desire to protect Muhammadan interests this is due to no desire to hurt Hindu interests, but purely out of a desire to safeguard the interests of Muhammadans. This is their genuine conviction and it is our bounden duty to respect that conviction and to fall into line with it as far as we can. We feel that there ought to be some special provision made in the Bill for the protection of Muhammadan interests and for the accommodation of Muhammadan teachers in the colleges and institutions belonging to the university. Well, that feeling is genuine and deep-seated we recognise that feeling and we regret that there should be circumstances which should give rise to that feeling. We recognise the facts and agree not to divide over the question but feel that this great institution should be launched into existence under the most happy circumstances. Once we have arrived at a conclusion we must abide by it. I think the best remedy for the state of things that we deplore is to be found only in the creation of a university and by the broadening and enlightening influences which will bind both Hindus and Muhammadans.

"I look forward to the time when Hindus and Muhammadans will do away with the element of communal representation, and I expect that the University itself will do a great deal of work in that direction.

"Then there is also, no doubt, the question of official control. I must say that I feel that more official control has been provided in the constitution of this University than seems to me to be desirable. At any rate, I say with gratefulness that we are in this University much better off than under the constitution of the Benares Hindu University, and I really wish that the control had been less tight than it is. But here again, now that the Bill is in its last stage, we must recognise the difficulties of the situation. I feel that all our Muhammadan friends of Eastern Bengal do not see eye to eye with some of our Hindu friends who would desire to have less official control. That is a fact which has to be recognised, and so long as there is that feeling, that difference of opinion, among ourselves, among those who are equally interested in the progress of this University, I think we may regret the circumstance, but we cannot entirely overlook or ignore the fact, and therefore we cannot complain of the measure of official control which has been provided as we would have complained if Hindu and Muhammadan opinion was united in demanding a less strong measure of control. But I take it, Sir, I feel no doubt that even with the constitution which has been provided, there are many liberal elements in the constitution of this University which are wanting in many of the existing Universities, and that is a matter for sincere congratulation and thankfulness. I expect that the University even under the constitution which has been given to it, can have a great future before it, I hope and trust it will have a great future before it. Within the constitution which has been provided, there is a great deal of room for earnest, honest, effort to provide the highest facilities for the highest kind of education for the youths of our country, and I do hope and trust that those facilities will be provided.

"The passing of this Bill opens, as I say, a new era for Eastern Bengal, and as the University is worked, experience will show wherein amendments will be made in the Act. The question of the Selection Committee also, I expect, with experience will prove the necessity for a modification of this provision, but as the provisions stand now, and looking at the Bill as it has emerged after all this discussion on the question, the question that I put to myself is, with this Bill given to Dacca under the constitution which has been provided for it, what is the prospect for higher education there? and my answer is unhesitating and clear. I say the prospects are very bright, and the prospects are such that we ought to feel really thankful and congratulate our countrymen of Eastern Bengal on it. The Government have to be congratulated for the attitude they have taken up in regard to this Bill. The thing that now remains to be done is that, as soon as the Bill is passed, steps should be taken to put the Act into execution as early as may be practicable. The Faculties that have been provided will demand all the best efforts, all the best attention of the best men in Dacca, Hindu and Muhammadan, and I look forward to a close co-operation in giving effect to the provisions of the Act and building up a great centre of enlightenment. I hope that in the working of the institution there will be no small feelings, no narrowness of views allowed to have any play. I think that the one object for which they are all united, namely, the desire to give the best facilities for our youths, will be the dominating desire of every Hindu and Musalman in Eastern Bengal, and I have no doubt that they will have the sympathies of the whole of India, of every educated Indian, in the great task that lies before us. On the occasion of the birth of a son in a Royal House there is always great rejoicing in the land. I regard the birth of a new institution like the Dacca University as something akin to the birth of a son in a Royal House, if not as a matter for even much greater congratulation and satisfaction, and I consider that this is a happy day when the legislature is going to put on the Statute-book the Dacca University Act under which I expect great things will happen for the young men in Eastern Bengal.

"I once more congratulate my countrymen of Eastern Bengal and my friends who have worked to see this Bill through the Council and on the success of their efforts, and I hope that we shall hear most excellent accounts of the progress which this University will make in the near future. This University starts at a time when the advantages of the recommendations of the Calcutta University Commission have been available to University education. This University starts in one respect in a better condition than every other University, while other Universities are considering as to how they should remove the intermediate classes from the College and the University, this University starts from that basis and it will admit to its college classes only such students as have passed the Intermediate Examination. This is one great advantage. This University starts with the Faculty of Agriculture as one of its Faculties. In Eastern Bengal there is a vast field for agriculture. I believe in the great potentialities of agriculture, and I believe that by means of scientific education and scientific agriculture, the produce of this land will not only be doubled but quadrupled, and I consider that the establishment of an Agricultural College as one of the means of ameliorating the poverty of the people and also the conditions under which millions of our people live and grow at present. I look forward to the development of the Agricultural Faculty as a special means of improving the lot of our countrymen in Eastern Bengal, and I offer my hearty congratulations to all concerned on this."

6 49 P.M. **The Hon'ble Haji Chaudhri Ismail Khan:**—"Sir, I have no desire to speak at present at this stage except to admire the friendly spirit which my Hindu colleagues have evinced and to congratulate the Government on the very smooth passage of the Bill. From the very beginning of the discussion of this measure the Hindu and Muhammadan members of the Council have co-operated in a most friendly spirit and just at the moment when we were rejoicing at the culmination of our harmonising effort, Mr. Sastri's undeserved and if I may say so unjustified attack not only on the principle of communal representation but also at the compromise which we arrived at in order to avoid any unpleasantness of feelings between the two sister communities, shatters to the ground the edifice of mutual concessions and understanding which my Hon'ble friend Nawab Syed Nawab Ali Chowdhury had taken so much pain to evolve to-day. I however hold Mr. Sastri condemns a thing to-day which he called 'inevitable necessity'. He himself admits that those who ask for communal representation do so under the feeling that their communal interests will not be safe without it. Sir, I do not wish to imitate Mr. Sastri's example and to mar the pleasantness of Hindu-Moslem understanding which was in evidence throughout the discussions of the Council to-day. Otherwise, I could unfold a sorrowful tale of aggressiveness of our Hindu brethren which has so ruthlessly handicapped the educational progress of the minor communities throughout India. You have heard from Mr. Reddy of the attempt to keep out of public life the non-Brahmins of Madras but the tale of Muslim woes is still more sad and Mr. Sastri cannot be ignorant how Muslim interests have been trampled in various provinces in matters of public services, public life and civic activities.

"But I will imitate the example of the Hon'ble Nawab Saheb and bring no unpleasantness in the harmonious feeling which has prevailed the whole day. I admire the Nawab Saheb's generous desire to sink all personal feelings in face of the great desire to bring about harmony and accord between the Hindus and the Muhammadans. I only wish Mr. Sastri had followed his example and refrained from sounding a discordant note at the eleventh hour. The compromise was entered into not with the Hon'ble Mr Banerjea personally but with the party and the community he represented. While Muhammadans loyally abide by their part of the compromise as accepted by our respected colleague the Hon'ble Nawab Syed Nawab Ali Chowdhury even the moderate party it seems is unwilling to follow the lead of Hon'ble Mr. Banerjea. I regret that the broad spirit of give and take which inspires the Muhammadan is not shared by the Hindus, especially of the moderate type to which Mr. Sastri belongs, and they will ask us to give up everything as a price of our union, even our vital communal interest without giving anything to us in return. May I be allowed to say, Sir, that even to-day's compromise was due to the generous feeling of concession shown by the Muhammadan members. The Hon'ble Nawab Syed Nawab Ali Chowdhury went so far as to himself propose the abolition of the Muhammadan Advisory Board, which was recommended by the Calcutta University Commission as of the most vital necessity to safeguard the Muhammadan interests, though this concession formed no part of the compromise. But it is most disappointing to find how this generous spirit was reciprocated by Hon'ble Mr. Sastri. I hope, however, the Hindu community do not share Mr. Sastri's views and values at its true worth the self-sacrificing spirit which the Muhammadans are showing in every way. I shall be glad to see my Hindu colleagues repudiating the attitude taken up by Hon'ble Mr. Sastri and thus help to undo the pernicious effects of the speech delivered by him. Before I sit down, I would congratulate the Government of India and my Hon'ble friend Mr. Shafi for the great ability with which he discharged the difficult task of conducting the Bill through many controversial stages."

The Hon'ble Rao Bahadur B. N. Sarma :—"The Government of India many years ago promised the people of Eastern Bengal a University at Dacca, and I am sincerely glad that they have been able to fulfil that pledge the moment the war is over. I must congratulate the Hon'ble Mr Shafi upon his good fortune in being able to add at such an early stage of his career another University to the existing number, and that of a new type the unitary teaching type. Some time ago we looked forward to the new constitution that may be provided for the Dacca University as being a possible model on which the other Universities might be built up, but we recognised at an early stage that the conditions were exceptional. The Government gave certain pledges. We are now living in troublous times and political expediency is governing even in matters where high principle should rule. The University is being created for the benefit of the Muhammadan population and it would not serve its purpose, howsoever satisfactory its constitution may be, if the Muhammadans were to start with a prejudice and feel that it would not suit them. We can recognise, therefore, the difficult position in which the Government was placed in adapting itself to the conditions under which they had to start a University at Dacca. If the new University was to do any good, it must gratify Muhammadan sentiment, and it must not go so far as to violate unnecessarily any susceptibilities of the Hindus. I am glad that a compromise has been arrived at between the two communities of Bengal so that there is a chance now of looking forward to the growth in the near future of such a friendly feeling between them as to enable them to come forward and ask that the clauses providing for communal representation may be deleted from the Statutes. I said, Sir, at a very early stage of the debate that we recognised that this was a matter exclusively for Eastern Bengal and Dacca, and that was the reason why I for one felt I would not be justified in pressing views of my own, however strong they may be, as have absolutely no chance of being accepted, and which may only irritate where no irritation was meant. I feel sure that the Muhammadans do themselves recognise that this special representation that they are asking for is only by way of a transitory arrangement. If this is recognised then at the earliest possible moment when confidence can be restored that their interests are duly safeguarded, they would reject communal representation as absolutely inconsistent with the new nationalism we are hoping to build up But at the same time, Sir, I hope my friends the Muhammadan brethren here, will excuse me if I ask them to be a little more thick-skinned in bearing with criticism than they seem to be. When Mr. Sastri criticised this measure, he did so in his desire to uphold what he considered to be the correct principle. I do not think any one who feels strongly on this communal question can be attacked if he expresses his views here, simply because just now principles happen to be at a discount in India, or at any rate in this Assembly. We recognise that the conditions of India at the present moment may not admit of any different treatment of the subject, but we do deplore that this division, this cleavage is descending from the political arena into the educational arena, and we therefore, some of us, desire to guard ourselves against being treated as parties to a scheme which might be urged in future as a model scheme for the rest of India. It is that misconstruction we hope to avoid, and that is the reason why we have excluded ourselves from any active participation in the discussion and shaping of this measure, and not because we do not take a very keen and lively interest in university development. I hope our attitude in the matter will not be misunderstood by our friends in Bengal, who I know have taunted us regarding our inactivity during the passage of this measure. It is because we desired to leave them to settle the matter for themselves unhampered by outside criticism, it is because we did not desire to irritate them by any hostile criticism, it is because we know that no amendments would have any chance in a Council that we assumed that attitude. But these excrescences are based on trivial, passing considerations which do not affect the vital principle of the measure. Criticism has been made that Dacca would be an officialised University. I tried to see if there was any escape from it. I found that Dacca is a small town and unless it be officialised, perhaps there would be no chance of constituting an effective working body which can carry on the work of the University. I resigned 6-54 P.M.

myself to the situation on that ground and no other. I hope that state of things will soon pass away and it will be possible for the constitution to be so arranged as to make the University a really living non-official unit.

"Well, Sir, we sincerely trust that more unitary teaching universities will be started in the immediate future, adopting all the good points of the Dacca University scheme, while avoiding as far as possible such as have been introduced owing to the peculiar conditions of Eastern Bengal, the pledges given and the times in which we are living. I am sure this harmony between the Hindus and Muhammadans of East Bengal would be promoted by their having to work together in the University which it would be their joint object to make a model University for the rest of India. I hope this feeling would promote better relations for all practical purposes.

"I cannot help thinking that the limitation of the University area to the city of Dacca would promote a corporate feeling. It would be a very healthy feeling and it would engender a corporate spirit. The Dacca University has to work for its own reputation, build it up and cherish it if it is to be a University worth the name, and, inasmuch as the citizens of East Bengal are thrown upon their own resources, I feel sure they would rise to the occasion and make the Government, which has enabled them to get this University, feel that they have done a right, noble and good deed."

7-2 P.M. **The Hon'ble Maharaja Sir Manindra Chandra Nandi:—** "Sir, I have much pleasure in thanking the Government and congratulating our Educational Member and all my Eastern Bengal friends on the passage of the Dacca University Bill. It is gratifying to be assured that in this new University will first materialise some of the suggestions of the Sadler Commission, and I have great pleasure in congratulating our Mussulman friends over this initial departure in the educational policy of the Government of India. Of course, there are some differences between ourselves and the Musalmans regarding the question of communal representations, but as the Mussulmans are very anxious to have their special representatives on the Dacca University, we have given in to their wishes in the hope and confidence that after a few years they will themselves find out the error of their ways and knock all communal representation in the University on the head. So, we accepted the compromise just mentioned by Mr. Banerjea, and we have a great hope that, after a few years, when our Mussalman brethren are fully educated, they will come into line with the general currents of Indian thought on the subject.

"With these few words, I congratulate the Hon'ble the Education Member on the passage of this Bill."

7-4 P.M. **The Hon'ble Mr. C. F. dela Fosse:—** "Sir, at this late hour I do not propose to inflict a speech upon the Council. I merely rise with a view to remove a misconception which may arise in the public mind in regard to something which fell from the Hon'ble Mr. Sastri The Hon'ble Member made, I am quite sure without intending it, a somewhat undeserved reflection upon the Calcutta University Commission in reference to the Selection Committees appointed in Great Britain. He suggested that their motive for proposing Selection Committees in Great Britain was that they wished to secure the appointment of a proportion of European members upon the staff of the new University. Now, Sir, so far from wishing to do anything of the kind, they were careful to guard against giving any such impression; and, if you will allow me, I will read three brief passages which will show what their real views were upon this subject. I only do so, because I do not wish it to go out to the public that this Commission, consisting of so many distinguished educationists, was guilty of the charge which the Hon'ble Mr. Sastri has brought against it. I will, Sir, with your permission, just read three brief extracts which will give their real views on this point and the reasons which led them to make this recommendation. In Chapter XXXIII, paragraph 59, they say :—

> 'Further, we are clearly of opinion that it is essential, if the new University is to be started on right lines, that it should have the assistance of a number of capable teachers recruited in Europe. * * * * * We recommend that the procedure adopted should be similar to that which we shall recommend for corresponding appointments in the Presidency College.'

"The Council will notice that they were careful to use the words 'recruited in Europe.' They go on later to speak of Western trained teachers. Their object was not to secure a proportion of Europeans but to secure a certain proportion of Western trained teachers of the highest academic standing.

"Then, Sir, in another passage they refer to another point which the Hon'ble Mr. Sastri brought up. He said that, if there was a distinguished Indian in this country serving in Allahabad or in Bombay, the Selection Committee would pass him over in favour of some European who was present on the spot. They were careful to guard against that and this is what they say on that point:—

> 'We therefore suggest that in notifying the vacancy and asking for the appointment of a Committee of Selection the University should forward through the Secretary of State a statement of the special needs and conditions which ought to be kept in view and also a statement in regard to any Western trained scholars resident in India whose claims ought, in their judgment, to be seriously considered. The Committee of Selection would then be in a position, with full knowledge of the circumstances, to nominate the candidate who seemed to them most suitable.'

"And then, as to the general question, about showing a racial preference or a preference for Muhammadan professors, these are their remarks:—

> 'But we are convinced that in making appointments to the principal teaching posts of the University it would be fatal to depart from the principle that the best qualified man should be appointed without reference to his race or religion A University which departs from this principle will not make the contribution which it should make towards the solution of those vexed and perplexing problems of national life of which the subject-matter of this Chapter is one.'

"Those, Sir, are the points which I wished to bring out on behalf of the Commission, so that it might not go out to the public that they had any other motives than those which they have themselves expressed in these passages."

The Hon'ble Mr. Shafi:—"Sir, I am deeply grateful to my Hon'ble colleagues for the very kind words which they have spoken in connection with the part which I have taken in carrying this Bill through its various stages in the Select Committee and this Council. I can assure them that it has been a source of the utmost satisfaction to me to have taken, even though a very humble part, in laying the first step towards the realisation of the ultimate goal set before us by the Calcutta University Commission, that is to say, the establishment of unitary teaching and residential Universities in the various educational centres in this country. 7-10 P.M.

"My Hon'ble friend Nawab Ali Chaudhuri, while expressing feelings of satisfaction which in his case are very natural, referred to an expression that had fallen from my lips on the last occasion. He is apparently afraid that the Muhammadan students would be removed from the Secretariat building. I can assure him that the expression used by me was a mere figure of speech. The question of the location of various halls of the University does not rest with the Government of India or with me as Education Member: it is a matter which will be settled hereafter by the Local Government in consultation with local representatives. He also referred to the necessity of having an adequate number of Muhammadans on the staff of the University. May I remind him of clause 51, sub-clause (1) (*c*) in the Bill? This is how the clause runs:—

> 'At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted teachers of the University shall be appointed by

the Governor of Bengal after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction, Bengal, and such other person or persons if any, as the Governor of Bengal thinks fit to associate with them'.

"The Government of India have no doubt whatever that the Governor of Bengal, when making appointments to the staff on the advice of this Committee, will bear this aspect of the matter in mind. In thanking me for my work in connection with this Bill, my Hon'ble friend referred to the 'tug of war' as he characterised it, which took place between us during the sittings of the Select Committee, in connection with matters with regard to which, my Hon'ble friend reminded me, we were co-workers when I was in public life. May I remind him that at the time to which he was referring I was a representative and an advocate of the Muslim Community. Now, as the Indian Member of the Government of India, I am the representative of all India and not of any particular community. And as a Member of the Government I have to hold the scales even, in so far as it lies in my power, between the various communities which have so important a stake in the country

"My Hon'ble friend also expresses a wish that the new University may be opened by His Royal Highness the Prince of Wales when he comes out to this country. All I can say is this, that I shall convey this wish to His Excellency the Viceroy.

"Coming now to the speech delivered this afternoon by my Hon'ble friend Mr. Sastri He believed that the University which is going to be established at Dacca will come to be a great centre of learning, and will, as time passes, greatly improve itself. He also acknowledged that it was a grevious and unwarranted statement on the part of anybody to say that this University was a predominantly Mussalman University. However, he went on to make an attack upon three of the features of the Bill which is now before the Council. I do not propose to enter into controversy with him at this late stage of the discussion in connection with those points. But I do wish to make a complaint. I venture to submit that I am entitled to make that complaint and am perfectly warranted in doing so. My Hon'ble friend has this afternoon assumed the role of an outside critic who after the publication of a work writes an essay in a magazine criticising that work. He has forgotten that he is a part-author, a co-author of this work. He is a Member of this Council and has been present all along when every one of these provisions in the Bill was under discussion. And I submit that it is very hard on me, it is very hard on the Council, that he should have kept quiet, should have adopted an attitude of silence when these provisions were under discussion and now, when the Bill is about to be passed, he should have stood up in his seat and instituted a critical review of some of the provisions in this Bill in the manner in which he has done. I do not propose to dwell on this painful aspect of the matter any further, but I do wish to say that instead of welcoming the compromise, the happy compromise between the Hindu and the Muhammadan representatives of Bengal in connection with a difficult matter, I wish he had not characterised that compromise as unfortunate. So far as the Government of India are concerned, I can assure Hon'ble Members that they are sincerely gratified that the compromise suggested by them has, as the result of an amicable settlement, been accepted by the representatives of the two communities mainly interested in the establishment of the Dacca University. I regard this signal display of mutual harmony and good-will as conclusive proof of the fact that the earnest appeal for inter-communal co-operation made by His Excellency the Viceroy and the Right Hon'ble the Secretary of State in their Joint Report has found a responsive echo in the hearts of all sincere well-wishers of the country.

"Sir, I believe that I am not guilty of exaggeration when I say that during my somewhat long experience of Imperial and Provincial Councils, I have never known a Legislative Session in which there was, apart from healthy and honest differences of opinion, greater harmony and co-operation between the various elements in the Legislative Council, Official and Non-official, European and Indian, Hindu and Muhammadan. And if during the last eight months of my tenure of office I have, in some slight measure, made some effort towards this desirable consummation, all I can say is that I am proud of having assisted in what I have always believed to be one of the foremost duties of the Indian Member of His Excellency the Viceroy's Council. I beg to tender my sincere congratulations to my Hindu and Muhammadan brethren for this amicable settlement of a difficult problem which constitutes a happy augury for the success of the Dacca University scheme.

"Sir, I do not propose to detain the Council much longer. Before I conclude, it is my duty to offer, on my own behalf as well as on behalf of the department, my best thanks to the Hon'ble Mr. De la Fosse for the work which he has done, for the indefatigable energy which he has displayed, for the great assistance which he has rendered to us in the evolution of this Bill through its various stages from the commencement until now, when the Bill is to be placed on the Statute-book. I desire also to offer my acknowledgments to the invaluable help which was rendered to this department by Mr. Anderson in the early stages of the preparation of this Bill before he went home on leave on account of illness. And, in the end I can only express my wish that the Dacca University scheme will take shape on the spot and will be worked by all those who will have a hand in its future progress in the same spirit of co-operation, harmony and good-will which has been displayed by the representatives of Bengal in the final stage of this Bill to-day."

The motion was put and agreed to.

The Council adjourned till Monday, the 22nd instant, at 11 A.M.

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI:
The 29th March, 1920.

SGPI Delhi—474 L D—30-3-20—150.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Monday, the 22nd March, 1920.

PRESENT:

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor General, *presiding*, and 60 Members, of whom 52 were Additional Members.

STATEMENTS LAID ON THE TABLE.

The Hon'ble Sir William Vincent:—"My Lord, I beg to lay on the table* a statement showing the action taken against presses and newspapers under the Defence of India Act since its enactment, which was promised in reply to a question asked by the Hon'ble Mr. Sachchidananda Sinha on the 25th September, 1919."

The Hon'ble Sir William Vincent:—"My Lord, I beg to lay on the Table a statement† showing the number of Europeans, Anglo-Indians and Indians employed in the Government of India Secretariats on salaries of not less than Rs. 25 per mensem, which was promised in reply to a question asked by the Hon'ble Mr. Sachchidananda Sinha on the 11th February, 1920."

QUESTIONS AND ANSWERS.

The Hon'ble Rai Sita Nath Ray Bahadur asked:— 11-2 A.M.

Mr. Doran's evidence before the Public Services Commission.

1. "(*a*) Will Government lay on the table a copy of Mr Doran's Minute of Evidence before the Public Services Commission?

(*b*) Did Mr. Doran hold the appointments of Superintendent, Assistant Director General, Postmaster General and Director General, and did he express the opinion that the duties and responsibilities of a Superintendent of Post Offices are more difficult and onerous than those of an officer in charge of a Telegraph Division?"

The Hon'ble Sir George Barnes replied:—

"(*a*) A copy‡ of Mr. Doran's written evidence furnished to the Royal Commission is laid on the table. Mr. Doran was not orally examined by the Public Services Commission.

(*b*) Yes."

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* *Vide* Appendix A.
† Not included in these Proceedings.
‡ *Vide* Appendix B.

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

The Posts and Telegraphs Service.

2. "Will Government state—

(*i*) the average pay of the officers of the Telegraph Service (*a*) Imperial, (*b*) Provincial, on 1st January, 1919;

(*ii*) the average pay of these officers after the recent increase in their pay;

(*iii*) the additional annual increase in expenditure on this account;

(*iv*) the average pay of Superintendents of Post Offices on 1st January 1919;

(*v*) the average pay of Superintendents of Post Offices proposed by the Government in their despatch to the Secretary of State on the subject; and

(*vi*) the additional annual expenditure on this account?"

The Hon'ble Sir George Barnes replied:—

"I lay upon the table* a statement giving the information asked for by Hon'ble Member."

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

Provincial Executive and Judicial Services.

3. "(*a*) What recommendations have Government made in connection with the report of the Public Services Commission to improve the prospects of the members of the Provincial Executive and Judicial Services?

(*b*) Are Government aware that great inconvenience is felt by members of those services by the fact of their being classed as members of a 'second class service' to whom travelling allowance at the rate of four annas a mile is allowed?

(*c*) Is it a fact that even as Sub-divisional officers, Deputy Collectors do not get full first class halting allowance?

(*d*) Is it a fact that Sub-divisional officers are not the only officers in the Provincial Service who have to go on tour, and that Deputy Collectors in the Khasmehals, in the Income Tax, Land Acquisition, Court of Wards and various other Departments have to go out on tour?

(*e*) Are Government aware that there is growing discontent in the Provincial Executive and Judicial Services on the question of status, and do Government propose to consider the question of raising the Services to the status of a first class service?"

The Hon'ble Sir William Vincent replied:—

"(*a*) The Hon'ble Member is referred to the answer given to the question asked on the 8th March by the Hon'ble Rai Saheb Seth Nathmal on the subject of the pay of the Provincial Executive and Judicial Services.

(*b*) Government are not aware of any inconvenience caused by the application of Articles 1002 and 1031, Civil Service Regulations, which regulate the classification of officers for purposes of travelling allowances, and the rates of mileage allowances admissible.

(*c*) The answer is in the affirmative. Halting allowance is regulated by Article 1063, Civil Service Regulations, with certain exceptions, a list of which is given in Appendix 25 to the same Regulations.

(*d*) The answer is in the affirmative.

(*e*) Government have no information. Provincial Governments have now full powers to change the classification for purposes of travelling allowances of individuals and classes of officers paid wholly or in part from Provincial revenues. The question therefore is one for decision by Local Governments."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

1st and 2nd class accommodation on the Up-Punjab Mail from Karachi.

4. "Are Government aware of the fact that great inconvenience is felt by 1st and 2nd class passengers for want of accommodation by the Up-Punjab Mail which leaves Karachi at 7-53 P.M.? If so, do Government propose

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* Not included in these Proceedings.

to arrange that a sufficient number of 1st and 2nd class carriages are attached to the Punjab Mail?"

The Hon'ble Sir Arthur Anderson replied:—

"Government have received no complaint, but they have brought the matter to the notice of the Railway Administration, who propose, as an experimental measure, to supplement the accommodation on the Punjab Mail by running the Delhi-Samasata through service carriage which now terminates at Samasata to and from Karachi. If the traffic is found to warrant the running of this extra carriage, it will be continued permanently."

The Hon'ble Khan Sahib Shah Nawaz Bhutto asked:—

Cost of various Services prior to the recent increases sanctioned.

5. "With reference to the recent statement by Government giving the figures for the approximate cost per annum for increases of pay recently sanctioned for the I. C. S., the Public Works Department, the Medical, Provincial Civil, Police, Education and Forest Services, will Government state the approximate cost of each of those services prior to the increase sanctioned for it?"

The Hon'ble Mr. W. M. Hailey replied:—

"The approximate cost per annum of the several services before the increases of pay recently sanctioned was as follows:—

	R
Indian Civil Service	2,15,00,000
Public Works Department, Provincial and Imperial	97,00,000
Indian Medical Service	4[illegible] 00,000
Provincial Civil Service	1,15,00,000
Indian Police Service	58,00,000
Provincial Police Service	12,00,000
Indian Educational Service	27,00,000
Provincial Educational Service	21,00,000
Indian Forest Service	24,00,000"

The Hon'ble Mr. G. S. Khaparde asked:—

Confinement of Mr. Shankarlal of Delhi.

6. "(*a*) With reference to the question put by the Hon'ble Mr Chanda and answered by the Hon'ble the Home Member regarding Mr. Shankarlal on 30th January, 1920, will Government be pleased to state whether the period of quarantine in the case of Mr. Shankarlal extended all the time from 20th April, 1919 to 30th May, 1919, *i.e.*, 40 days?

(*b*) Is not the usual period of quarantine a week or ten days? If so, what were the circumstances which necessitated the extension of the period to 40 days?

(*c*) Is it a fact that during this period of 40 days Mr Shankarlal was called four times a night, *i.e.*, at 9 P.M., 12 P.M., 3 A.M. and 6 A.M., by warders, thereby depriving him of even a single night's continuous rest?

(*d*) Is it a fact that a convict warder, by name Purdil, was specially deputed to see that Mr. Shankarlal did not speak with any other prisoner during the time he was in jail except the last fortnight when another man, name unknown, was deputed to carry on the work of the above named Purdil?

(*e*) Is it a fact that not permitting a prisoner to speak with any other of his fellow prisoners, combined with solitary confinement, is the hardest form of punishment which it is within the powers of the jail authorities to inflict?"

The Hon'ble Sir William Vincent replied:—

"(*a*) The answer is in the affirmative.

(*b*) There is no fixed limit of time for quarantine. The period is left to the discretion of the Superintendent of the Jail acting on the advice of the medical officer. The Government of India have, however, addressed the Chief Commissioner of Delhi with a view to ensure that the period of quarantine shall not be unduly prolonged in future cases.

(*c*) Under paragraph 664 of the Punjab Jail Manual the presence of every prisoner in his cell must be ascertained at each change of guard. This process doubtless occasionally wakens restless sleepers.

(*d*) The under-trial ward is always, under paragraph 392 of the Manual, in the charge of a warder or trustworthy convict-officer. As Shanker Lal was accommodated separately a separate convict-officer, whose name is correctly given as Purdil in the question, was detailed for this duty in his case.

(*e*) The answer is in the negative."

The Hon'ble Mr. G. S. Khaparde asked :—

The Savarkar brothers.

7. "(*a*) Is it a fact that Mr. Savarkar and his brother have not been given the benefit of the Royal amnesty?

(*b*) Is it not a fact that Mr. Savarkar and his brother had once in 1915 and at another time in 1918 submitted petitions to Government stating that they would, during the continuance of war, serve the Empire by enlisting in the Army, if released, and would, after the passing of the Reforms Bill, try to make the Act a success and would stand by law and order?

(*c*) If answers to (*a*) and (*b*) be in the affirmative, will Government be pleased to state the circumstances by reason of which they were not released according to the terms of the amnesty?

(*d*) Is it a fact that under the treatment in the Andamans, these Savarkar brothers have been broken in health and reduced in weight?

(*e*) Do Government propose to direct the Superintendent of the Andamans jail to transfer the brothers to an Indian jail for the benefit of their health?"

The Hon'ble Sir William Vincent replied :—

"The answer to (*a*) is in the affirmative.

(*b*) Two petitions were received from Vinayak Damodar Savarkar—one in 1914 and another in 1917, through the Superintendent, Port Blair. In the former he offered his services to Government during the war in any capacity and prayed that a general amnesty be granted to all political prisoners. The second petition was confined to the latter proposal. No petitions on either of these subjects have been received from Ganesh Damodar Savarkar; nor have any been received from either of the brothers to the effect that if released, they would help towards the successful application of the Reforms Act.

(*c*) Because their release was not considered to be compatible with the public safety. Their cases are however being re-examined.

(*d*) Vinayak Damodar Savarkar was first attacked with dysentery in June 1917 and during the succeeding twelve months he had relapses from time to time. He has, however, been free from symptoms of the disease for the last five months—though a certain amount of debility remains and he has lost weight.

No representations have been received as regards the health of Ganesh.

(*e*) The answer is in the negative."

The Hon'ble Mr. G. S. Khaparde asked :—

Number of political offenders.

8. "Will the Government be pleased to state in tabular form—

(*a*) the number of all the political offenders, including the detenus, internees, State prisoners, and persons convicted under the Indian Penal Code or otherwise and confined in jails or kept under restriction in each province in India and in the Andamans on the 23rd December, 1919;

(*b*) their original sentences or periods of restriction ordered by the executive;

(*c*) the period undergone by each;

(*d*) the number and names of those who were released after amnesty was proclaimed; and

(*e*) the nature of concessions, if any, granted to those who were not given the benefit of the Royal amnesty?"

The Hon'ble Sir William Vincent replied :—

"Government have not been able to collect all the information asked for by the Hon'ble Member, but a statement* is laid on the table giving the total figures by provinces as last ascertained. The further information required will be collected from local Governments and embodied in a statement which will be laid on the table at a future meeting of Council."

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*Vide Appendix C.

The Hon'ble Mr. W. E. Crum asked :—

The Indian Defence Force.

9. " Would the Government be pleased to furnish any information regarding the proposals relating to the future of the Indian Defence Force ? "

His Excellency the Commander-in-Chief replied :—

" Proposals regarding the future of the Indian Defence Force have been submitted to the Secretary of State, and his instructions are awaited.

Draft Bills have been prepared in accordance with these proposals. In the case of the European Branch of the Indian Defence Force, the recommendations of the Government of India involve modifications which are considered essential, as war-time requirements in the matter of training and terms of service must necessarily differ from those which apply to an auxiliary force in times of peace. In order to ascertain the nature of the requisite changes demanded by local conditions and the interests of Commerce and Industry, Chambers of Commerce, Planters and Trades Associations and other representative bodies have been consulted, with the result that a scheme has been evolved which, it is believed, will meet with general approval.

As regards the Indian Branch, the possibility of future improvement and development are less certain. The Army in India Committee have had under consideration the question of an Indian Territorial Force, and the draft Bill relating to the Indian Branch has been designed as a frame-work on which this portion of the Indian Defence Force could be built up into such a Territorial Force, to be expanded on a voluntary basis to the extent warranted by progress in recruitment and military training."

The Hon'ble Mr. W. E. Crum asked :—

Railway construction in India by private enterprise.

10. " (*a*) Are Government aware that Indian commercial opinion is unanimous in favour of construction of railways by private enterprise, and claims that immediate opportunity should be given to private enterprise for the construction of railways upon which Government are not willing or able to embark forthwith ?

(*b*) Is it a fact that His Excellency the Viceroy made a pronouncement to the Conference of Chambers of Commerce in Calcutta to the effect that it will probably be impossible for some time to come for India to build the railways she requires out of Budget allotments or the proceeds of direct borrowing ?

(*c*) Is it a fact that the Railway Board are not in favour of construction of railways by private enterprise ?

(*d*) If the answer to part (*c*) is in the affirmative, will Government state the reasons for the views of the Railway Board and what alternative they propose ?

(*e*) If the answer to part (*c*) is in the negative, will Government state on what terms they are willing to grant concessions for the purpose of encouraging construction of railways by private enterprise ?

(*f*) If no policy regarding the future is yet settled, do Government propose to consult public opinion through the usual channels before any proposals are put forward to the Secretary of State ? "

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) Government have no particular information which would lead them to suppose that there is any exceptional demand at present of the nature referred to on the part of the Indian commercial community, though they have in the ordinary course received applications for concessions from firms interested in the promotion of several projects. Apart from any other consideration, the commercial community must be fully aware that owing to shortage of materials and the high price of money, the present is an unfavourable time for starting new construction. The principal demand of the commercial community at present appears to be for facilities to relieve the congestion of existing lines which, as explained by me in the statement I made in Council on the 10th instant, is considered by Government as a matter of the first importance.

(*b*) The reply is in the affirmative.

(*c*) I am not quite sure that I understand what the Hon'ble Member intends to convey by the term private enterprise, but if he means the financing and construction of Railways by means of capital raised for the purpose by public subscription in India, as distinguished from capital supplied by Government from its own resources, the reply to his question is certainly in the negative.

(*d*) In view of the answer just given this does not arise.

(*e*) The arrangements necessary to meet the altered conditions now obtaining and the terms of assistance to be granted are still under consideration and require the approval of the Secretary of State. No announcement can therefore be made.

(*f*) In view of what has been said above and as no departure from the principle of directly associating private enterprise in the work of Railway construction is contemplated, Government see no reason to believe that any public purpose would be served by the suggestion of the Hon'ble Member."

The Hon'ble Mr. W. E. Crum asked :—

Horse Allowance.

11. "(*a*) Is it a fact that officers who are obliged by regulation to keep one or more horses only draw horse allowance at the rate of Rs. 30 per horse per month ?

(*b*) If the answer to (*a*) is in the affirmative, are Government prepared to increase the allowance and, if so, to what extent ?

(*c*) Will any increase granted have any retrospective effect ?"

The Hon'ble Mr. W. M. Hailey replied :—

"(*a*) It is not clear to what class of officers the question refers. Civil Officers on comparatively low pay whose duties involve a large amount of moving about within a short distance are frequently given horse allowances. Certain scales were prescribed in a Resolution of 1888, but these are no longer binding, and Provincial Governments are at present empowered to grant horse allowances at such rates as they think fit.

(*b*) The matter is one for decision in accordance with local circumstances.

(*c*) Government are opposed on principle to the grant of concessions with retrospective effect."

The Hon'ble Mr. W. E. Crum :—"I beg to ask a supplementary question, my Lord. Can the Hon'ble Member give me any information regarding military officers ?"

The Hon'ble Mr. W. M. Hailey :—"The question of future arrangements to be made for mounted military officers and the amount of horse allowance required in cases where it is drawn as a separate item is one which we hope will receive consideration from the Army in India Commission."

The Hon'ble Mr. W. E. Crum asked :—

Pay and allowances of the Imperial Police Service.

12. "(*a*) Did Government by a letter, dated 17th February 1919, to local Governments communicate the decision of the Secretary of State regarding the pay of the Imperial Police ?

(*b*) In the same communication did Government state that the question of overseas allowance affected other services and could not be determined for the Police independently?

(*c*) Has a new scale of pay, including overseas allowance, been lately issued for the Police, by which this overseas allowance has been practically merged in, and not added to, the pay sanctioned in February 1919?

(*d*) Are Government aware that the public and the Police themselves consider that the Police have a very genuine grievance in this matter?

(*e*) If the answers to the above questions are in the affirmative, what steps are Government prepared to take to satisfy the grievance, and to put the Police service on the same footing as other Imperial services as regards overseas allowances?"

The Hon'ble Sir William Vincent replied:—

"(*a*), (*b*) and (*c*). The answer is in the affirmative.

(*d*) Government have just received memorials on the subject from certain officers. They were already aware from articles in the press that some dissatisfaction existed.

(*e*) This dissatisfaction seems to be largely based on a misunderstanding of the position. The rates of pay announced in the letter of 17th February, 1919, were rates fixed by the Secretary of State for India, after consideration of the views of the Government of India and Local Governments, as suitable for officers recruited in the United Kingdom. Up to that date the Secretary of State had not definitely accepted the principle that the pay of the Imperial Services should be fixed on an Indian basis, and that the additional amount required to obtain recruits of a suitable type from the United Kingdom should take the shape of overseas allowance. The Local Governments and the Police committees convened by many of them to consider the question had, however, been asked to consider the principle of the expatriation or overseas allowance set forth in paragraph 322 of the Joint Report, and while in all cases the rates of pay recommended by them were the rates required to attract candidates recruited in the United Kingdom, in certain cases these amounts were specifically arrived at by the addition of expatriation allowances to rates fixed on an Indian basis. The rates announced in February followed the higher rates proposed by the Local Governments and therefore included the overseas allowances. The reference in the letter of 17th February, 1919, to overseas allowance was merely intended to convey that if the principle of the overseas allowance should be accepted for other Imperial Services, the rates fixed for the Indian Police on the European basis above described would be re-adjusted so as to accord with that principle. In the circumstances the Government of India cannot admit that officers of the Indian Police have any legitimate grievance on this ground. This will, of course, not preclude Local Governments from considering on the merits the representations already received and any that may be received."

The Hon'ble Mr. V. J. Patel asked:—

Resolutions of the Imperial War Conference, 1917.

13. "Will Government lay on the table a statement showing what action they have already taken or propose to take hereafter in connection with the Resolutions of the Imperial War Conference, 1917, regarding the following subjects:—

(*i*) Naval Defence of the Empire.
(*ii*) Trade Commissioner Service.
(*iii*) Representation of India in future Imperial Conferences.
(*iv*) Care of the graves of Indian soldiers
(*v*) Constitution of the Empire.
(*vi*) Imperial Mineral Resources Bureau.
(*vii*) Imperial Preference.
(*viii*) Reciprocity between India and the Empire."

His Excellency the Commander-in-Chief replied :—

"I lay upon the table a statement* giving the information asked for by the Hon'ble Member."

The Hon'ble Mr. V. J. Patel asked :—

Composition of the Viceroy's Executive Council under the new Act.

14. "(*a*) Has the attention of Government been drawn to the speech of Lord Selborne on the Government of India Bill to the effect that there may possibly be four Indian gentlemen on the Viceroy's Executive Council if the Law Member is also an Indian?

(*b*) Is it a fact that Lord Sydenham, in his speech on the Government of India Bill, observed that there may be four Indians at once on the Executive Council of the Viceroy?

(*c*) Is it a fact that Lord Sinha expressed a similar view in one of his speeches in Bombay?

(*d*) If the answer to (*a*), (*b*) or (*c*) be in the affirmative, do Government propose to reconsider the answer given on the 23rd February last to my question regarding the composition of the Executive Council?"

The Hon'ble Sir William Marris replied :—

"(*a*), (*b*) and (*c*). Yes.

(*d*) The Government of India see no reason to re-consider the interpretation placed on the recommendation of the Joint Committee in the reply referred to.

They adhere to the view that if the Joint Committee had intended to arouse the expectation that four Indian Members would be appointed, that intention would have been explicitly stated."

The Hon'ble Mr. V. J. Patel :—"I beg to ask a supplementary question, my Lord. Am I to understand that the Government do not accept the interpretation of Lord Selborne, Lord Sinha and Lord Sydenham on the recommendations of the Joint Committee in this respect?"

The Hon'ble Sir William Marris :—"The Government of India, my Lord, do not know what was in Lord Selborne's mind, and they have no authority to interpret or expound his thoughts or those of the other gentlemen to whom the question refers. They think it obvious that no member of the Committee, even the Chairman, has authority, without the concurrence of his colleagues, to bind the Committee as a whole to any authoritative statement, especially in a remark made in the course of the debate. The Government of India can only take their stand upon the formal utterance of the Committee as a whole."

The Hon'ble Mr. V. J. Patel asked :—

Prisoners still under confinement in connection with the Gujrat disturbances.

15. "(*a*) Is it true that of the 123 persons sentenced by Commissioners appointed under the Defence of India Act to try offences in connection with the disturbances in Gujarat, as many as 51 are still in jail? Were there any previous convictions against any of these 51? (*b*) On what principle is the question of granting amnesty determined? (*c*) Is it true that the Police report was called for before the order of release was passed in favour of the persons already released? If so, what is the Police report in the case of the 51 persons not yet released? (*d*) Are their cases still under consideration or have they been finally decided? (*e*) Is it a fact that all persons sentenced to a term not exceeding seven years only have been released?"

**Vide* Appendix D.

The Hon'ble Sir William Vincent replied :—

"(*a*) Of the 123 persons convicted by the Gujarat tribunals, 72 persons have been released under the amnesty under the orders of His Excellency the Governor General. The remaining 51 are undergoing terms of imprisonment, but in 17 cases the sentences have been reduced from seven years to three years' imprisonment and in two cases from ten years to five years. Six of these 51 persons had been previously convicted : but previous convictions were not taken into consideration.

(*b*) Release has been ordered by His Excellency the Governor-General wherever it has been found compatible with the public safety. The benefit of the amnesty has not been extended to persons who committed or promoted serious crimes of violence.

(*c*) Police reports were not called for, but the Commissoner, Northern Division, and the Inspector General of Police were consulted.

(*d*) Their cases are not now under consideration.

(*e*) All the persons sentenced to a period of less than seven years' imprisonment have been released."

The Hon'ble Mr. V. J. Patel asked :—

Overseas allowances granted to Indian recruits.

16. "(*a*) Are Indian clerks recruited at some centres such as Ambala, Rawalpindi, Lahore, etc, for services in Mesopotamia in the Supply and Transport Corps, granted 150 per cent. of their substantive pay as overseas allowance, while such clerks recruited for the Combined Labour Depôt, Dadar, are getting only 50 per cent. of their substantive pay as overseas allowance.

(*b*) If the answer is in the affirmative do Government propose to take necessary action to remedy this inequality ? "

His Excellency the Commander-in-Chief replied :—

" Clerks of the Supply and Transport Corps, serving in Mesopotamia, receive consolidated rates of pay on the scale shown in the statement* which is laid upon the table. Clerks for the Combined Labour Corps, Dadar, are engaged on local rates and are not sent overseas."

The Hon'ble Mr. V. J. Patel asked :—

Equality of treatment between European and Indian members of the Imperial services.

17. "What conclusions, if any, have been arrived at on the question of observing absolute equality between European and Indian members of the Imperial Services who have received their training abroad, whether they have reached that service by direct recruitment or by promotion ? "

The Hon'ble Sir William Vincent replied :—

"In those Imperial Services in which decisions have been arrived at, absolute equality has been observed between European and Indian members, who have received their training abroad, except in the following cases :—

(1) In the Imperial Customs Service different scales of pay exist for the first two years.

(2) Officers of non-Indian domicile employed in the Indian Civil Service, Indian Police Service, Indian Educational Service (men), Public Works Department, and European Assistant Superintendents and Chemists in the Indian Geological Survey will draw overseas allowances when holding posts in the time-scale. In the case of the higher posts above the time-scale the pay will be the same for all incumbents. All Indian officers, however, now in the Indian Civil Service, as well as those selected at the next five open competitive examinations in England, will be eligible for overseas allowances, subject to reconsideration at the end of the period."

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* Not included in these Proceedings.

The Hon'ble Mr. V. J. Patel asked:—

Improvement in position of high paid Indian clerks on active service.

18. "(*a*) Is it a fact that high paid Indian clerks are compelled to work under British non-commissioned officers and warrant officers?"

(*b*) Do Government propose to see that Supply and Transport clerks in Mesopotamia, holding the relative ranks of Jemadars and Subadars, are made to work under British or Indian commissioned officers?"

His Excellency the Commander-in-Chief replied:—

"The answer to (*a*) is in the affirmative. All civilian clerks attached to a force on active service have to serve under the British or Indian warrant or non-commissioned officers who are either the head clerks, or their superiors in grading, in the offices in which they are employed.

As regards (*b*) the departmental superiors of the civilian Supply and Transport clerks, serving in Mesopotamia, are commissioned officers. I may explain that relative rank is conferred on clerks and other civilians attached to an army in the field in order to determine their status in regard to quarters, passages, rations, messing, honours, rewards, etc It is not conferred for the purpose of determining under whose orders they should work. This is a departmental matter and has nothing to do with command and rank.

For the general rules regarding the grading of civilians with an Army I would refer the Hon'ble Member to Chapter XVII, Field Service Regulations, Part II, and to Appendix XIII of the Indian Supplement thereto."

The Hon'ble Mr. V. J. Patel asked:—

Maulana Mahmood Hasan of Deoband.

19. "(*a*) How long has Maulana Mahmood Hasan of Deoband, United Provinces, been in jail and where and for what reasons? What is his age at present?

(*b*) Will Government consider the desirability of extending the general amnesty clause of the Royal Proclamation to his case?"

The Hon'ble Sir William Vincent replied:—

"(*a*) Maulana Mahmood Hasan was interned in Malta in January, 1917, as a prisoner of war, because he was guilty of assisting the King's enemies. His present age, as far as can be ascertained, is about 72 years.

(*b*) He has recently been sent back from Malta, and is now on his way to India. The question of extending the benefit of the amnesty to him is now under consideration."

The Hon'ble Mr. V. J. Patel asked:—

Political offenders and the Royal Proclamation of clemency.

20. "Will Government lay on the table—

(*1*) a list of political offenders, in whose favour the Royal Proclamation of clemency has been extended;

(*2*) a list of such offenders whose cases are still under consideration, and

(*3*) a list of such offenders whose cases have been already adversely decided?"

The Hon'ble Sir William Vincent replied:—

"The Hon'ble Member is referred to the answer given to the Hon'ble Mr. Khaparde on the same subject."

The Hon'ble Mr. V. J. Patel asked:—

Savarkar brothers.

21. "Have Government considered the desirability of extending the amnesty clause of the Royal Proclamation to the Savarkar brothers of the Bombay Presidency?"

The Hon'ble Sir William Vincent replied:—

"The Hon'ble Member is referred to the reply given to the Hon'ble Mr Khaparde."

The Hon'ble Mr. V. J. Patel asked:—

Recruitment in India for services now recruited in England.

22. "(*a*) What progress has been made in the matter of adopting a fixed percentage of recruitment in India in *all* services that are now recruited in England?

(*b*) Is such percentage to be increased annually?"

The Hon'ble Sir William Vincent replied:—

"(*a*) A fixed percentage of recruitment in India has been adopted in the following services:—

Indian Police Service.
Indian Educational Service (men).
Indian Agricultural Service.
Imperial Customs Service.
Telegraph Engineering Branch of the Posts and Telegraphs Department.
Engineer Establishment of the Public Works Department.

As regards the Bengal Pilot Service, Geological Survey of India, Indian Mine Department, Factory and Boiler Inspection Departments and Mint and Assay Department, it is not possible to fix a definite percentage until scientific and technical education has made further progress. The case of the other services recruited in England is still under consideration.

(*b*) The answer is in the negative so far as the services enumerated above are concerned. The case of the Indian Civil Service is still under consideration"

The Hon'ble Mr. V. J. Patel asked:—

Rules under the new Act with regard to publication of disallowed questions or resolutions.

23. "(*a*) Is it a fact that Presidents of some Provincial Legislative Councils have ruled that publication of a disallowed question or resolution is a breach of etiquette?

(*b*) Are Government aware that the ruling has caused much dissatisfaction among the non-official members of the Councils concerned?

(*c*) Is it proposed to clear up the matter in the rules to be made under the new Government of India Act?"

The Hon'ble Sir William Marris replied:—

"(*a*) & (*b*) The Government of India have no information.

(*c*) It is not proposed to include in the Rules or the first Standing Orders any provision dealing with such disclosure; but that will not prevent the local Councils from marking their own sense of the irregularity of such a procedure by a suitable amendment of the Standing Orders, if they consider such disclosure an impropriety."

The Hon'ble Mr. V. J. Patel asked:—

Grant of Military rank to Indian clerks.

24. "(*a*) Is it the custom that when men belonging to British regiments are taken into the Supply and Transport Corps as clerks, they are given substantive military rank according to their pay?

(*b*) If the answer is in the affirmative, do Government propose to grant such substantive military rank (Indian) to those Indian clerks in the Supply and Transport Corps who belong to Indian regiments?"

His Excellency the Commander-in-Chief replied :—

"(*a*) Men belonging to British regiments are not ordinarily employed in the Supply and Transport Corps as clerks. There are, however, a few British soldiers in the office of the Officer in charge, Supply and Transport Corps Records, but their rank is not governed by their pay.

(*b*) Men belonging to Indian regiments are not taken into the Supply and Transport Corps as clerks."

The Hon'ble Mr. V. J. Patel asked :—

Representation of the wage-earning classes on the Legislative Assembly, etc.

25. "What steps do Government propose to take to secure due representation by election of the wage-earning classes of British India on the Legislative Assembly and the Council of State?"

The Hon'ble Sir William Marris replied :—

"As the Hon'ble Member is probably aware, it is intended in the case of both chambers of the Indian Legislature, and more particularly in the case of the Council of State, which is a revising chamber, to prescribe franchise qualifications which will be higher than those which are being adopted for the provincial Legislative Councils. It is not possible, therefore, to include wage-earners in the electoral rolls of either chamber. The interests of this class will be provided for, so far as may be necessary and possible, by nomination."

The Hon'ble Mr. V. J. Patel :—"Do not the recommendations of the Joint Committee suggest that provision should be made for the representation of wage-earning classes in the Legislative Assembly and the Council of State?"

The Hon'ble Sir William Marris :—"To the best of my recollection, my Lord, there is no such specific recommendation with reference to the Legislative Assembly or the Council of State."

The Hon'ble Mr. V. J. Patel asked :—

Applications made by Indians to the India Office authorities for appointments.

26. Will Government be pleased to obtain and lay on the table the statement asked for by me on the 19th February, 1919, embodying the rules followed in dealing with applications made by Indians to the India Office authorities in England for appointments in their gift; and showing year by year since 1910 (*a*) the number of such applications received, (*b*) the appointment applied for in each case and (*c*) the reply given to each applicant?

The Hon'ble Sir William Vincent replied :—

"As stated in my reply to the Hon'ble Member's question on the 19th February, 1919, the Government of India have no information, but they propose to address the India Office on the subject. If the information is supplied to the Government of India, it will be laid on the table."

The Hon'ble Mr. V. J. Patel asked :—

Recruitment from England.

27. "Is it the intention of Government to defer asking the Secretary of State (except in the most urgent cases) for any fresh recruits from England for the public services till the reformed Governments are established?"

The Hon'ble Sir William Vincent replied :—

"The answer is no."

The Hon'ble Mr. V. J. Patel asked :—

Headquarters of the Government of India.

28. "Do Government propose to consider the desirability—

(*a*) of increasing the period of their stay at Delhi,

(*b*) of establishing at Delhi—

(1) a teaching and residential University,

(2) an institute of technology, and

(3) an all-India Court of Revision or Appeal ?"

The Hon'ble Sir William Vincent replied :—

"(*a*) Government are prepared to consider the desirability of increasing the period of their stay in Delhi.

(*b*) (1) The question of establishing a teaching and residential University at Delhi has for some time been under consideration by a Committee. After the Committee has reported, its recommendations will be considered by the Government of India.

(2) There is already a small technical school at Delhi which the Government of India have recently assisted financially. The question of enlarging its scope is one for future consideration.

(3) The answer is in the negative."

The Hon'ble Mr. V. J. Patel asked :—

Grant of British rank to Indian clerks in the Supply and Transport Corps.

29. "Do Government propose to grant British rank, such as that of non-commissioned and warrant officers, to selected highly paid Indian clerks in the Supply and Transport Corps in Mesopotamia ?"

His Excellency the Commander-in-Chief replied :—

"There is no such proposal under consideration. A copy* of the existing orders regarding the relative rank of civil officials and subordinates in military offices, when employed in the field, is laid on the table."

The Hon'ble Mr. V. J. Patel asked :—

Temporary Indian clerks in the Supply and Transport Corps.

30. "(*a*) Is it a fact that since April last all promotions for temporary Indian clerks in the Supply and Transport Corps in Mesopotamia have been prohibited for the period of their agreement ?

(*b*) If the answer is in the affirmative, will Government state if recruiting officers had not invariably held out hopes of rapid promotion to men before they signed their agreements ?"

His Excellency the Commander-in-Chief replied :—

"The Government of India have no information on the subject and no orders on the matter have been issued. Promotions of temporary clerks in the field are not made by Army Headquarters, India."

The Hon'ble Mr. V. J. Patel asked :—

Committees appointed by Government during this session.

31. "Will Government lay on the table a statement showing :—

(*a*) The Select Committees on Government Bills appointed during this session ?

(*b*) Committees appointed by virtue of resolutions passed by the Council during the session ?

(*c*) Committees appointed by Government of their own accord during the session with the names of non-official members put on each such Committee ?"

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* Not included in these Proceedings.

The Hon'ble Sir George Lowndes replied:—

"(*a*) and (*b*) The Hon'ble Member will find all the information he asks for in the proceedings of the meetings of Council, of which he receives copies as they are published.

(*c*) A statement * is laid on the table showing the constitution of other Committees which have been appointed during the present session."

The Hon'ble Mr. V. J. Patel asked:—

Questions and Resolutions disallowed in Provincial Councils.

32. "(*a*) Are Government aware that there is a widespread complaint that one of the causes of the failure of the Minto-Morley Reforms is the misuse of the power of the Presidents of Provincial Legislative Councils to disallow questions and resolutions under the "public interest" formula?

(*b*) Do Government propose in the rules to be framed under the new Government of India Act to make provision limiting or curtailing the power of the President in this behalf?"

The Hon'ble Sir William Marris replied:—

"(*a*) The Government of India are aware that the disallowance of questions and resolutions has occasionally been the subject of adverse criticism, but they have no information which leads them to suppose that any considerable section of the public attributes to the action in this matter of the Presidents of provincial Legislative Councils the far-reaching effects which the Hon'ble Member apparently would assign to it.

(*b*) As the Hon'ble Member is aware from the copy supplied to him, the draft rules under section 11 (5) of the Government of India Act include provisions empowering the Governor to disallow any question or resolution on the ground that it cannot be put or moved consistently with the public interest. The Government of India, however, have under consideration a proposal that the Governor should have this power only in regard to resolutions, but they must await the views of local Governments upon the point."

The Hon'ble Mr. V. J. Patel asked:—

Disallowance of questions.

33. "(*a*) Is it not a fact that questions *including quotations* have never in the past been disallowed by His Excellency the President on the ground that the quotations are of excessive length or that they contain arguments? (*b*) Is it true that several such questions have been recently disallowed? (*c*) Is it proposed to provide in the rules to be made, under the new Government of India Act that questions shall not be disallowed on the ground that quotations are of excessive length or that they contain arguments?"

The Hon'ble Sir William Marris replied:—

"(*a*) The facts are not as suggested by the Hon'ble Member. Questions are not disallowed because they contain quotations; questions of excessive length are disallowed or returned for amendment, and it is the practice to deal in the same way with questions which contain arguments, whether the arguments are embodied in the form of quotations or not.

(*b*) Yes.

(*c*) The answer is in the negative. It is proposed to provide in the standing orders for the Legislative Assembly and the Council of State, which will be framed under the Government of India Act, that a question in order to be admissible, must not contain arguments nor be of excessive length."

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* Not included in these Proceedings.

The Hon'ble Mr. Surendra Nath Banerjea asked:—

Revision of the pay of Superintendents of Post Offices.

34. "(*a*) Has the attention of Government been drawn to a memorial submitted to the Secretary of State for India by the Superintendents of Post Offices, asking for a revision of their pay from 1st October 1919, and fixing it at Rs. 300 to Rs. 900 a month?

(*b*) When were the present rates of minimum and maximum pay for Postal Superintendents fixed?

(*c*) Do Government propose to consider favourably the memorial of the Postal Superintendents?"

The Hon'ble Sir George Barnes replied:—

"(*a*) Yes.

(*b*) The present minimum was fixed in 1871 and the present maximum in 1904.

(*c*) The memorial of the Superintendents will receive the full consideration of Government."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Government of India Circular on local self-government.

35. "(*a*) Has any effect been given so far in the Scheduled District of Ajmer-Merwara to the Circular of the Government of India on local self-government of May 1918?

(*b*) Is it a fact that the Ajmer Municipalities Regulation, 1886, is being revised?

(*c*) If the answer be in the affirmative, will Government state whether in the revised Regulation full effect will be given to the above-mentioned Circular and whether full opportunity will be afforded to the people of that district to criticise its provisions before their enactment?"

The Hon'ble Sir John Wood replied:—

"(*a*) The answer is in the negative.

(*b*) The answer is in the affirmative.

(*c*) It is proposed to give effect to the circular so far as the circumstances of the Municipalities in Ajmer-Merwara permit. The Chief Commissioner will give a reasonable opportunity for public criticism before the revised Regulation is brought into force."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

Memorials from the members of the Subordinate Account Service of the Military Accounts Department for increase of pay.

36. "(*a*) Have any memorials been recently received from the members of the Subordinate Account Service of the Military Accounts Department praying for increase of pay? If so, has any action been taken on such memorials?

(*b*) Is the question of increase of pay of employees in the Military Accounts Department under consideration? If so, when is it likely to be decided? Is it under contemplation to make the increase, if any, with retrospective effect?

(*c*) Is it a fact that the revised list showing the standing of each member of the Subordinate Account Service of the Department has not been issued for the last 27 months? If so, will Government state the reason? When is it proposed to issue the revised list?

(*d*) Did any persons holding posts in the Military Accounts Department proceed for field work during the recent North-Western Frontier disturbance? If so, how many? Were the posts of such persons filled up sub. *pro tem.* during their absence?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) and (*b*). The attention of the Hon'ble Member is invited to the answer given to the Hon'ble Mr. Khaparde's question on the same subject on the 26th February, 1919. Since then certain memorials have been received which have either been rejected or are under consideration. Measures of improvement are contemplated, and as a first instalment of relief a re-arrangement of the proportion of the establishment in the higher and lower grades has been decided upon which has given the department 65 additional appointments in the grades of accountants from 1st April, 1919, reducing a similar number of the clerical grades. The further steps to be taken, including the possible application to the Military Accounts Department of a time-scale of pay similar to that which has been recently sanctioned for the Civil Accounts Department, are still under consideration along with other questions regarding the post-war organisation of the Department. It cannot be stated at present whether any retrospective effect will be given or not to the concessions which are ultimately decided upon.

In the meanwhile, owing to the demobilization of Army officers who had been temporarily attached to the Military Accounts Department, members of the Subordinate Account Service have for the past year, been freely promoted on a temporary basis to the grade of Deputy Examiner. During the past 10 months about 52 Deputy Examiners have been appointed in this manner. This arrangement has entailed a chain of vacancies in the lower grades and the emoluments of the men in such grades have accordingly been considerably increased. War allowances have of course been granted to junior clerks, on the scale adopted by the various Local Governments and Administrations.

(*c*) The issue of the gradation list is a departmental matter and does not affect the promotions of the staff. Promotions have been notified to the end of December, 1919. The printing of the list was suspended during the war owing to pressure of work, but a list has just been issued.

(*d*) Yes. About 40 permanent accountants and clerks have been detailed for field work in connection with the North-West Frontier Force, and sub. *pro tem.* promotions have been allowed in their places."

The Hon'ble Mr. Kamini Kumar Chanda asked:—

License for public meetings in Delhi.

37. "(*a*) Is it a fact that public meetings are not allowed to be held in any public place in Delhi except under a license obtained from the police or a Magistrate?

(*b*) Will the Government be pleased to consider the question of revoking this order?"

The Hon'ble Sir William Vincent replied:—

"Since the Delhi riots of 1886 a general order has been in force under Sections 30 to 32 of the Police Act requiring persons who wish to convene public meetings in public places or to take processions through the public streets to obtain a license beforehand. A license is seldom if ever refused, and then only in very exceptional circumstances. No applications for public meetings have been refused since 5th May, 1919. Government do not propose to interfere with the discretion of the District Magistrate in this matter."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

Increase in the pay of the clerical Staff of the Calcutta Currency Office.

38. "(*a*) Is it a fact that the clerks of the Currency Office of Calcutta have submitted several representations to His Excellency the Viceroy, the Hon'ble the Finance Member and the Controller of Currency since 1917 for an increase of their pay and that no definite reply has been given to them so far by any of these authorities?

(*b*) Is it a fact that some promise was held out to the clerks of the Calcutta Currency Office in regard to the increase of their pay by Mr. Gubbay in June 1919, and that no effect has yet been given to redeem that promise?

(*c*) Have Government given, or are they prepared to give, any consideration to the said representations and, if so, when?"

The Hon'ble Mr. W. M. Hailey replied:—

"(*a*) The Currency Office clerks memorialised in December 1917, and as a result the pay of the lower appointments was increased. In September 1918, the Government of India sanctioned the extension, to the clerks in all Mint, Assay and Currency Offices of the measures of temporary relief, on account of the rise in prices due to the war, which had already been or would, thereafter, be sanctioned for Provincial establishments serving in the same locality as themselves. They again memorialised in October 1918, and were informed that the Government of India did not see any reason to sanction any special measures of relief other than those just mentioned. Further memorials, praying for an increase of pay, were received during the last year, and in August 1919 they were informed that their memorials were under consideration.

(*b*) Nothing is known by the Government of India of any promise for an increase of pay held out by Mr. Gubbay in June 1919 to the clerks of the Calcutta Currency Office.

(*c*) The general question regarding the revision of the pay of all Currency Office establishments throughout India is still under consideration, but is expected to be settled very shortly."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

39. "(*a*) Has a Publicity Bureau been established in connection with the Home Department of the Government of India? If so, when and with what objects and what are its usual methods of propaganda? The Publicity Bureau.

(*b*) Will Government lay on the table the names, pay and qualifications of all the men employed in this branch of the Home Department?

(*c*) Were the men appointed to this branch recruited through newspaper advertisements? If not, how were they recruited?"

The Hon'ble Sir William Vincent replied:—

"(*a*) There is no regular Publicity Bureau attached to the Home Department, but an officer has been placed on special duty to advise on questions of publicity and to prepare the Moral and Material Progress Report. The necessity of publicity work was demonstrated by the war and the Officer on Special Duty is the successor of the Central Publicity Board. His publicity work is largely, though not entirely, confined to advising provincial publicity organizations and supplying useful information.

(*b*) I place a statement* on the table giving as far as it is available the information asked for by the Hon'ble Member.

(*c*) The answer is in the negative. The Officers were selected for these appointments."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked:—

40. "What buildings are contemplated in connection with the Dacca University Scheme and the partition of the Mymensingh and Midnapur districts in Bengal for which provision has been made in the Budget for 1920-21 (under head XXXI and 45) and what is the estimated cost of each of them?" Buildings in connection with Dacca University Scheme.

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*Vide Appendix F.

The Hon'ble Mr. Shafi replied :—

"The Government of India are not aware what additional buildings will be required in order to complete the Dacca University scheme in its present form although there has been considerable correspondence with the Government of Bengal in previous years on this subject.

A statement* of the buildings contemplated in connection with the partition of the Mymensing district together with estimates of cost is placed on the table.

As regards Midnapore, the total estimated cost of buildings is Rs. 16,38,345. No detailed information is available.

In the two latter cases the expenditure will be spread over a number of years. It is not known what particular buildings it is proposed to commence in 1920-21."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Persons detained under Regulation III of 1818 and the Defence of India Act.

41. "Will Government be pleased to state (1) the total number of persons detained in the various provinces of India under (*a*) Bengal Regulation III of 1818 and similar Regulations and (*b*) the Defence of India Act since 1916, up to September 1919, and (2) how many of these have been released in each province since the general amnesty announced in the King-Emperor's Proclamation of December 23rd last ?"

The Hon'ble Sir William Vincent replied :—

"The Hon'ble Member is referred to the statement already placed on the table. Further information is not available."

The Hon'ble Sir Maharaja Manindra Chandra Nandi asked :—

Petition by the clerks of Kidderpore dockyard for a revision of their rates of pay.

42. "(*a*) Is it a fact that some of the clerks of the Kidderpore dockyard submitted a petition to His Excellency the Viceroy through the Director of the Royal Indian Marine of Bombay, in April 1918, praying for a revision of their pay on the ground, among others, of high prices and that, while the scale of pay of the similar class of employees in the Bombay dockyard was raised in September of the same year, the claims of the Kidderpore men were completely ignored ?

(*b*) Is it a fact that temporary increase of pay was sanctioned to the clerical staff of the Kidderpore docks in April 1919 and was withdrawn suddenly on the 15th of December last ?

If so, what is the reason for the withdrawal of this concession ?

(*c*) Do Government propose to consider the advisability of revising the scale of pay of or restoring the concession rates granted to the said clerical staff ?"

His Excellency the Commander-in-Chief replied :—

"(*a*) It is a fact that some of the clerks of the Kidderpore dockyard submitted a petition to His Excellency the Viceroy through the Director, Royal Indian Marine, Bombay, in April 1918, praying for a revision of their pay on the ground, among others, of high prices. This petition was not forwarded to the Government of India, as the Director, Royal Indian Marine, on his own authority, sanctioned a temporary re-organization of the clerical establishment of the dockyard, with increased rates of pay for both the permanent and temporary establishments with effect from the 1st April 1919.

The answer to (*b*) is in the affirmative, but only as regards the permanent clerical establishment. The reason for this decision was that the Director,

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* Not included in these proceedings.

Royal Indian Marine, had no authority to increase the pay of this class. Consequently, on the matter being reported to the Government of India, orders were issued for the withdrawal of the unauthorised increase, but at the same time the Director was called upon to submit his recommendations for enhanced pay on behalf of any particular members of the permanent establishment which could be justified either on the grounds of increased responsibility or the rise in the cost of living. These recommendations are now awaited, and on receipt, will be considered sympathetically. This answers also clause (*c*) of the question."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—

Quarters, pay, leave, etc., for Indian guards.

43. "(*a*) Are the Government aware of the grievances of the Indian guards in the Traffic Department of the Eastern Bengal Railway in regard to quarters, scale of pay, uniform, holidays and the question of leave?

(*b*) Is it a fact that out of 129 Indian guards in the six districts of the Eastern Bengal Railway, as many as 82 are without any quarters, while as many as 105 European and Anglo-Indian guards out of 111 only in the same number of districts are provided with quarters?

(*c*) Is it a fact that while the quarters of nearly all the European and Anglo-Indian guards are of what is technically known as the "D" type and have generally two bedrooms, two bathrooms, one living room, one kitchen, one pantry and one verandah, the quarters of the Indian guards consist of the "G" type and have in most cases only one bedroom with a small kitchen attached to them?

(*d*) Are the Government aware of the fact that in most of the places where Indian guards are stationed, it is difficult and sometimes impossible to secure house accommodation of any kind even for high rent?

(*e*) Is it a fact that the Indian guards are taken into the service of the Eastern Bengal Railway on Rs. 28 a month in grade A for the same work and the same responsibility for which European and Anglo-Indian guards are taken for Rs. 95 a month in grade C, and while the latter guards generally get Rs. 160 a month after 5 years' service, the Indian guards, after service for the same period, seldom get into grade B, the salary of which commences from Rs. 55 a month?

(*f*) Is it also a fact that while Indian Christians bearing European names are taken at once in grade C, Indian Hindus and Musalmans are never admitted into this class except by very slow promotion?

(*g*) Is it a fact that the admission into the service of this Railway of a number of *ex*-soldiers has practically blocked the prospects of all senior Indian guards in grade B and that selections for such officers as Claims Inspector, Train Controller, Platform Inspector and Traffic Inspector are practically made from Anglo-Indian guards, and that Indian guards, with the same qualifications, are hardly given even a chance to prove their merit in these capacities?

(*h*) Is it a fact that the Indian railway guards find great difficulty in getting leave when they want it badly, and also that, as a practice, medical leave is not commuted to privilege when privilege leave happens to fall due to any such officer?

(*i*) Is there any difference in the uniforms and head-gear given to European and Anglo-Indian railway guards and to Indian guards?

(*j*) Is it a fact that while double allowances are granted to railway guards for working during the Christmas and other Christian holidays, no such extra allowance is provided for the Hindu or Mahomedan holidays, including the Durga Pujas?"

The Hon'ble Sir Arthur Anderson replied :—

"(*a*) Government are advised that Indian guards in the Traffic Department of the Eastern Bengal Railway submitted memorials last year regarding quarters and scale of pay to the Eastern Bengal Railway administration.

(*b*) As there are 8 Districts on the Eastern Bengal Railway and the Hon'ble Member has not specified the 6 districts to which he refers I am unable to state if the numbers given by the Hon'ble Member are in accordance with actuals.

(*c*) The normal type of quarters sanctioned for European and Anglo-Indian guards is 'G' type and for Indians 'W' type. As it is difficult to give a full description of these quarters in reply to a question I will be glad to show the Hon'ble Member the plans of the types should he desire further information.

(*d*) Government are aware that the difficulty exists, and they are doing what they can to remedy it.

(*e*) The scales of pay sanctioned for guards on the Eastern Bengal Railway, with effect from 1st April 1919, are given in the statement* laid on the table.

As a rule Indian guards are appointed in 'A' class and European and Anglo-Indian guards in 'C' class. Promotion from class to class depends on vacancies occurring in the next higher class and selected Indian guards in 'B' class are eligible for promotion and are promoted to 'C' class.

(*f*) The reply is in the negative.

(*g*) The reply to the first part of this question is in the negative.

The promotion of guards to Claims Inspector, Train Controller, etc., is made by selection and the cases of suitable Indians are considered along with cases of suitable Europeans or Anglo-Indians.

(*h*) Indian guards are treated in precisely the same manner as all other staff in the matter of leave, which is granted if due and if relief be available.

Medical leave is, as a rule, commuted to privilege leave, if due, and if the absence is supported by a proper medical certificate.

(*i*) The difference in the uniforms and head-gear of European and Anglo-Indian guards and Indian guards is described in the statement laid on the table.

(*j*) All Railway guards, irrespective of nationality, working trains on Christmas Day, New Year's Day, King-Emperor's Birthday, and Good Friday are allowed half-a-day's extra pay. No extra allowance is granted for working trains on any other holidays, Christian, Hindu or Muhammadan."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

The Royal Proclamation and political offenders.

44. "(*a*) What is the number of persons released as a result of the Royal Proclamation in the several provinces of India? (*b*) How many persons are still under confinement or interned for political offences? (*c*) How many such cases are still under consideration?"

The Hon'ble Sir William Vincent replied :—

"The Hon'ble Member is referred to the answer given to the Hon'ble Mr. Khaparde on the subject."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked :—

Report of the Llewellyn Smith Committee.

45. "Will Government lay on the table a copy of the Report of the Llewellyn Smith Committee?"

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* Not included in these Proceedings.

The Hon'ble Sir William Vincent replied:—

"Government are not prepared to lay a copy of the report on the table at present, but they will be prepared to re-consider this question when they have decided what action to take upon the report."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

The Government of India Secretariat Clerical Establishment. (Upper Division).

46. "Is it a fact that there have been cases in which vacancies in the Upper Division of the clerical establishment of Departments of the Government of India Secretariat have been filled up by importing Anglo-Indians from outside or from other departments or from Provincial Secretariats, though Indians with higher or equal qualifications were available in the Department in which vacancies occurred?"

The Hon'ble Sir William Vincent replied:—

"The answer is in the negative. It has been found necessary from time to time to introduce both Anglo-Indians and Indians from outside into various departments of the Government of India Secretariat in order to maintain the efficiency of the office, but in no case has any one been imported from outside to supersede men with higher or equal qualifications already in the Department."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

The clerical establishment of Army Head-quarters.

47. "(*a*) Will Government be pleased to lay on the table a statement of Upper Division appointments held—

(*i*) by Indians,

(*ii*) by Anglo-Indians,

(*iii*) by British soldiers,

(*iv*) by European or Anglo-Indian women

in the different branches of the Army Headquarters?

(*b*) Is it a fact that in the offices of the Army Headquarters almost all the Upper Division appointments are held by soldiers, Anglo-Indians and European or Anglo-Indian women?

(*c*) Are the doors of these appointments closed against Indians?"

His Excellency the Commander-in-Chief replied:—

"(*a*) I place on the table a statement* showing the Upper Division appointments in the several branches of Army Headquarters which are held by Indians, Anglo-Indians, British soldiers, and European or Anglo-Indian women.

(*b*) It will be observed from the Statement that 22 per cent. of the appointments are held by Indians; 15·2 per cent. by Anglo-Indians; 59·2 per cent. by British soldiers and 3·6 per cent. by European or Anglo-Indian women.

(*c*) The doors of these appointments are not closed against Indians."

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan asked:—

An additional fast train from Calcutta to Goalundo.

48. "Do Government propose to consider the advisability of running a fast train from Calcutta to Goalundo in addition to the Dacca Mail?"

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* Not included in these Proceedings.

The Hon'ble Sir Arthur Anderson replied :—

"In addition to the ordinary passenger trains, there are already two fast mail trains running each way between Calcutta and Goalundo, and Government do not consider the addition of another fast train justified."

The Hon'ble Rai Sahib Seth Nathmal asked :—

Raising of the status of the Central Provinces and Berar.

49. "(*a*) How do the Central Provinces and Berar stand as compared with Bihar and Orissa with respect to area, number of districts, revenue and expenditure ?

(*b*) Did Government, in reply to a question put by Rai Bahadur B. D. Shukul in this Council on the 12th September 1917, promise to consider the questions of raising the status of the Central Provinces and Berar in case popular opinion manifest itself in that direction ?

(*c*) Will Government state why the Central Provinces and Berar in the second schedule to the Government of India Act of 1919 have been relegated to an inferior status to Bihar and Orissa ?

(*d*) Are Government aware that such relegation of the Central Provinces and Berar to a lower status has caused great disappointment and irritation in those provinces ?

(*e*) Do Government propose to reconsider the question and take steps with a view to have the schedule amended so as to raise the status of the Central Provinces to that of Bihar and Orissa."

The Hon'ble Sir William Marris replied :—

"(*a*) The figures are as follows :—

Area—	Square miles.
Central Provinces and Berar	99,682
Bihar and Orissa	83,282
Number of Districts—	
Central Provinces and Berar	22
Bihar and Orissa	21
Provincial Revenue—	Rs.
Central Provinces and Berar	3,12,55,008
Bihar and Orissa	3,51,26,652
Provincial Expenditure—	Rs.
Central Provinces and Berar	3,22,27,362
Bihar and Orissa	3,39,40,722

(*b*) The Government of India stated in reply to the question referred to that they were willing to examine the question of appointing a Lieutenant-Governor with an Executive Council for the Central Provinces if any strong public opinion manifested itself on the subject.

(*c*) The salaries prescribed in the second schedule of the Government of India Act of 1919 were fixed in accordance with the estimated relative importance of the duties which will fall to the Governors and Members of Executive Councils in the different provinces. Opinions may differ as to the weight which should be assigned to each of the factors which ought to be taken into account in determining the comparative importance of the various provincial charges. But it is presumed that in the opinion of Parliament, Bihar and Orissa, which has a population nearly two and a half times greater than that of the Central Provinces and Berar and has enjoyed for a number of years a more advanced form of Government, is a heavier and more important charge than the Central Provinces and Berar.

(*d*) The Government of India have no information to this effect.

(*e*) The Government of India consider that no sufficient reasons exist for asking Parliament to reconsider a decision arrived at so recently after full examination of all the relevant data."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Revision of the salaries and the service rules of subordinate office establishments.

50. "(*a*) Is it a fact that, in view of altered economic conditions as also in pursuance of the recommendations of the Public Services Commission, Government contemplate a general revision of the salaries and the service rules of the subordinate establishments of all offices under this Government, whether located at headquarters or at provincial centres or elsewhere?

(*b*) Is it likewise a fact that a general increase with a system of time-scale pay has been so far sanctioned in some offices only? If so, why?

(*c*) Do Government propose to order the introduction at an early date of uniform conditions of service as regards pay, promotion, leave, pension, etc., into all offices under this Government, whether located at headquarters or at provincial centres or elsewhere?"

The Hon'ble Sir William Vincent replied :—

"(*a*) The Hon'ble Member is referred to the answer given on the 25th February to a question asked by the Hon'ble Khan Bahadur Ebrahim Haroon Jaffer regarding the enhancement of salaries of public servants.

(*b*) A statement* is laid on the table giving the information desired by the Hon'ble Member so far as available.

(*c*) Government do not control the offices under provincial Governments, and do not propose to lay down uniform conditions of service in all offices under them as regards pay and promotion, because the circumstances and the nature of the duties to be performed are not the same in all cases. The rules regarding leave and pension are the same for all, according to the Service rules under which they serve."

The Hon'ble Nawab Syed Nawab Ali Chaudhury, Khan Bahadur asked :—

Appointments made to the Provincial Branch of Judicial Service by the Calcutta High Court.

51. "Will Government lay on the table a statement showing separately the number of appointments given to the members of different communities, in the Provincial Branch of the Judicial Service by the High Court of Calcutta during the last 8 years from 1912?"

The Hon'ble Sir William Vincent replied :—

"The local Government concerned has been asked to supply the necessary information, and on receipt a statement will be laid on the table."

The Hon'ble Rai Bahadur K. V. Reddi asked :—

Death rate among the depressed classes.

52. "What is the proportion of death rate among the depressed classes compared to that of other classes of Indians?"

The Hon'ble Mr. Shafi replied :—

"The information is not available, and is impossible to collect under existing conditions of registration. The whole system of registration will be closely considered at the next informal conference of Sanitary Commissioners and the possibility of compiling vital statistics by classes or castes will receive attention."

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* Not included in these Proceedings.

The Hon'ble Rai Bahadur K. V. Reddi asked :—

Recruits enlisted during the war in the Madras Province as combatants and non-combatants.

53. "(*a*) What is the total number of recruits for the army enlisted during the war from the Madras Presidency for service outside India as combatants and as non-combatants ?

(*b*) How many of them were Brahmans and how many are non-Brahmans ?

(*c*) How many of them have been demobilised ?

(*d*) How many of those demobilised have been re-employed in the Government (Civil) service."

His Excellency the Commander-in-Chief replied :—

"(*a*) 51,223 combatants and 57,117 non-combatants were recruited from the Madras Presidency for the Army during the war.

(*b*) It is not known how many were Brahmans and how many were non-Brahmans, but the proportion among combatants may be taken approximately at one Brahman to every 500 non-Brahmans.

(*c*) Since the armistice a grand total of 250,000 combatants and 107,587 non-combatants have been demobilized in India.

Separate figures as to the numbers recruited in the Madras Presidency who have been demobilized are however not available, except in the case of non-combatants demobilized from the Pallavaram Depôt, which total 7,746 and are presumably Madrasees.

Other non-combatants from the Madras Presidency have been discharged at other depôts, but the figures by provinces are not available.

(*d*) The attention of the Hon'ble Member is drawn to Home Department Resolution No. 1099, dated the 8th August, 1919, published in the supplement to the Gazette of India of the 23rd August, 1919, in which the concessions granted in the matter of civil appointments under Government to those persons who have rendered service in the prosecution of the recent war were announced. Copies of the Resolution were communicated to all Local Governments and Administrations. No figures showing the numbers of demobilized men re-employed in Government service are available."

The Hon'ble Mir Asad Ali, Khan Bahadur asked :—

Separate Waiting room for pardah ladies at Bangalore station.

54. "Has any representation been made to the Madras and Southern Mahratta Railway authorities as regards the provision of a separate waiting room for pardah ladies at Bangalore station, and, if so, what action was taken by the authorities in the matter ?

The Hon'ble Sir Arthur Anderson replied :—

"The Agent, Madras and Southern Mahratta Railway, reports that no such representation has been made, but that separate waiting rooms exist for first and second class lady passengers and may be used by pardah ladies travelling first and second class."

THE BUDGET FOR 1920-21.

The Hon'ble Mr. W. M. Hailey :—"My Lord, I rise to present 11-18 A.M. the Budget of the Government of India for 1920-21. Certain changes have been made in the estimates presented to Council on March 1st, and I shall briefly refer to the more important of those. The Financial Secretary's Explanatory Memorandum has also been revised in the light of our latest information. The final figures for the Revised and Budget Eastimates are embodied in the usual formal statements which are laid on the table.

"I will take first of all the revised figures for the current year. The net result of the changes made since March 1st is that the revised estimate for Imperial revenue in the current year now amounts to £96,05,000, and the expenditure to £106,124,000, giving a deficit of £10,074,000 as against the £14,368,000 estimated on March 1st. The reduction in the deficit is due almost entirely to the effect of the Resolution passed by the Council on March the 9th regarding the special contribution towards the cost of the war. As I explained in the Appendix to my Financial Statement, India will have to bear certain charges, amounting in all to £1 million, which, if the full contribution were paid, would have been taken against that. On the other hand, the amount of the contribution still to be paid is, as I explained to Council when Mr. Patel's Resolution was under discussion, reduced to a figure of £800,000. Deducting from this the provision of £547,000 previously included in the estimates for the contribution, the net liability falling on us amounts to £1,253,000. We shall of course not be liable to any payment on account of the extraordinary pensions of Indian troops and their British officers arising from the war, although, as these pensions fall due, they will be paid from Indian revenues; what we shall do therefore is to recover from His Majesty's Government a lump sum representing the capitalized value of these pensions, and, for the purpose of the present estimates, I am assuming that this recovery will be made in the current year, the amount involved being roughly £5 million. The net result therefore is that there is a betterness in the revised estimates on this account of slightly above £4 million. As regards our ordinary revenues, the only item which I need mention is an improvement of 27 lakhs, which occurs mainly in income tax and super-tax collections in Bombay.

"I now turn to the Budget figures relating to the coming year. As regard these, we now anticipate an Imperial revenue of £92,926,000 and an expenditure of £90,411,000 resulting in surplus of £2,515,000 as against £2,004,000 anticipated by me on March 1st, the difference being due partly to an increase in interest receipts in England of about 45 lakhs owing to smaller withdrawals from the Paper Currency Reserve than previously anticipated, and partly to a rise in the Imperial share of land and excise revenue in certain provinces. I desire, however, to repeat and emphasise the warning which I gave in my speech introducing the Financial Statement regarding the reality of this surplus. The Council will remember that I pointed out the great difficulty of framing a budget in view of the predominance in our revenue estimates of that indeterminate figure, the gain by exchange. The portion of the total gains by exchange during the next year which we expected to take to revenue amounted to 6 crores, this amount being a residuum left after crediting the capital accounts of railways, irrigation and Delhi, and after earmarking 12 crores to make up the deficiency in the Paper Currency Reserve. I think it must be clear to all Hon'ble Members who have followed our discussions that, in view of the obscurity of the exchange position, the extent, if any, to which our revenue account will be the residuary legatee in the matter of these gains is highly uncertain. When the Financial Statement was framed, I took what I thought was a reasonable figure for the gross amount of the gains. The situation is so uncertain that I am not prepared to substitute with any confidence a different figure. Nevertheless, I must emphasise the precariousness of this surplus and must warn the Council that, in the event of the gross gains being smaller than we had anticipated, it may be turned into a deficit.

"As regards the provincial estimates, I need not trouble the Council with the small changes which have been made. The provincial drawings during the next year are expected to be about £300,000 more than previously anticipated mainly on account of extra provision inserted for further revisions of the pay of subordinate establishments.

"In our ways and means estimates we expect to end the year with a cash balance of £27⅓ million, in England and India together, against £21⅓ million shown in the Financial Statement. The increase arises mainly from the recovery of about £5 million from the Home Government to which I have already referred. In the coming year we anticipate a combined closing balance of about £16⅔ million as against the £18¼ million mentioned by me on March 1st. I propose to refer briefly to the changes which we have now made. In the first place, the probable state of our balances during the course of the year combined with the highly uncertain course of the sterling exchange, points to the desirability of our strengthening our ways and means position by every possible method. We have decided, therefore, that it would be safer not to budget for the disbursement of 9 crores from the amount held in suspense to meet the deficiency in the Paper Currency Reserve, but to apply this instead in reduction of our Treasury Bill outstandings, the amount of which, as the Council knows, is a matter for serious anxiety. Further the improvement in our cash balances which I have mentioned will enable us to devote a further sum of 9 crores towards the discharge of Treasury Bills, making up a total of 18 crores, or £12 million, to be discharged during the year. I must again remind the Council that our large Treasury Bill outstandings really represent an overspending in previous years, *i.e.*, instead of making up our revenue deficits by additional taxation, these have been financed in the main by incurring floating debt. During the war we managed to keep our floating debt at a high figure, but at any moment the time may come when a substantial portion of our Treasury Bills may run off without being replaced, and, save in so far as we can fund our floating debt in our long term loans, we must be prepared to reduce it from our cash balances. All this, I need hardly say, points to the need for caution. I know that hopes have been raised that, with the conclusion of the war, India would be able to embark on schemes of development which are now overdue but whose initiation has been postponed by the enforced economy of the war. As the Council knows, we have allowed the Provincial Governments to budget for deficits unprecedentedly large. This was partly because some amount of additional outlay could no longer be postponed, and also because of the urgent need for wholesale revisions of pay of establishments from top to bottom in view of the greatly changed conditions in respect of the cost of living. These revisions of pay are, I think the Council will agree, obligatory; but as regards other expenditure, I must once more repeat the warning I gave on March 1st as to the need for economy and caution. That caution must be maintained until the public finances, in respect of our large floating debt, are in a sounder position, and until our troubles in the northwest can be regarded as definitely over. We shall ourselves watch the position carefully; and if it deteriorates, especially in connection with expenditure on the latter account, we shall probably find it necessary to curtail or defer some items of the expenditure provided for in the Financial Statement. It is with this word of warning, my Lord, that I now present the Budget to the Council."

INCOME-TAX (AMENDMENT) BILL.

11-56 A.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, I beg to move that the Report of the Select Committe on the Bill further to amend the Indian Income-tax Act, 1918, be taken into consideration.

"It will be observed that the Select Committee has made two changes only in the Bill as drafted. The first refers to the definition of registered firms. As I have already intimated to the Council some doubt has been felt, particularly among firms registered elsewhere than in India, regarding our original definition, and I think the Council will agree that the revised definition, which merely requires that the shares of the partners shall have been definitely registered with the Collector, will remove these doubts. A second modification is in connection with the provision which we made in the Bill to give relief to a person who pays income-tax at a higher rate because his total income just exceeds a certain limit and is, therefore, worse off than the person whose total income is just below that limit. We have now added a provision to give relief in the parallel case of a person who is liable to income-tax because his taxable income just reaches Rs. 2,000.

"The changes are so small, that I think I may commend the Bill, as it now stands, to the consideration of the Council without further remarks."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill, as amended, be passed."

The motion was put and agreed to.

SUPER-TAX BILL.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Report of the Select Committee on the Bill to amend the law relating to super-tax be taken into consideration. I have in the first place two remarks to make dealing with the substance rather than with the details of the Bill. We have in the first place been asked whether companies and persons paying the English excess profits duty would receive the same measure of protection in regard to the new super-tax as they enjoyed in regard to the existing super-tax. This protection is not, of course, expressly given in our existing Act, but in a speech delivered by Sir William Meyer on the 7th March 1917, an undertaking was given by the Government of India that the excess profits duty levied in England in respect of India profits liable to Indian super-tax would be treated for super-tax purposes as working expenses and not taken into account in calculating taxable income. Executive instructions were given to Collectors in that sense, and I consider that, in view of that undertaking, similar instructions should now issue in regard to the new super-tax. Secondly, a suggestion has been made to us, with the view of protecting the interests of large companies paying small dividends and also with the view of protecting the interests of new companies. It has been proposed that our super-tax on companies should be so arranged as to provide that taxation, instead of beginning after the first Rs. 50,000 of income, should be based on the taxable income of a company in excess of such sum as would enable it to pay a fair dividend, say 7½ per cent. In discussing the matter, however, some of us felt that the protection given to small companies by our present proposal was likely to be more favourable than the protection which would be given under the proposal I have referred to; in the case of a really small company the exemption of Rs. 50,000 would probably mean total exemption. It was also felt that the proposal would have the disadvantage of basing taxation on a somewhat arbitrary figure, namely, what I may call a dividendible income exceeding 7½ per cent. It would be liable to argument by those who are interested in securing the maximum of revenue that the figure should be taken at less than 7½ per cent.: it would be equally liable to argument, by those who wish to see their particular interests protected, that the figure should be taken above 7½ per cent.: I may mention for the information of Council that in countries where corporation taxation is in force, such as Prussia and Switzerland, the figure taken is usually only 3½ per cent. But, in any case, the objection on the part of Government to accepting the proposal is that it is not possible to say what its effect would be. I am quite prepared to have enquiries made with a view to ascertaining whether a proposal somewhat on these lines could be introduced without loss, but the position must, I think, depend on the results of those enquiries and it is not possible at the present stage to adopt a definite suggestion of this nature. 11-59 A.M.

"I now turn to the details of the Bill. As I foresaw introducing the Bill, our proposal regarding the Hindu joint family has aroused a good deal of discussion. The Bill proposes to treat the joint family in every way as an individual (which is of course its legal status in law), that is to say it would pay super-tax as an individual; it would not enjoy that deduction of maintenance expenses or sums definitely allotted to its members which it enjoys under the present Act. As I have mentioned before, we believe that the privilege of deducting expenses is liable to-abuse; and again we do not see how the definite allocation of sums to members of a family is consistent with its legal position as an undivided family. The matter will, however, form the subject of two amendments, and it will perhaps be convenient if we deal with it more fully in connection with those amendments.

"A further question, not entirely one of detail, remains. I alluded to it in my speech introducing the Bill, but it may not be out of place to refer briefly again to it here. The Bill as drafted does definitely imply that some individuals will have to pay super-tax in some form or another twice over, that is to say, after that portion of their income which is represented by dividends in companies has paid one anna flat rate, their income as a whole will also pay the ordinary super-tax rate to the extent by which it exceeds Rs. 50,000 per annum. We are unable to calculate with any exactitude what would be the cost of giving relief in this respect, but it would probably be considerable, and as I have explained above, it is a relief which would be needed only in case of those drawing a very considerable income from the dividends of companies. After all the total super-tax in the most extreme cases will be below four annas in the rupee, and had we proceeded in a different way, designed to secure us the same revenue without the apparent anomaly of double taxation, we should not, I think, have been held to have inflicted undue hardship if we had raised the super-tax on incomes of this magnitude to four annas. This point, however, will also form the subject of an amendment, and I shall have the opportunity of dealing with it at greater length in that connection.

"I now move that the Bill be taken into consideration."

The motion was put and agreed to.

12 6 P.M. **The Hon'ble Rao Bahadur B. N. Sarma:**—"My Lord, I beg to move as an amendment that for the Schedule the following Schedule be substituted:—

SCHEDULE.

(*See section 4.*)

I. Where the taxable income does not exceed one lakh of rupees:—	
(*a*) in the case of the Hindu undivided family—	
(1) in respect of the first seventy-five thousand rupees of taxable income.	*Nil.*
(2) in respect of the next twenty-five thousand rupees of taxable income.	One anna in the rupee.
(*b*) in all other cases—	
(1) in respect of the first fifty thousand rupees of taxable income.	*Nil.*
(2) in respect of the next fifty thousand rupees of taxable income.	One anna in the rupee.
II in respect of the first fifty thousand rupees of taxable income over one lakh of rupee.	One and-a-half annas in the rupee.
III in respect of the next fifty thousand rupees of taxable income.	Two annas in the rupee.
IV in respect of the next fifty thousand rupees of taxable income.	Two and-a-half annas in the rupee.
V in respect of all taxable income over two and-a-half lakhs of rupees.	Three annas in the rupee.

The object of this amendment is to give relief in the case of Hindu undivided families by raising the minimum of exemption from Rs. 50,000 to Rs. 75,000. Hon'ble Members are aware that ever since the introduction of super-tax

Bills into this Council there has been a lively controversy going on as to whether Hindu undivided families have not unnecessarily suffered by reason of the theory that for legal purposes the Hindu undivided family should be treated as a unit, and that some relief should be given to the Hindu families so that the hardship which has been caused may not be so great as it is at present. I shall not repeat the arguments that have been urged on previous occasions. It is sufficient to say that there is a basis for differentiation in the case of undivided Hindu families. Take the case of two brothers with an income of Rs. 1,50,000. Under the law 50,000 is to be exempted if the brothers divide the property, if they divide the income each will get Rs. 75,000. Each would be liable to pay on the sum of Rs. 25,000, whereas by reason of living together they would pay on a lakh of rupees. In some cases by division the members may be exempted altogether, but they would be liable to super-tax during a state of union. Then again some allowances which were deducted under the old Super-tax Act have been removed under the present Bill as the privilege that has been given has been abused in various cases. The question was discussed at full length in the Select Committee, and it was felt that some relief should be given though not to the extent that was contended for, and I hope that the amendment that I have put forward will be accepted by the Government. There need not be any great financial loss because the total super-tax of all these undivided Hindu families does not run to more than 12 lakhs. By removing the deduction that we provided in the law we shall considerably increase the taxation. That is apart from the natural growth therefrom. I think, my Lord, that if we raise the minimum of exemption from Rs. 50,000 to Rs. 75,000 we shall be giving relief in the case of comparatively poor families and we shall not be sacrificing revenue, nor would the extremely rich families get relief to any appreciable extent. The number of cases in which relief is needed by reason of the removal of the exemptions would, I think, be large specially in the case of the comparatively modest Hindu undivided families whose incomes range between fifty and seventy five thousand rupees, and this amendment, if accepted, would be appreciated by that class. Of course, in the case of large Hindu families whose income ranges between 5 and 6 lakhs of rupees, the relief would not be considerable. But at the same time they must be thankful that some relief has been given. Rupees 25,000 would, after all, I think, provide a fairly good income in the case of these families for sundry expenses which they would get deducted from the aggregate. I hope therefore, as a matter of compromise that the Government would be able to accept the amendment which I have put forward for their consideration."

The Hon'ble Sir Gangadhar Chitnavis:—"My Lord, I beg to support Mr. Sarma's amendment. I am sure this slightly changed raising of the minimum of exemption will be most equitable and will have beneficial effect in the case of many Hindu families. Hindu families suffer under many disabilities by reason of the theory that they are a corporation or unit for legal purposes. Besides, the privileges which they have been enjoying under the existing law have been removed, and it is but fair that the minimum of exemption should be raised. The Hon'ble Mr. Sarma has been extremely modest in his proposal to raise the minimum to such a small extent. It will give some relief to people who will be in need of such relief by reason of the fact that these men will have to pay this tax in addition to the income-tax which they have to pay in the ordinary run. It is matter of common knowledge that those whose incomes are small are much less able to bear the risks and losses due to uncertainties of trade and business than people whose incomes are large, and when to this is added the strain due to increased and increasing expenditure on establishments and salaries in these times of high prices, improved mode of living and increased standard of comfort, I beg to say that the relief sought for is most equitable and reasonable. I therefore beg to support the amendment." 12-11 P.M.

12-13 P.M. **The Hon'ble Mr. W. M. Hailey**:—"My Lord, I find it difficult to discuss this amendment adequately without referring, however briefly, to the subsequent amendment of the Hon'ble Rai Sita Nath Ray Bahadur, since that really refers to the same question. I do not wish to argue against the latter amendment in advance; I merely wish to point out to the Council that the two proposals involve alternative methods of dealing with the same problem, and that if we take a more benevolent attitude to the one, we should have to take a less benevolent attitude to the other. The Hon'ble Mr. Sarma has pointed out that the undivided Hindu family did enjoy certain privileges in the past, which were granted, I think, as a matter of compromise. The exact privileges were, if I may remind the Council, that the undivided family was allowed to deduct from its taxable income so much of the joint revenue from the family as had been actually expended or paid for the maintenance or other expenses of every member of such family or paid or finally allotted to any such member. Now we ourselves came to the conclusion that whatever was the logical basis for such a deduction, it was liable to great abuse. When I mention to the Council that in the whole of Bengal the taxation on the super-tax on the Hindu undivided families amounts only to Rs. 21,000, I think it must be clear that claims for deductions have been put forward and admitted on a scale which was never contemplated when the concession was first given. That is one point.

"A second point is one of principle. There is, in our view, no particular reason, and there never was any really cogent reason, why the undivided family should be allowed to claim a deduction for expenditure on marriage and funeral ceremonies, which other people are not allowed to deduct from their income when placing their accounts before the Income-tax Collector. Again, there was no good reason why it should have been possible for them to purchase (to take one example) large quantities of gold and silver, and enter those as part of their ceremonial expenses. Finally, the original privilege as conceded by our existing Act allowed a deduction on account of any such sums of money as were finally allotted to any of the members. We held a consultation, as I have already told the Council, with certain learned Hindu friends on the subject, and I think I am right in saying that the conclusion we drew, after a very thorough discussion of the question, was that in the case at all events of certain types of Hindu undivided families, the making of such an allotment definitely destroyed the character of the family as an undivided family. Both in principle and in practice therefore these two deductions were, in our opinion, such as should not be repeated in the Act. At the same time we are aware, and we have for some time been aware, that the Hindu joint family is represented as having been treated rather hardly in our super-tax taxation. It has of course certain definite privileges under the civil law as an undivided family; these privileges have a distinct value; yet it has been very frequently represented to us that these privileges are somewhat heavily paid for. We are told, that the mere fact that a man belongs to a Hindu joint family, a corporation which for religious or social purposes he desires to maintain, does actually commit him to paying super-tax at a higher rate than he would otherwise do as an individual. That, I think, is the basis for most of the complaints on the subject Well, since the Hindu joint family has enjoyed a position of some privilege in the past, and since there is a strong feeling in the country on the subject of our taxation as applied to such families, I gave an undertaking when we introduced this Bill that if any proposal could be put forward which would not cost us much money, and which at the same time would not add to the existing complexities and temptation to manipulation of accounts which our present law offers, I would be willing to accept it. I am satisfied that the Hon'ble Mr. Sarma's proposal is of such a type. We are accordingly prepared to accept it. But I must point out to the Council that, if we do this, it will not be possible for us to accept any of those major concessions which will subsequently be placed before the Council in this respect."

The motion was put and agreed to.

The President:—"I do not know whether the Hon'ble Member is inclined to withdraw his amendments now that the concession has been made by Government in accepting Mr. Sarma's amendment"

The Hon'ble Rai Sita Nath Ray Bahadur:—"I am not prepared to do so, my Lord. Of course, I know that I will be defeated by the official majority, but I think it is due to the Hindu undivided families in Bengal that I should move my amendments. But if the official majority is determined, and the Hon'ble Member in charge is determined not to accept my amendments, then it is useless to waste my breath over them. If the Hon'ble Member is not prepared to accept my amendment, then it is useless to discuss it. I want to hear on the point from the Hon'ble Mr. Hailey." 12-19 P.M.

The President:—"Mr. Hailey, Mr. Sita Nath Ray is inquiring if you are prepared to accept his amendment."

The Hon'ble Mr. Sita Nath Ray Bahadur:—"In any shape or form."

The Hon'ble Mr. W. M. Hailey:—"This present amendment refers to a somewhat different subject. The effect of this amendment would be not that the deductions which we propose to cancel would be restored, but that every Hindu joint family would be classed as a company and would pay the flat rate of one anna in the rupee instead of a rate which goes up to as much as three annas. That, my Lord, is a very different question; and it would involve a loss of such importance, that I could not accept it on behalf of Government." 12-20 P.M.

The Hon'ble Rai Sita Nath Ray Bahadur:—"To that my reply is that if my firm is registered I would pay at a flat rate of one anna in the rupee. We know that by registering a joint Hindu family can have this privilege as in the case of a company. And I beg also to point out in this connection that you are going to make a very large concession in the case of companies which are making large profits. For instance, jute mills which are making from Rs. 200 to Rs. 300 per cent. profit. But Hindu undivided families can hardly make 5 to 6 per cent. on their capital. Is it fair that companies which are making 200 to 300 per cent. profit should be liable to pay only one anna in the rupee, whereas undivided families or unregistered firms which can hardly make 5 to 6 per cent. on their capital, should be liable to pay at a graduated scale going up to 3 annas in the rupee? I put it to the Council, I appeal to your Excellency's innate sense of justice and I implore this Council to do us justice. Where is the justice? As I pointed out just now, numerous companies have been making very large profits for some years past and have not been satisfied with distributing dividends at the rate of 100 per cent. and keeping large reserves, but have gone out of their way to grant bonuses to their shareholders as well as to their officers. Such was the plethora of profits made by these companies, whereas in our case the profits hardly come up to 5 or 6 per cent. Is it therefore fair that we should be charged at a much higher rate than these companies? I also beg to point out in regard to what Mr. Hailey said that the Hindu undivided family would not be liable to pay on the drawings that are taken away from the funds of the joint family. That it is not so. I take the case of my own family. I got some allotment from the joint fund, and as soon as the income-tax people found out that I had drawn some money, they immediately served me with a notice to pay the super-tax or income tax, as the case may be, on the amount I had drawn from the joint fund. It is not the fact that I escape taxation altogether by separate allotment. 12-21 P.M.

"It was also urged that the money spent on marriages and on the maintenance of the family used to be deducted. It is not so. Because a private circular was issued by the Finance Department to the effect that the money spent on the maintenance of the family should not be deducted from the undivided income but from the zemindari income. Where is the equity of this? Supposing I spent 25,000 or 26,000 rupees on the maintenance of my family or incur any other necessary expenses, when my income from zemindari is Rs. 5,000? In some cases zemindari is held by gentlemen only as a matter of glory; it gives them a status in society. Therefore a man's income from zemindari may be nominal; suppose it is Rs. 5,000. Where is the equity in this that the money spent, 25,000 or 50,000 rupees should be deducted from the profit of Rs. 5,000 made from the zemindari which is not at all likely to pay the tax? How is it possible? We see that by a private circular the income-tax authorities everywhere are practically not to allow any deduction to be made, and if any deduction is urged, to tell them it should be deducted from their zemindari income! I made an appeal to the Commissioner of the Presidency Division and on the strength of that circular my appeal was rejected. So where is the equity? However, I beg to urge that it would not be fair in the case of unregistered firms and undivided Hindu families, who know they can easily get themselves registered at any time, to saddle them with a higher liability than would be paid by companies.

"And if these two amendments are not accepted, I at least urge that the deduction which was allowed under the former Act should be allowed in this one, namely—

"(*a*) in the case of a Hindu undivided family so much of the joint income of such family as has been actually expended or paid for the maintenance or other expenses of any member of such family or paid or finally allotted to any such member;

"(*b*) in the case of a firm so much of the income of the firm as has been paid or finally allotted to any of the members of the firm.

"These two exceptions should be retained in the present Bill. This is all that I urge."

The President:—"I understand the Hon'ble Member has moved all three of his amendments. I will therefore put all three amendments together when the Hon'ble Member has replied."

The Hon'ble Rai Sita Nath Ray Bahadur:—"Yes, my Lord."

12-28 P. M. **The Hon'ble Mr. W. M. Hailey:**—"I think it is already clear to the Council, my Lord, that the Hon'ble Mr. Sita Nath Ray has suggested to us two alternative methods of dealing with the undivided Hindu family. The first is the restoration to it of the existing deductions; the second is, that it should be treated for all purposes as a company and pay only the one anna flat rate. I have already argued to the Council the case of the deductions, and I do not think that I need reply at any great length to what I said on that subject; but I would add this. The Hon'ble Member complained that full effect was not given to these deductions in practice and he cites his own case in particular. My Lord, we are dealing here with the question of legislation. If the procedure of a local Government or of a local Governments officer in carrying out the Act, bears hardly on an individual that I think is not a point for this Council, except in so far as any legislation should be proposed which would do away with such hardship. . . . ."

The Hon'ble Rai Sita Nath Ray Bahadur:—"May I rise to a point of order? I beg to point out that it was not done under instructions of any local Government, but on the strength of a circular issued by the Government of India, Finance Department?"

The Hon'ble Mr. W. M. Hailey:—"If so, my Lord, it must have happened at some era at which I was not in the Department; nor is my Hon'ble friend here (Hon'ble Mr. Cook) aware of any such circular. I will be perfectly willing to examine the records of my Department and see if any such circular was issued; but I do not think I would be justified in arguing that case at length before the Council, because we are now engaged in the matter, not of redressing individual hardships, which must always be left to in the last resort to appellate or judicial decision, but in a matter of legislation. I therefore do not propose to detain the Council any longer with this question of deductions.

"We have indeed in answer to the Hon'ble Mr. Sarma's amendment made as much concession in the matter of deduction as I think it is possible to make. Hindu undivided families will for the future, instead of being allowed to deduct the various sums allowed in the present Act—deductions which, as I said before, led in some cases to a manipulation of the accounts—start with an advantage of Rs. 25,000; and that, I think, is a sufficiently handsome concession to them.

"The second part of the Hon'ble Rai Sita Nath Ray's case referred to the question whether such families should or should not receive the same treatment as companies. He desires that they should be assessed to the flat rate of one anna. He drew a comparison, and a very invidious comparison, between the profits made by companies and the profits made by undivided Hindu families. Now, even if we are prepared to admit that all companies do make 200 per cent. and that all Hindu undivided families only make 6 per cent. on their investments, his argument nevertheless does not hold good. We tax companies at the flat rate; that is, their dividends pay one anna; but now mark the difference between them and undivided families. The shareholder will also, if the proposals in our Bill are carried out, pay on his individual income including those dividends, and that is the essential difference between the shareholder in a company and between the member of an undivided Hindu family. We cannot in practice decide, and as a strict matter of law we should not be justified in attempting to decide, what should be regarded as the 'share' of a member of an undivided family. Were we able to decide that share, were there such a thing as an instrument of division, were there no doubt whatever what each member of the family was entitled to receive, and did receive, then we should of course have no reason for treating the undivided family as a whole; we should tax its individual members as individuals. It is simply because in the nature of things there can be no share and no definite apportionment of earnings to individuals, that we have treated undivided families as single persons for income-tax assessment. Therefore, the comparison between the company and the undivided family in my opinion breaks down completely. For the rest, the Hon'ble Member's appeal is one simply for consideration and for compassion. In my opinion, we have given to the undivided family the maximum of concessions possible. I can see in fact that we are liable to attack in some quarters for having given so much. I do not think it would be justifiable—I will not say on behalf of the Government—but on behalf of the general tax-payer, whose interests are of course at stake, that we should make any further concession to the Hindu undivided family."

The Hon'ble Mr. Kamini Kumar Chanda:—"My Lord, may 12-34 P.M.
I make a remark in this connection? I get up simply because I freely confess that the lawyer in me is forcing me to speak. I find one passage in the Report of the Select Committee upon this Bill which, I confess, I did not follow. It is stated there:

> 'The Committee considered that the difficulty of ascertaining the shares of individual members of a joint Mitakshara family would be almost insuperable.'

"Now, granting this, what about the Dayabhaga family. I think, my Lord, it is well known to every student of Hindu law that, so far as the Dayabhaga family is concerned, that in the case of the Hindu family governed by the Bengali school of law there is no difficulty in finding out the share of each individual member; it is as well known as if there was a partition. That being so, I do not think that the Dayabhaga family should be penalised owing to the difficulty of finding out the shares of the members of a joint Mitakshara family. That is my difficulty, my Lord."

The Hon'ble Mr. A. P. Muddiman :—"I must apologise for interrupting the Hon'ble Member, but might I know as a point of order on which amendment he is speaking?"

The President :—"I have told the Council that I propose to take all these three amendments together and put them to the Council as one. If the Hon'ble Member can bring his speech in on any one of these three amendments, he is in order. To which amendment is he speaking now?"

The Hon'ble Mr. Kamini Kumar Chanda :—"My suggestion is with regard to the joint undivided Hindu family."

The President :—"Which particular portion?"

The Hon'ble Mr. Kamini Kumar Chanda :—"I support the Hon'ble Rai Sita Nath Ray's amendment on these grounds."

The President :—"But which amendment?"

The Hon'ble Mr. Kamini Kumar Chanda :—"That it should be a flat rate as in the case of a company."

The Hon'ble Sir George Lowndes :—"I rise to a point of order again. That could not possibly apply to the Dayabhaga family apart from the Mitakshara. There is no one of these amendments which distinguishes between the members of a Dayabhaga and a Mitakshara family. There is no one of these amendments under which the Hon'ble Mr. Chanda can possibly bring his suggestion.

"It is really a new amendment."

The Hon'ble Mr. Kamini Kumar Chanda :—"My submission is this that my Hon'ble friend is asking that the case of an undivided Hindu family should be considered in the same light as that of a company. Now why this is not done is, as I gather from the Report of the Select Committee, that there are difficulties in the case of a joint Mitakshara family to find out what the share of each member is. Therefore it is proposed to tax the family as a unit. In support of that position I want to bring out this difficulty. The reason seems to be that, as Government are unable to find out the shares of individual members, therefore it would be safer to tax the family as a unit. I point out that this is not correct in the case of members of a Daybahaga family. That is the only point I wish to bring to the notice of the Hon'ble the Finance Member and the Hon'ble the Law-Member."

The Hon'ble Rai Sita Nath Ray Bahadur :—"I have nothing further to say."

His Excellency The President :—"You have nothing further to add?"

The Hon'ble Rai Sita Nath Ray Bahadur :—"No, my Lord."

The amendments were put and negatived.

12-38 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy** :—"My Lord, I beg to move that the following be added at the end of clause 4:—

'Where the income of an individual or a company assessed to super-tax under this Act includes a dividend paid by a company assessed during the year, the said assessement shall be reduced by the amount of tax payable on the dividend at the rate of one anna in the rupee.'

"My Lord, my amendment is quite clear and needs very few words of explanation. The individual, when the income on which the company has paid super-tax reaches him, has to pay super-tax again on the same income. Thus, in certain cases, an individual has to pay twice and three times over super-tax on the very same income. In this country industries are run by joint stock companies and if an individual who has put his money into industries, when he receives his dividend has to pay super-tax on a dividend which has already paid super-tax, the result is to discourage people from putting money into industries instead of trade.

"My Lord, the argument brought forward by the Hon'ble the Finance Member was that the individual who will have to suffer in this way will be the man whose income is more than R50,000 and also he has said just now that he does not know what will be the amount he will have to refund. My answer to his argument is that if he wishes to charge the rich man, he can easily raise the super-tax to a rate larger than one anna instead of dealing with it so unfairly. In the second place, we can see from the Budget that by this new method of a flat rate he is making 44 lakhs of rupees, and if he has to refund 10 or 15 lakhs of rupees that will amount to very little.

"Therefore, my Lord, I think my amendment is quite fair, and I appeal to the Hon'ble the Finance Member to treat my amendment favourably as he has treated the Hon'ble Mr. Sarma's."

The Hon'ble Mr. W. E. Crum:—"My Lord, I beg to support the amendment of the Hon'ble Sir Fazulbhoy Currimbhoy. I do so on a question of principle. I think the time has come when endeavour should be made throughout the British Empire to avoid double taxation as far as possible. It is very wrong that in this country we should not only have to pay double taxation but actually pay the same tax twice over, because that is what this proposal comes to The individual will pay income-tax on his income; he will also pay super-tax on his income; the company will pay super-tax on the same income, and therefore he will be paying super-tax twice over. In the case of income-tax he can recover, but in the case of super-tax he cannot recover. 12-40 P.M.

"There is one other reason why I support this amendment and that is this. An individual whose income is derived largely from companies is in a worse position than an individual whose income is not derived from the dividends of companies. I do not think it right that whatever the incomes of an individual may be, whether it is 5 lakhs or 10 lakhs or 20 lakhs, the mere fact that an individual derives his income from companies should put him in a worse position than an individual who derives his income from other sources."

The Hon'blo Mr. W. M. Hailey:—"My Lord, I take it that the Hon'ble Sir Fazulbhoy Currimbhoy's objection to our taxation is based not so much on the amount of the tax as to the method of levying it. I give him all credit for not protesting against the amount he has to pay; I shall bring against him none of those charges we sometimes hear that men of wealth do not like to pay their taxes. I have not that feeling in my mind at all; indeed Sir Fazulbhoy himself has done his best to disabuse us of any such feeling, since he has stated that he would be quite prepared to pay a higher super-tax, if necessary, but that he does not like the particular method adopted by us, which involves the payment of super-tax twice over. 12-43 P.M.

"It seems to me then, my Lord, that it is an offence against the delicacy of his feelings rather than against his pocket. But I think the position has been, I will not say exaggerated, but exhibited in somewhat too gloomy a light. Are we really and effectually taxing twice over? What we are putting on now is a form of taxation well known in many countries of Europe—a corporation tax. It is considered justifiable to tax a corporation partly because it enjoys the use of what may be called public capital, but even more because its shareholders enjoy protection against liabilities incurred, up to the amount of their shares. The company is therefore taxed definitely as a corporation, and that taxation may very justifiably be regarded almost as one of the working expenses of the company. The super-tax we place on the shareholder afterwards is really an individual tax. We call both these taxes super-tax, but as a matter of fact we are really imposing on the company a well recognized form of taxation—the corporation tax—while maintaining the super-tax on the individual.

"Perhaps, however, the Council may regard this as an unduly philosophical explanation; perhaps they will be inclined rather to lay stress on the fact that we call it a super-tax, and that it actually has the effect, as Sir Fazulbhoy Currimbhoy says, of imposing a double super-tax on the people.

"Well, I have already explained to the Council that in the case of our very worse victim, the total super-tax does not amount to more than four annas in the rupee; an amount which is very low indeed compared to the taxation in some other countries. I think in one further point the Hon'ble Sir Fazulbhoy Currimbhoy, and to some extent the Hon'ble Mr. Crum, have rather over-stated their case. They have urged that it is wrong that we should at a time when men are professing to encourage industry, introduce a tax which constitutes a heavy burden on industry pure and simple. Now if this charge were correct I am sure that nobody would be more willing to withdraw or to modify it than your Excellency's Government. But is it correct? Last year we had a super-tax which brought in 176 lakhs of rupees. We are told that the method of taxation was undesirable, that it was imposed in a form which was detrimental to industry. Yet in spite of that fact, in the first eight months of the year 535 new companies, nearly all industrial, were started with an authorised capital of 166 crores of rupees. Now if industry was afraid of our taxation, I maintain that there would not have been that great boom in company flotation. Then again our present taxation was announced on the 1st March this year. What has happened since the 1st March? Has there been any indication that the industrial share market has been injured in any way by our taxation? If I am correct, shares generally have risen since then. The Hon'ble Sir Fazulbhoy Currimbhoy, happily for him, has a far better acquaintance with the facts regarding the rise in the price of shares than I am ever likely to have; and I am sure he will correct me if I am wrong in my statement. But if I am correct, what proof is there of the charge that our taxation is injurious or detrimental to industry?

"My Lord, I do not, as I have already said, like the argument which is based on a scoff at the rich man because he does not like to pay his taxes. I do not like setting up Lazarus against Dives. I am not sure that Lazarus is always a better citizen than Dives. But I claim this, that if anybody objects to taxation on the ground that it is likely to be injurious either to industry or to any other interest, they should provide some solid ground for that assertion. I maintain that such grounds are wanting in this case, and I claim that the Council should support this Bill, as one which is in no sense likely to be detrimental to Indian industries or to Indian interests."

12-50 P. M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"My Lord, the Hon'ble the Finance Member does not seem inclined to accede to my request, which is as fair and just as it should be.

"As regards what I have said about super-tax being detrimental to industry, people will not put their money into industrial concerns, but looking to the new companies which have started it shows that people do not mind taxation. My Lord, I will give an example. Last year after the Excess Profits Tax Bill was passed, the Share and Stock Market in Bombay went up.

"The general trend of the market depends upon the speculation and the attitude taken up by the bears or bulls. That is the proper indication and it is quite clear that people who put their money in industries will have to pay double super-tax than the people who put their money in other sorts of trades. So I do not agree with his argument on that ground. Of course it will not be very injurious to trade, but at the same time they will be very unfairly treated. As I said in my speech, I think he is getting 44 lakhs more, and if he has to refund a little, I think he ought to have agreed to it. With these words, my Lord, I would ask that the amendment be put to the Council."

The amendment was put and negatived.

The Hon'ble Mr. W. M. Hailey:—"My Lord, I beg to move that the Bill to amend the law relating to super-tax, as amended, be passed. There has been an amendment to-day the effect of which, I think, might be that Hon'ble Members might possibly call for a further postponement of the passing of this Bill, but as that amendment has been in the nature of a concession, I hope that that point will not be pressed." 12-52 P.M.

The Hon'ble Mr. W. E. Crum:—"My Lord, though I am perfectly prepared to vote in favour of the Bill as it now stands, I would not like that to be taken as meaning that I entirely support the provisions of the Bill. To my mind, at its best it is an improvement on the Act which it supersedes, but it still has many objectionable features, and I have already referred to one in the principle of taxing companies with super-tax. It is perfectly true, as the Hon'ble Mr. Hailey has pointed out, that corporation tax is levied in certain other countries; but I do not think a tax of this nature has ever been levied in the British Empire, and as such I do not think that we ought to set the example. But, my Lord, I would like to plead the case of certain companies which are particularly hardly treated by this Bill. I refer to companies trading in India and registered in the United Kingdom. I do not know if Hon'ble Members of the Council understand the position of the income-tax and super-tax as regards companies registered in the United Kingdom and trading in the colonies. The position is that most of these companies have to pay an income-tax of 6*s.* in the £ and they are allowed a deduction in the case of income-tax paid in the colonies up to 2*s.* 6*d.* in the £ provided that that deduction is on the same income on which they have actually paid their income-tax in Great Britain. In the case of India a deduction is allowed of the Indian income-tax; this amounts to 1*s.* 3*d.* in the £, but it is very doubtful indeed whether the British Exchequer will allow the Indian super-tax to be treated in the same way. In fact I think it is almost certain that they will not allow it. It comes to this, therefore, that if this tax had been an ordinary addition to income-tax the British companies registered in the United Kingdom would have been able to take advantage of the law in the United Kingdom. As it is super-tax, it is probable that they will not be able to do so. Now, my Lord, I think that members of this Council will generally agree with me that at a time when the discussion of double taxation within the Empire is so much before us it is a very hard thing on companies registered in the United Kingdom that they should be forced to pay this double taxation; and I would have appealed with more confidence to members of Council if it had not been for a remark of the Hon'ble Mr. Sarma's the other day when speaking on Mr. Patel's Electricity Bill. He referred several times to foreign companies—I hope he will correct me if I am wrong—but I understood and I think a great many other members of the Council got the impression that in referring to foreign companies he included in the term both German companies and Austrian companies and companies registered in the United Kingdom; and I do think that at a time such as the present when we are all trying to do our best to work together for the future government of India and the Government of India as a part of the British Empire, it is a great pity that British companies should be referred to as foreign companies; and I hope that Mr. Sarma will be able to say later that that was not his intention. The reason why I refer to this is because I would ask the Council and the Hon'ble the Finance Member to treat British companies trading in India on generous terms. 12-53 P.M.

"Now, my Lord, what have these companies been paying during the war? They have been paying first of all Indian income-tax on their whole profits. That is to say, they have paid Indian income-tax on profits which have never come into their pockets, because they also paid Indian income-tax on excess profits tax which had been deducted in Great Britain. They have paid the British income-tax of 6*s*; individuals in these companies have also paid the British super-tax varying from 1*s*. in the £ to 4*s*. 6*d*. in the case of very high incomes, and the only relief that they have been able to get is in respect of Indian income-tax on that part of their income on which they have paid British income-tax. I do think, my Lord, that looking to the fact that Great Britain allows a deduction of income-tax in the case of income-tax charged in the colonies, it is not too much to ask the Government of India to allow a similar concession in the case of super-tax charged in India. It is probable, I suppose, that the Hon'ble Member will not be able to give me a definite answer to my request to-day; but at any rate I hope that he will consider the matter and take up the question with the home authorities and with the Secretary of State.

"The Hon'ble Member referred, when he was recommending that the Bill should be considered, to the question of an alteration in the method of assessing this super-tax, that is to say, as to whether the tax should not be graded according to the capital of the company, rather than on a fixed exemption amount of half a lakh; and he told the Council that the reason why the half-lakh exemption was decided on was because that would only exempt the small companies and would tax the bigger companies who are generally more in a position to pay. I quite agree with that idea; but at the same time I would point out that this Bill as it stands is going to hit very hard a certain number of companies which have big capital, but which from their nature are not able to pay big dividends and that it does not at all follow that because a company pays a dividend amounting to less than half a lakh the individuals who receive that dividend are people of small means. I may instance a very good case in that of the Sara-Serajganj Railway; that is a company with a very large capital. The shares are held, I think I am right in saying, mostly by small shareholders with holdings of somewhere about a thousand rupees each.

"It is held very largely by the population of the district through which it runs. It seems to me that the company from its nature can never pay big dividends. It seems to me that it is very hard indeed on small individuals of that kind who have invested money in railways because they believed it to be a good thing for their country that the railway should come in, that they should come under a super-tax of this kind. If an alteration could be made in the exemption to be granted in another year, then this anomaly would disappear. I am very glad that the Hon'ble Member has told us that he will take that question into consideration. With these remarks, my Lord, I vote in favour of the Bill, and I hope the Hon'ble Member will be able to give consideration to my requests."

1-2 P.M. **The Hon'ble Rao Bahadur B. N. Sarma**:—"My Lord, I have a very few remarks to make on the super-tax itself. Of course all taxation cases will come up for revision from time to time; they are not like the laws of the Medes and Persians. I feel sure that the remarks of the Hon'ble Mr. Crum that we should deal tenderly with companies whose dividends may be extremely small and who will be hard hit by this taxation, will be taken into favourable consideration.

"I am thankful to the Government for having accepted my amendment with regard to undivided Hindu families. I hope the matter may be further investigated should occasion arise.

"With regard to what I meant by a foreign company, I do not think the matter has a direct bearing on the point at issue, except in so far as it has a bearing on our attitude in regard to the suggestion for favourable terms in the case of the super-tax on British firms. Certainly I am at one with Mr. Crum in thinking that it would be extremely undesirable that the same firm, British or Indian, should be taxed twice in respect of the same income in India and elsewhere in the British Empire. The use of the term foreign is one of terminology and would connote different things with reference to the context in which the term is used – Of course if British firms are registered under the Indian Companies Act, they would be Indian in the strict sense of the term. I do not think any one would draw any distinction between Indian firms whose capital is all subscribed by Indians in India and British firms who may settle down here. Nor do I for a moment contend that the same favourable terms where possible should not be shown to firms in other parts of the British Empire. I would certainly draw a distinction between German and Japanese and other firms located in the British Empire. In one sense I think we may call ourselves British, because we are within the British Empire and the questions of Indian and British would not arise. I hope I have made my meaning quite clear. When I use the term foreign as opposed to Indian, I do not draw any distinction British *versus* Indian. The term foreign trade in our statistics includes British trade."

The Hon'ble Mr. W. M. Hailey :—" There are, my Lord, two general points calling for notice. In the first place there is the point raised by Mr. Crum in connection with the possibility of giving the British Company relief from the payment of this super-tax in respect of its payment of British taxation. We cannot, as he himself realized, offer him a definite answer at the present moment. We understand that a Committee has been appointed at home to report on the subject of taxation within the Empire and made definite recommendations to the Treasury on the subject. We expect to receive these recommendations before long, and the fact that English Companies have to pay the super-tax here will be taken into consideration by us in any negotiations which we may have on the subject with the British Treasury. I have already told the Hon'ble Mr. Crum and the Council that the proposal made for the substitution of a graded company tax instead of a flat rate will be made the subject of investigation by us. If we find that a more equitable form of taxation can be suggested, we shall come to the Council again on the subject. I have no other observations on the Bill, my Lord, and would only ask that it be passed by the Council." 1-5 P.M.

The motion was put and agreed to.

INDIAN ARMY (SUSPENSION OF SENTENCES) BILL.

His Excellency the Commander-in-Chief :—" My Lord, I beg to move that the Bill to consolidate and amend the law relating to the suspension of sentences passed by Courts-martial under the Indian Army Act, 1911, be taken into consideration." 1-7 P.M.

The motion was put and agreed to.

His Excellency the Commander-in-Chief :—" My Lord, I beg to move that the Bill be passed."

The motion was put and agreed to.

INDIAN PAPER CURRENCY (TEMPORARY AMENDMENT) BILL.

The Hon'ble Mr. W. M. Hailey :—" My Lord, I beg to move that the Bill to consolidate and amend the enactments amending temporarily the Indian Paper Currency Act, 1910, be taken with consideration. 1-8 P.M.

"When this Bill was first introduced to Council it was somewhat fully debated. As I explained on that occasion it is not the class of Bill which we should care to put before the Council for acceptance as a permanent measure, and I rely upon the support of the Council mainly on the fact that the measure is a temporary one to meet a passing need and to avoid what might otherwise be a distinct measure of inconvenience to Indian trade, namely, an undue stringency of the money market. I can only repeat here the guarantee which I previously gave the Council that its powers will be utilized only as a last resort. We shall endeavour, we are indeed endeavouring, to take notes off the market rather than use powers of creating *ad hoc* securities. We wish to continue to do so so long as conditions permit. We have no desire, however, to incur the danger of hasty deflation, since this is capable of bringing as much injury to trade and industry, and consequently the public generally, as a hasty inflation of our note issue. With this assurance of our intentions in the matter, I beg to move that the Bill be taken into consideration by Council."

1-10 P.M. **The Hon'ble Mr. W. E. Crum**:—"My Lord, I supported this Bill when it was before the Council.

"There is one point, my Lord, that I would like to make, and I hope I shall be in order. The more I think over the question of these Reverse Councils the more I am impressed with the idea that the present procedure is not right. I consider that it is perfectly right for Government to continue issuing Reverse Councils as long as the need for them exists. But I am exceedingly doubtful whether it is correct to go on issuing them at the present rate. The difference between the Reverse Council rate and the rate which is quoted by the Banks is now something like 4*d.* The position is that this increases speculation all over the country, and indeed it is more than a speculation, it is betting on a certainty. Any individual can now go to Government and deposit a certain amount and make a request for a very large allotment of Councils. He gets Reverse Councils. He gets a certain allotment, and he goes straight to the Bank and brings the money out from Home, and after taking it from the Bank he sends it Home again and makes 4*d.* I therefore suggest to the Government that they should again consider the question of putting up Reverse Councils to tender. I believe that the effect of Reverse Councils being put up to tender would be just as great as far as steadying the market is concerned as the present procedure, and that it would do away with what undoubtedly has called for a very great deal of comment."

1-12 P.M. **The Hon'ble Pandit Madan Mohan Malaviya**:—"My Lord, now that this Bill is under consideration and perhaps for the last time, I should like to support the protest which has been made by the last speaker in regard to Reverse Councils. . .

The President:—"The Hon'ble Member cannot enter into that at any length. The Hon'ble Mr. Crum was entirely out of order when he introduced that subject on this motion, and I cannot allow other members to go in any detail into it. It will be quite sufficient if the Hon'ble Member says, he supports the Hon'ble Member who has already spoken."

The Hon'ble Pandit Madan Mohan Malaviya:—"I will bow to your Excellency's ruling on this as on any other matter relating to the procedure in this Council, but I do not think that the rules contemplate any restriction on the score of lengthy arguments being addressed. . .

The President:—"No, no. That is not the point. The point is that I ought strictly to have ruled Mr. Crum out of order, but this being the last occasion when the Council is sitting, I thought, perhaps, I might let him go on out of grace. I would warn Hon'ble Members that I cannot allow every Hon'ble Member to go on as a matter of grace and that strictly speaking, the discussion is out of order."

The Hon'ble Pandit Madan Mohan Malaviya:—"I will confine myself to the Bill, my Lord, without concerning myself with Mr. Crum's remarks."

The President:—"Thank you."

The Hon'ble Pandit Madan Mohan Malaviya:—"In doing so, I will first of all deal with the motion that is before the Council, namely, that the Bill to consolidate and amend the enactments amending temporarily the Indian Paper Currency Act, 1910, be taken into consideration. I find, my Lord, that the reason for the proposed enactment is thus stated in the Statement of Objects and Reasons.

'After stating what the previous position was, and after pointing out that 'the maximum limit up to which the currency reserve can be invested in securities was raised to Rs. 120 crores, of which Rs 100 crores must be in British Treasury Bills, though it has been possible so far to avoid the actual utilisation of the additional investment power of Rs. 20 crores obtained in September last.'

The Statement of Objects and Reasons goes on to say:—

'The present Bill goes further and proposes to abolish the existing limitations as to the nature of the securities in which the investments may be made;' as was pointed out the other day by the Hon'ble Mr. Sarma and as was also pointed out in the Statement of Objects and Reasons, those investments must be to the extent of Rs. 100 crores in British securities. Now the object of the present Bill is to abolish this limitation The statement says, 'the present Bill goes further and proposes to abolish the existing limitations as to nature of the securities in which the investments may be made. This proposal is necessitated by the present demand for remittances to London and the impossibility of meeting these from the Secretary of State's Treasury resources. If the demand for remittances continues, they will have to be met by the disposal of sterling securities held in the Paper Currency Reserve, and this involves the withdrawal and cancellation of currency notes in India to the extent of the rupee value at which the securities are held in the reserve.'

"Now, my Lord, I submit that this does not justify the statement, but on the other hand it gives strong reasons for opposing the motion that is now before the Council As has been pointed out, there is a limitation prescribed for keeping the securities in the Indian Paper Currency Reserve in British securities. This is a proposal now to abolish that limitation. One of the grounds upon which it is justified is not a ground pertinent to the Paper Currency Reserve or to the transaction of the Government, but is a ground which is entirely beyond it as stated in the Statement of Objects and Reasons, and I submit, unless it is made clear that it is necessary for the purposes of Government, for the purposes for which the Indian Paper Currency Reserve is created, that is the limitations imposed should be altered or removed, I submit a case has not been made out for passing this Bill. My Lord, the history of it is well known, and the Currency Committee's Report have laid down a very strong and simple rule, and that was that Reserve Councils were to be sold only during periods of adverse balance of trade. We have asked again and again, members of this Council have tried again and again to ask whether at any period during these three months the balance of trade has been against us. We have not been told that it has been so. Your Lordship may have noticed a resolution passed at a meeting held in Bombay on the 20th instant, in which the merchants of Bombay have protested strongly against the attitude of Government. In their resolution, a copy of which they have been good enough to send me, they say:—

'This meeting strongly condemns the action taken up by the Government of India on certain suggestions of the Majority Report of the Currency Committee and in particular the suggestions relating to the sale of Reverse Council Bills at a time when the balance of trade is so highly in favour of India, and in a manner which involves serious loss to the currency reserves in England belonging to the country and other consequences disastrous to the money market and the trades and industries of the country, and urges the immediate discontinuance of such sales'.

"Now, my Lord, a resolution coming from such a body as the merchants of Bombay ought to receive consideration at the hands of the Government, and I find that up to this time, though the Hon'ble the Finance Member has made many statements on the subject, he has not yet told the Council and the country through the Council that at any time during the last three months at any time during which Reverse Councils have been sold to the extent that they have been sold, the balance of trade was against India, and I submit, my Lord, if the balance of trade has not been against India during these three months, then the sacrifice of revenue which has been involved by the sale of Reverse Councils is utterly unjustified. The Bombay papers contain articles which have been written by merchants and business men in which they complain that a most unjustifiable sacrifice has been made of the resources of the poor people of India. And, my Lord, at this stage when the Bill is once more before the Council, I do hope that the Hon'ble the Finance Member will give some substantial reason for making this huge sacrifice of the resources of the people of India. In the absence of such an explanation, I consider it my duty to enter my strong protest against the policy which has been pursued by the Government of India. The policy is unfortunate—I do not blame the Government of India for it merely; I know that the Government of India must be acting under the directions of the Secretary of State. I do not know whether the Secretary of State is acting entirely on his own initiative or whether he is not also under the thumb of the British Treasury and the London Exchanges have a hand in this matter. But whatever that may be, there is a very uncomfortable feeling in the minds of the Indian public that the interests of India have been sacrificed in this matter, and are being sacrificed in spite of the protests of Indians both inside the Council and outside it, and I hope that the Government will pay heed to this consideration. It is bad for Government to allow this feeling to grow. If there is any explanation for this, it must be placed before the Council If there is no explanation, then the policy which has been pursued should be abandoned.

"We are on the eve of reforms. It has been pointed out; it was pointed out in the report which your Lordship and Mr. Montagu wrote on the question of reforms that in the matter of fiscal policy Indians ought to have a greater voice. Here is an opportunity just on the eve of the introduction of these reforms. Here are measures of very great importance involving crores and crores of money being pushed through the Council by the help of an official majority of this Council, which the Indian public are strongly condemning. My Lord, the matter is now not merely confined to this Council and to India. India has entered the League of Nations. Every transaction which takes place in India now is subjected to the criticism not only of the Indian public, not only of the British public, not only of the public of the British Commonwealth, but also of the nations which form members of the League of Nations. I think the Government ought to be more than ever careful that its transactions are not open to such criticism as the Indian merchants are levelling at the present proposals of the Government. I think the Government owe it to this Council and the people of this country that they should pay every heed to the opinions of business men in this country, and ought to resist from pursuing a course which is opposed to such criticism, unless they can defend it on reasonably strong grounds I hope to hear something from the Hon'ble Finance Member before this motion is passed."

1-23 P.M. **The Hon'ble Sir Fazulbhoy Currimbhoy:**—"My Lord, I do not wish to take the time of this Council. I have already opposed the Bill on principle and I still hold to my position."

The Hon'ble Mr. W. M. Hailey :—"My Lord, the Hon'ble Pandit has asked me to justify once more to this Council what I have already tried to justify, our policy of selling Reverse Councils. Well, if I cannot satisfy the Hon'ble Pandit, let me at all events congratulate him; for the Hon'ble Pandit has I think at length found the passage in the report of the Exchange and Currency Committee which refers to Reverse Councils. He asks me to state definitely, and I think he expresses himself as satisfied if I will state definitely and to the country, the answer to one question. Is the balance of trade against India at the present minute . . . .

The Hon'ble Pandit Madan Mohan Malaviya :—" Not at present only; I said during these three months."

The Hon'ble Mr. W. M. Hailey :—" Now, my Lord, that is a question which we are and have been studying with the greatest and most anxious care. We have made inquiries from a large number of bodies and of individuals who are conversant with the question. We are making inquiries from our own Collectors of Customs; in fact from every source which we think can afford us information on this rather difficult question. Now when I say it is a difficult question, I think I can explain myself most clearly by saying that it is emphatically not a question of freightage. You cannot say where the balance of trade is by looking into the holds of ships. Goods come and goods go, but they do not come to book at the moment they are carried across the seas. What we have to look at in these matters, is not the balance of the movement of goods, but the balance of remittance. We know that the balance of remittance at present is against India. We are trying to analyse it; we are endeavouring to determine accurately not only what are the component factors of that demand, but also, by anticipating the course of trade, to find out where the true balance is likely to lie for the next three or four months. I said we are engaged in studying that problem, and I can give no definite and clear answer to the Hon'ble Pandit's query at the present moment. I have seen two statements made in the Bombay newspapers, one that by our execrable exchange policy we have killed the balance of trade in favour of India; and the other that the balance of trade is still running strongly in favour of India. I am unable to reconcile those two statements. I am unable to reconcile also the attitude of papers in different parts of India on this very subject. I read papers from Karachi, from Calcutta and from Bombay; and I find diametrically opposite statements in them as regards the question of the effect of our exchange policy on the balance of trade. I regret that I can give no more definite reply to the Hon'ble Pandit in this respect. I am unable at the moment to do anything more than to refer the Council to the justification I have previously attempted of our policy. But I must protest here against any suggestions that our policy is different from the policy of the Secretary of State, and against any attempt to drive a wedge between us on this subject. I must protest even more emphatically at the suggestion that the policy of the Secretary of State can be or is dictated by the British Treasury or the British merchants. I do not wish to repeat the elaborate statement which I had to make to Council on that subject the other day; I can only protest here, as I am in duty bound to protest against insinuations of that nature. As regards this Bill I can only once more offer the plea that we regard it as a temporary measure. I admit that it is an essential corollary of a policy which some of our friends dislike; but for that policy they have offered us no reasonable alternative, and therefore in our opinion it must be persisted in."

The motion was put and agreed to.

The Hon'ble Mr. W. M. Hailey :— " I beg now to move that the Bill be passed."

The motion was put and agreed to.

HINDU MARRIAGES VALIDITY BILL.

1-28 P.M. **The Hon'ble Mr. V. J. Patel** :—"My Lord, I beg to present the Report of the Select Committee on the Bill to provide that marriages between Hindus of different castes are valid."

HIS EXCELLENCY THE VICEROY'S CLOSING SPEECH.

1-29 P.M. **His Excellency the Viceroy** :—"It only remains now for me to bid farewell to the Council at the close of another session, and in bidding farewell to you, it may be of interest to know that this is the last occasion in Delhi on which a Viceroy will preside over a Legislative Assembly. It is true that there is still the Simla session at which I shall preside over this Council, but this time next year when the Reforms have been inaugurated by His Royal Highness the Prince of Wales, the Viceroy will no longer be ex-officio the President of the Legislative Assembly, and his attendance at that body will be confined to certain formal occasions when he comes to deliver a speech to the Assembly. I think the Joint Committee, when they came to the conclusion that it was desirable that the Viceroy should not preside over this Assembly, probably came down on the side of the balance of advantages in favour of his not presiding. But for myself, though in the course of another year there will be another Viceroy in my place, I think it is to be regretted that the Viceroy will lose that opportunity of seeing Members in debate, of seeing the tone and temper of Members, of getting in some way into personal touch with Members, which his ex-officio Presidency enables him to do. And from that point of view I do regret for my successors that they will be deprived of that opportunity, which I have regarded as a privilege during my tenure of office as Viceroy.

"But I will pass away from that because it is *res judicata*.

"There are as many things to be said in favour of the change as against it, and I have only to express this morning what is a personal regret on my part that there will be a certain deprivation of that personal touch between the Viceroy as President of this Legislative Council and the Members, which has subsisted heretofore.

"Now, you have had a strenuous session and some of you, I believe, would say that you had been worked harder than you had ever been worked in your lives before. It has not only been a long and continuous session in this Council—I do not think you have sat later than 8 o'clock though in certain circumstances you might have sat later—but it has also been a strenuous session in Committee, and I feel sure in looking back upon this session Hon'ble Members will say that it has been a session which has been marked by a spirit of good-will and co-operation (Hear, hear, and applause). I know that I can say that from the Government point of view because all my Hon'ble colleagues have told me that in working with Hon'ble Members during this session they have found to their great delight that there was that spirit of good-will and co-operation, which I have just mentioned; (Hear, hear, and applause). Now I trust Hon'ble Members, when they leave this capital city, will carry away with them to their homes that same spirit of good-will and co-operation, because we have still much work to do. We ourselves, as a Government, have still a great deal of spade work to do in connection with the Reforms. We shall have still to call upon many of our non-official friends for assistance in that respect. And so, if that work is to be done, as I hope it will be done, efficiently and well, we must rely on the spirit of good-will and co-operation. But that spirit must exist not only amongst non-official members, it must exist in the districts and throughout India. So I hope, when Hon'ble Members return to their homes that they will go out in a spirit of apostleship, a spirit of good-will and co-operation, in order that they may prepare the way for the advent of His Royal Highness the Prince of Wales when he comes to us at the end of this year (Hear, hear, and applause). Let nothing be done or said during these few months that are to come which will in any way jeopardise the spirit of harmony which, I hope, will prevail at that time. You must remember that His Royal Highness will come not in any sense as a politician or statesman to complete the work which has been put through by statesmen, but as representing His Majesty the King-Emperor himself, and that His Majesty the King-Emperor stands above and aloof from all party differences or all party questions or party disputes. So, I hope, that when His Royal Highness comes to set the seal upon the policy which has been carried through, he will find such an atmosphere of harmony and good-will prevailing that no jarring note will in any way spoil his visit during his stay in India (Hear, hear, and applause).

"So I bid you farewell and I hope that you will now not only be able still to do some work for India with regard to Reforms and that, if you are called upon, you will explain what is meant by these Reforms in the parts of India where you may happen to dwell, but that you will have that rest from your labours which I am sure each non-official member who has been present during this session feels is his due.

"And now may I bid you a very cordial farewell."

The Council was adjourned *sine die.*

A. P. MUDDIMAN,
Secretary to the Government of India,
Legislative Department.

DELHI :
The 29th March, 1920.

APPENDIX A.

Statement showing the action taken against Presses and Newspapers under the Defence of India Act since its enactment.

Serial number.	Name of Press or Newspaper.	Nature of action taken.	Reason for the action.	Date of order.	Place in which Press is kept and language and place of publication of Newspaper.	Name of keeper of press and publisher of paper.	Name of Editor.	Whether in existence prior to 1910.	Whether in existence or defunct now.	REMARKS.
				PRESS						
		Bombay.								
1	"The Bombay Chronicle."	Pre-censorship	There was reasonable ground for believing that it had been conducted, was being, and was about to be conducted in a manner prejudicial to the public safety.	26th April 1919	3, Meadows Street, Bombay.	The Indian Newspaper Company, Limited (through Mr. B. G. Horniman, the then registered keeper).	...	No	No.	
				NEWSPAPERS.						
2	Ditto	An order under rule 3 of the Defence of India Rules was served on Mr. Horniman, then Editor of that Newspaper, prohibiting him from commenting further on the correspondence which appeared in the issue of the paper, dated the 12th July 1917, under the heading "Alleged reign of terror at Dadar."	The correspondence published was considered to be prejudicial to public safety.	14th July 1917	English, Bombay	...	B. G. Horniman	No	In existence.	
3	Ditto	Pre-censorship	There was reasonable ground for believing that it had been conducted, was being, and was about to be conducted in a manner prejudicial to the public safety.	26th July 1919	Ditto	...	Ditto	No	The terms of the order did not entail discontinuance of the newspaper.	
4	"The Message"	As order was served on Mr. A. B. Kolbatkar, printer and publisher of the paper prohibiting him from publishing any further matter relating to certain correspondence which appeared in the issue of the paper of the 13th July 1917, under the head "From day to-day."	The correspondence published was considered to be prejudicial to the public safety.	14th July 1917	Ditto	...	Achut Balwant Kolhatkar.	No	In existence.	

Statement showing the action taken against Presses and Newspapers under the Defence of India Act since its enactment—contd.

Serial number.	Name of Press or Newspaper.	Nature of action taken.	Reason for the action.	Date of order.	Place in which Press is kept and language and place of publication of Newspaper.	Name of keeper of press and publisher of paper.	Name of Editor.	Whether in existence prior to 1910.	Whether in existence or defunct now.	REMARKS.
					NEWSPAPERS—*contd.*					
		North-West Frontier Province.								
5	"Tarjaman"	Prescribed under rule 3 (a) of the Defence of India Rules.	Their entry into the Punjab had been forbidden by the Punjab Government and similar action was therefore taken by the North-West Frontier Province.	23rd February 1916.	Urdu; Calcutta	Saiyad Ali Qaumi	...	...	...	
6	"Rissalat"	Ditto	Ditto	Ditto	Ditto	Ghulam Hussain	...	...	...	
7	"Iqdam"	Ditto	Ditto	Ditto	Ditto	Nazim-ud-din Ahmad.	...	...	...	
		Bengal.								
8	"Musalman"	Directed to abstain from publishing any part of the said newspaper without first submitting the manuscript of the same to the Muhammadan Press Censor, Bengal, for censorship.	The newspapers was publishing articles prejudicial to the public safety.	14th September 1918.	English; Calcutta	Maulvi Azizar Rahaman.	Maulvi Mazibhur Rahaman.	Yes	Suspended publication up to the date of withdrawal of the order.	
9	"Muhammadi"	Ditto	Ditto	Ditto	Bengali; Calcutta	Maulvi Muhammad Akram Khan (the order was issued against him as Editor and Publisher).	Maulvi Muhammad Akram Khan.	No	Ditto.	
10	"Jamhur"	Ditto	Ditto	*14th September 1918. †14th September 1918.	Urdu; Calcutta	* Maulvi Masood Ahmad.	† Kazi Abdul Gaffar	No	Defunct. Continued to publish until the Editor was expelled from Bengal. Then suspended publication.	

11	"Naqqash"	Directed to abstain from publishing any part of the said newspaper without first submitting the manuscript of the same to the Muhammadan Press Censor, Bengal, for censorship	The newspaper was publishing articles prejudicial to the public safety.	19th August 1918	Urdu; Calcutta	Maulvi Syed Muhammad Habib Shah.	Maulvi Syed Muhammad Habib Shah. (The order was issued against Maulvi Syed Muhammad Habib Shah as Editor only.)	No	Defunct.
12	"Rahbar"	Ditto	Ditto	*23rd August 1918 †13th September 1918.	Ditto	Ditto	* Maulvi Syed Muhammad Habib Shah. (The order was issued against him as Editor only.) † Maulvi Maksood Ahmed (2nd Editor.) (The order was issued against him as Editor only. The subsequent order was not served as the 2nd Editor was not traceable.)	No	Continued publication after the order of precensorship was served on Maulvi Syed Habib Shah The paper ceased publication after 19th September 1919.
13	"Millat"	Ditto	Ditto	17th August 1918	Ditto	Maulvi Abdul Quasim Rafique.	Maulvi Abdul Quasim Rafique (The order was issued against Maulvi Abdul Quasim Rafique as Editor only.)	No	Ceased publication in the middle of September 1918.
		Punjab.							
14	"Zamindar" (daily).	Ordered to abstain from publishing any article, news, comments, etc., whatever relating to the war, other than news received through Reuter's Agency or the Secretary of State	For taking a prominent part in the movement of sympathy with Turkey and publishing persistently malevolent and alarmist war articles and reports.	June 1915	Urdu; Lahore	Ghulam Qadir	1. Ghulam Haidr Khan. 2. M. Abdulla Imadi. 3. M. Wajahat Hussain.	No A weekly edition existed prior to 1910.	Defunct.
15	Ditto	Served with an order prohibiting it from publishing any news, articles, comments or other items relating to the war.	On account of an infringement of the original orders	February 1916	Ditto	Ditto	Ditto	No	Ditto.

Statement showing the action taken against Presses and Newspapers under the Defence of India Act since its enactment—contd.

Punjab—*contd*

NEWSPAPERS—*concld.*

Serial number.	Name of Press or Newspaper.	Nature of action taken.	Reasons for the action.	Date of order.	Place in which Press is kept and language and place of publication of Newspaper.	Name of keeper of press and publisher of paper.	Name of Editor.	Whether in existence prior to 1910.	Whether in existence or defunct now.	REMARKS.
16	"Zamindar" (daily)—*contd.*	Prohibited from publishing any article or other writing, or any picture, cartoon or illustration relating to the conduct of the war or containing or conveying any criticism or attack upon the administration of the internal or external affairs of British India or any part of the British Empire; or concerning any political, religious or racial question; until the same had been passed by the Press Adviser to the Local Government.	Owing to its persistently malevolent tone.	April 1916 . .	Urdu; Lahore .	Ghulam Qadir .	1. Ghulam Haidr Khan. 2. M. Abulla Imadi. 3. M. Wajahat Hussain.	No .	Defunct.	
17	"Lamaat"	Ditto . .	Being only a re-issue of the *Zamindar* under a new name.	Ditto . .	Ditto . .	Ditto .	Akhtar Ali, son of Zafar Ali, proprietor of the *Zamindar.*	No	Ditto	
18	"Nirbal Sewak"	Ordered to abstain from printing or publishing any article, news, comments, etc., whatever relating to the war other than news received through Reuter's Agency or the Secretary of State.	For persistently misrepresenting the general war situation.	July 1915 . .	Ditto . .	Shivanand . .	Shivanand . .	No .	Ditto.	
19	"Paigham-i-Sulah."	Ditto . . .	Ditto . . .	August 1915 . Orders withdrawn subsequently.	Ditto . .	Khaifa Rajb-ud-din.	Dost Muhammad .	No .	In existennce.	
20	"Akbhar-i-Am" (weekly and daily).	Ditto . .	Ditto . . .	October 1915 . Orders withdrawn subsequently.	Ditto .	Pandit Hari Kishen	Pandit Bal Kishen .	Yes .	Ditto.	

"Sitara-i-Subah." (daily).	Maulvi Zafar Ali Khan, the editor and proprietor was required to publish this paper after pre-censorship and to abstain from all comments on current political topics.	Owing to his objectionable writings in the past.	August 1917	Ditto	Nur-ul-Haq	1. Zafar Ali Khan 2. M. Abdulla Imadi. 3. M. Wajahat Hussain.	No	Ditto.
"Waqt"	Orders of complete pre-censorship.	For its violent political writings.	31st March 1919	Urdu; Amirtsar	Durga Dass	Pandit Dina Nath.	No	Defunct.
"Leader"	Ditto	For contravening the order forbidding any Punjab newspaper from publishing accounts or criticisms of the April disturbances except after censorship. Is no longer under pre-censorship.	11th April 1919	Urdu; Lahore	Amar Nath Shad	Sham Lal	No	In existence.
"Partap"	Ditto	For objectionable writings on the Delhi riots and the then existing situation.	12th April 1919	Ditto	Karm Singh.	Radha Kishan	No	Defunct.
"New Herald"	Ditto	For its violent political writings.	16th April 1919	English; Lahore	Chanda Singh	Sardul Singh	No	Ditto.
"Aftab"	Ditto	For objectionable writings on the Punjab affairs and the Rowlatt legislation. Is no longer under censorship.	18th April 1919	Urdu; Lahore	Muhammad Alam Khan.	Wajahat Hussain	No	In existence.
"Arya Gazette"	Ditto	For the publication of objectionable political articles and an offensive article on "Unmarried Mothers" in England.	22nd April 1919	Ditto	Amin Chand	Khushal Chand	Yes	Ditto.
"Siyasat"	Ditto	For its objectionable writings on Turkey and the paper's generally bad tone. Is still under pre-censorship.	25th April 1919	Ditto	Inayat Ullah Khan, who was externed from Bengal in connection with the Hindu-Muhammadan riots of 1918.	Ghulam Haider	No	Ditto.

Statement showing the action taken against Presses and Newspapers under the Defence of India Act since its enactment—contd.

Serial number.	Name of Press or Newspaper.	Nature of action taken.	Reasons for the action.	Date of order.	Place in which Press is kept and language and place of publication of Newspaper.	Name of keeper of press and publisher of paper	Name of Editor.	Whether in existence prior to 1910.	Whether in existence or defunct now.	REMARKS.
			(b) EXTRA-PROVINCIAL NEWSPAPERS.							
29	"Iqdam"	Entry into the Punjab prohibited.	Because of the reproduction in these newspapers of alarming rumours and accounts called from enemy and pro-enemy sources.	7th February 1916	Urdu; Calcutta	Nazim-ud-Din Ahmed.	Not known	No	Defunct	
30	"Risalat"			Ditto	Ditto	Abdul Quasim Rafiq	Sajjat Hussain	No	Ditto	
31	"Tarjuman"			Ditto	Ditto	Saiyid Ali Qaumi	Not known	No	Ditto	
32	"Sadaqat" (Re-issue of No. 3).	Ditto	Owing to its attempts to stir up a religious, semi-fanatical excitement against Government which were calculated to inflame the Muhammadans and adversely affect recruiting.	25th February 1918	Ditto	Ghulam Haidar Khan.	As in column 7	No	Ditto	
33	"Naqqash"	Ditto	Owing to its pessimistic and disloyal writings on the military situation, which had an increasingly bad effect on the Punjab Muhammadans, especially in regard to recruiting.	20th June 1918	Ditto	Saiyid Muhammad Hibib *alias* Habibullah Shah	Ditto	No	Ditto	
34	"Rahbar"	Ditto	A re-issue of No. 33	6th September 1918. The order was never served, the newspaper having stopped publication owing to the editor's externment from Bengal	Ditto	Ditto	Ditto	No	Ditto	

35	"New India"	Ditto	For writing discouraging contributions to the War Loan and the generally bad tone of the paper.	30th July 1918	English; Madras	Ranga Reddi	Mrs. Besant	No	In existence.
36	"Commonweal"			6th August 1918. Orders no longer in force	Ditto	Ditto	As in column 7	No	Ditto.
37	"Congress"	Excluded from the Punjab	For its objectionable writings on Punjab affairs.	22nd April 1919 and 20th October 1919. The paper having been placed under pre-censorship by the Delhi Administration the original order was put into abeyance, but the paper ceased publication temporarily. A second order was issued on the re-appearance of the "Congress" with a new publisher and freed from pre-censorship.	Urdu; Delhi	Kishon Pershad	Arif Hussain	No	Ditto.
38	"Watan Parsat."	Ditto	Was intended to replace No. 37.	25th November 1919. Never issued.	Ditto	Kaure Ram	...	No	...
39	"Vijaya"	Ditto	For its objectionable writings on the Punjab affairs.	23rd April 1919 Order in force.	Hindi; Delhi	Pandit Bal Bhaddar.	Indra	No	In existence.
40	"Qaum"	Ditto	Ditto	30th April 1919 Order in abeyance.	Urdu; Delhi	Muhammad Abbas Hussain, Qari.	Abbas Hussain	No	Defunct.
41	"Inqilab"	Ditto	Ditto	21st April 1919 Order in abeyance.	Ditto	Hafiz Ibrahim Hussain.	Asaf Hussain	No	Ditto.
42	"Medina"	Ditto	Ditto	23rd April 1919 Order in force.	Urdu; Bijnour	Muhammad Majid Hasan	Mazhar-ud-din	No	In existence.
43	"Yasrab"	Ditto	Ditto Re-issue of No. 42.	8th September 1919. Order in force.	Ditto	Ditto	Ditto	No	Defunct.
44	"Al-Khalil"	Ditto	For its objectionable writings on the Punjab affairs.	23rd April 1919 Order in force.	Ditto	Khalil-ul-Rahman	Khalil-ul-Rahman	No	In existence.

Statement showing the action taken against Presses and Newspapers under the Defence of India Act since its enactment—concld.

Serial number.	Name of Press or Newspaper.	Nature of actions taken.	Reasons for the action.	Date of order.	Place in which Press is kept and language and place of publication of Newspaper.	Name of keeper of press and publisher of paper.	Name of Editor.	Whether in existence prior to 1910.	Whether in existence or defunct now.	REMARKS.
				(*b*) EXTRA PROVINCIAL NEWSPAPERS—*concld.*						
45	"Independent"	Excluded from the Punjab	For its objectionable writings on the Punjab affairs.	23rd April 1919. Orders still in force. A. H. Wheeler and Company were served with an order in May 1919 directing them to abstain from sending or causing or permitting to be sent, either directly or indirectly for circulation in the Punjab any copies of the "Independent" and from exposing for sale or causing or permitting to be exposed for sale in the Punjab any such copies.	English; Allahabad	Sham Lal Nehru	C. S. Ranga Iyer	No	In existence.	
46	"Hamdam"	Ditto	Ditto	7th May 1919. Orders in force.	Urdu; Lucknow	Rashid-ud-din	Saiyid Bisharat Ali	No	Ditto.	
47	"Akhuwat"	Ditto	Ditto	8th May 1919. Orders still in force. The newspaper ceased to exist on the imprisonment of the editor and proprietor in a libel case	Ditto	Muhammad Fakhar-ud-din.	Not known	No	Ditto.	
48	"Swadesh"	Ditto	Ditto	13th May 1919. Orders in force.	Hindi; Gorakhpur	Dashrath Parshad	Ditto	No	Ditto.	
49	"Amrita Bazar Patrika."	Ditto	Ditto	9th May 1919. Orders in force.	English; Calcutta	T. K. Biswas	Moti Lal Ghosh	Yes	Ditto.	

		Delhi.							
50	"Hamdard"	Pre-censorship ordered	Publishing matter prejudicial to the public safety.	19th June 1915	Urdu; Delhi	S. Wazir Ali	Basharat Ali Jalib	No	Stopped.
51	"Naqqash"	Excluded from Delhi	Ditto	28th June 1918	Urdu; Calcutta	S. Muhammad Habib.	......	No	Ditto.
52	"Congress"	Pre-censorship ordered	Ditto	22nd April 1919	Urdu; Delhi	Kure Ram	Arif Hussain	No	Continued.
53	"Vijaya"	Ditto	Ditto	Ditto Order withdrawn 21st November 1919.	Hindi; Delhi	Bal Bhadur	Indra	No	Stopped for a time and re-continued
54	"Quam"	Ditto	Ditto	28th April 1919	Urdu; Delhi	......	Mohammed Abbas Hussain Qazi.	No	Stopped.
55	"Inqilab"	Ditto	Ditto	Ditto	Ditto	Hafiz Ibrahim Hassan.	Arif Hussain	No	Ditto
56	"Akhwat"	Excluded from Delhi	Ditto	Ditto	Urdu; Lucknow	Muhammad Fakhr-ud-din	......	No	Not known.
57	"Hindi Samachar."	Pre-censorship ordered	Ditto	12th May 1919	Hindi; Delhi	Mathu Mal	Shiv Narain Dowedi	No	Stopped.

NOTE 1.—All newspapers in the Punjab were ordered not to publish any account of the proceedings of the meeting held at Lahore on the 28th June 1917 to protest against the Madras internments. The order was subsequently cancelled.

NOTE 2—Barkat Ali, editor of the (defunct) "Observer," was ordered in June 1918 to submit for pre-censorship all and every matter before the same appeared in any issue of the "Observer" or any other newspaper under his editorship or control.

NOTE 3.—David Shahbas of the "Punjab" was ordered in June 1918 to abstain from journalism during the course of the war. He gave the required undertaking and it was found unnecessary formally to serve the order.

NOTE 4.—All newspapers in the Punjab were ordered to submit all accounts of, or reference to, the April disorders for pre-censorship. This order was in force from 11th April 1919 to 24th May 1919.

APPENDIX B.

[*Referred to in Answer to Question No. 1.*]

Memorandum relating to service in the Indian Post Office.

1. *Methods of Recruitment.*—For the appointments of Superintendents of post offices the principal method of recruitment at present consists in selecting men from candidates who are not in the Department to be probationers and appointing them as Superintendents after they have gone through a period of training and passed a qualifying examination. This has, on the whole, proved to be a satisfactory arrangement, specially as regards the recruitment of Indian Superintendents, and should, in my opinion, be continued. It is not desirable, I consider, to lay down any hard-and-fast conditions as to what qualifications, educational or otherwise, the selected candidates should possess. Postmasters-General in submitting their nominations to the Director-General have to state fully the grounds on which their recommendations are based and that is all that is necessary. Another method of recruitment, which is occasionally resorted to, is to give men direct appointments as Superintendents without making them pass through the probationary stage. This method of recruitment should in my opinion be abolished, and all candidates selected from outside the Department should be taken on as probationers. Occasionally, also, specially deserving subordinates already employed in the Department are selected for promotion to the rank of Superintendent. It is, of course, desirable that this should continue.

2. In the case of gazetted head postmasters the present position is not a satisfactory one, and many men are holding these appointments who are not worth the pay they are getting. These appointments are ordinarily filled up by the promotion of men who entered the Department as subordinates at the bottom of the ladder; and, although a certain amount of selection is exercised in promoting men to the rank of gazetted head postmaster, the field for selection is not a promising one. It is, in my opinion, very necessary to adopt a separate system of recruitment for postmasters' appointments in the grades above Rs. 200—300. The candidates who enter the Post Office as subordinates on Rs. 15 or Rs. 20 are expected to be men who have passed either the University Matriculation Examination or the School Final Examination. As a matter of fact, the Post Office is obliged, all over the country, to employ a very large number of men who have no such educational qualifications, for the want of suitable candidates. For men of this kind to rise, or to have the prospect of rising, to a pay of Rs. 200—300 represents an ample career, and this grade of pay should, I consider, be ordinarily the limit of their prospects. For the higher grades of pay (Rs. 300—400 or upwards) I think we should select men with higher educational or other special qualifications and admit them to the Department on a pay of Rs. 60 a month on their passing a qualifying departmental examination. The candidates should be required to learn postal work and qualify for the examination at their own expense. Then they should rise in the ordinary course from grade to grade; but there should also be a special gradation list for the whole of India for these men, on which they should be ranked according to their date of entry in the service, and from this list appointments to the postmasters' grade of Rs. 300—400 and upwards should be made; but before getting promotion to the gazetted grade they should be required to pass a second qualifying departmental examination, which should be a thoroughly searching one. Any specially deserving men who entered the Department as a subordinate in the ordinary course should, of course, also be eligible to have his name placed on this special gradation list. The Presidency Postmasters' appointments should ordinarily be filled up from the men of this class who should ordinarily not rise any higher. Officers of the class of gazetted head postmaster (including Presidency Postmaster) should be regarded as inferior in status to officers of

the class of Superintendent and should not ordinarily be eligible for pron-tion to the rank of Deputy Postmaster-General.

3. *System of Training and Probation.*—A probationary Superintende should undergo training for at least a year and pass a qualifying departmental examination before he is appointed to be a Superintendent. The number of appointments should be so arranged that a probationary Superintendent may ordinarily expect to get an appointment as a Superintendent within two years The method in which the training should be carried out should be prescribed by the Director-General. At present it is left to each Postmaster-General to prescribe his own method. There should, I think, be a uniform plan for the whole of India. A Superintendent should also be required to pass by the higher standard in at least one vernacular language, to be selected by the Director-General, within the usual limit of time fixed for other services. Probationary Superintendents at present are not sufficiently well paid. In the Bombay Circle there are two such appointments on a pay of Rs. 100 each. If the probationary Superintendent is a non-Indian he cannot possibly live in a manner befitting the position for which he has been recruited on such pay, and even for an Indian the pay is not suitable. In my opinion a probationary Superintendent should be paid Rs. 200 a month, and rank as a first-class officer when travelling in the same way as a Superintendent.

4. *Conditions of Service.*—(*a*) In the case of a Postmaster-General, the conditions of service are quite satisfactory.

(*b*) In the case of a Superintendent of Post Offices the conditions of service are also of a satisfactory character, but in two respects they call for improvement. At the headquarters of every division (except in large towns where plenty of suitable accommodation can be hired) Government should build a residence and office for the Superintendent and charge him rent at the usual percentage on his pay. The Superintendent of Post Offices belongs to an Imperial Department, and the Local Government makes no provision for him as it does for its own district officers. In many divisions a Superintendent finds it impossible to obtain suitable living accommodation. One other respect in which the conditions of a Superintendent's service need improvement is in the matter of travelling allowance. A Superintendent should, in my opinion, receive a daily allowance *plus* the cost of transportation when travelling within the limits of his division. At present a Superintendent of Post Offices receives a daily allowance of Rs. 4 a day, which he can exchange for railway fares or road mileage at eight annas a mile provided he travels more than 20 miles. If the post office to which he is going by road happens to be 21 miles from his starting place he can draw Rs. 10-8-0. If it is only 20 miles away he gets only Rs. 4. This is anomalous enough, but a still more absurd thing is that he gets more for halting at a place than for moving on to another place. For example, if a Superintendent halts for 24 hours at a place he gets Rs. 4. The next day if he moves on to another place, a short distance away by railway or road, he gets Rs. 4 less the railway fare or the cost of moving by road, so that the present rules offer a constant inducement to Superintendents to make unnecessary halts and unnecessarily long journeys. I think the most suitable arrangement would be to give a Superintendent of Post Offices a fixed monthly travelling allowance. A Superintendent should also be provided with tents and get tentage when necessary.

(*c*) As regards gazetted head postmasters they are very well off with the pay and free quarters they get, and no change is, in my opinion, required in the conditions of their service, except that they should be given a suitable fixed conveyance allowance for going about to inspect their town sub-offices.

5. *Conditions of Salary.*—(*a*) I do not consider that any increase is called for in the pay of gazetted head postmasters. On the contrary, I consider the pay of the Presidency Postmasters, Bombay and Calcutta, is too high Rs. 1,000 should be ample for them with the free quarters which they enjoy Also the designation Presidency Postmaster is now a misnomer. Postmaster pure and simple, should be a good enough title. I have been Postmaster-General of all three Presidency circles and have had long experience of Presidency Postmasters; they have the Postmaster-General immediately at hand tc refer to in all their difficulties; and the view that has hitherto been held in the

Department regarding the duties and responsibilities of these officers has, I consider, been an exaggerated one. Presidency Postmasters should have no Superintendents of Post Offices under them. The present Superintendents should be replaced by Inspectors on Rs. 200.

(*b*) For Superintendents of Post Offices the scale of pay should, I consider, be exactly the same as the scale sanctioned for the officers of the provincial service of the Telegraph Department. The duties and responsibilities of a Superintendent of Post Offices are, in my opinion, of a more difficult and onerous character than those of an officer in charge of a Telegraph Division, and for the charge of a Post Office Superintendent's division a man of a higher order of intelligence and character is in my opinion required than for the charge of a Telegraph division. The Superintendent of Post Offices should at the very least be paid as well as a Superintendent of Telegraphs, provincial service.

(*c*) The scale of pay for Deputy Postmasters-General (including Inspectors-General) should, I think, be Rs. 1,000—100—1,500.

(*d*) The scale of pay for Postmaster-General should, I think, be Rs. 1,750—100—2,250 with two appointments on Rs. 2,500.

6. *Conditions of Leave.*—(*a*) In the case of the Indian Services, long leave should be given at shorter intervals, and I would suggest after every five years, but not for more than six months at a time if taken in India, except on medical certificates. No one whose domicile is in India can want to take leave in India for more than six months unless he is ill.

(*b*) In the case of the European Services, I have no change to suggest except that the maximum furlough allowance when paid at the Home Treasury should be £1,000 a year for all classes of officers.

7. *Conditions of Pension.*—I have no change to suggest except that an officer holding one of the appointments mentioned under Article 475 of the Civil Service Regulations should be entitled to an additional pension of Rs. 2,000 a year, if he has rendered in it effective and efficient service of not less than ten years.

8. *Limitation in the employment of non-Europeans.*—There is no such limitation at present in the case of the Post Office and none is required.

9. *Relations of the service with the Indian Civil Service.*—As the Post Office and Telegraph Departments have been amalgamated the Director-General of the two Departments should always, in my opinion, now be a member of the Indian Civil Service, but not necessarily an officer who has been a Postmaster-General. No officer of either the Post Office or Telegraph Department should be placed at the head of both Departments. The appointments of Postmasters-General should be primarily given to selected officers of the Post Office Department. If no departmental officer of sufficient standing is considered fit, when a vacancy occurs, to be a Postmaster-General, then, and then alone, the appointment should be given to a member of the Indian Civil Service, but on no account to a member of any other service.

10. I have no remarks to make on any other points.

E. A. DORAN,
Postmaster-General, Bombay.

BOMBAY:
Dated 22nd September, 1913.

APPENDIX C.

[*Referred to in Answer to Question No. 8.*]

	STATE PRISONERS REGULATIONS.		DEFENCE OF INDIA ACT		INGRESS INTO INDIA ORDINANCE.		PERSONS CONVICTED OF OFFENCES UNDER SECTION 121-A., COGNATE SECTION OF I. P. C. (EXCLUDING DISTURBANCES OF MARCH-APRIL 1919).		PERSONS CONVICTED IN THE DISTURBANCES OF MARCH-APRIL 1919.		REMARKS.
	Released.	Detained.	Released.	Detained.	Released.	Detained.	Released.	Detained.	Released	Detained.	
Madras	1	...	...	...	1	...	...	...	...	...	
Bengal	27	37 (*a*)	208	...	1	...	3	3	...	...	(*a*) Their cases are under consideration.
Bombay	...	...	2	1	7	...	5	2	72	51(*b*)	(*b*) Sentences reduced in 17 cases from 7 to 3 years and 2 from 10 to 5 years.
United Provinces	1	...	19	...	1	...	13	2	...	...	
Punjab	...	...	28	...	122	...	51	46	637	90	
Burma	...	...	35	...	...	...	41	...	...	...	
Bihar and Orissa	1	1	12	...	...	...	...	...	...	...	
Central Provinces	2	...	...	...	...	...	...	...	...	...	
Assam	...	...	...	...	...	...	...	...	...	...	
North-West Frontier Province.	...	1	...	...	...	...	...	...	...	...	
Delhi	...	...	1	...	...	...	...	...	9	2(*c*)	(*c*) Sentences substantially reduced.
Coorg	...	...	...	...	...	...	...	...	...	...	
TOTAL	32	39	305	1	132	...	113	53	718	143	

APPENDIX D.

[*Referred to in Answer to Question No. 13.*]

Statement laid on the table in reply to the Hon'ble MR. *V. J.* PATEL'S *questio re Resolutions of the Imperial War Conference, 1917.*

I. As a result of the resolution of the Imperial War Conference on th Naval Defence of the Empire Lord Jellicoe was invited to visit India in th course of his tour of the British Empire to advise generally on questions c Naval Defence. He has submitted a report which is still under consideratio and it would not be in the public interest to disclose its contents at the present time.

II. The Government of India expressed their willingness to co-operat and give every assistance to Trade Commissioners appointed in India. Hi Majesty's Government have appointed a Trade Commissioner in Calcutta an Bombay. The Government of India are utilising the services of His Majest' Trade Commissioners in other parts of the Empire.

III and V. So far the Government of India have not taken any actio in regard to two points referred to; and no action is apparently possible excep at the instance of His Majesty's Government.

IV. The Imperial War Graves Commission, constituted by Royal Charte is undertaking the care of graves of British and Indian soldiers in all theatre of war. Full reports of the action taken and work completed will be published when received by the Government of India.

VI. (*i*) The Government of India have expressed their approbation of th Resolution regarding the establishment of an Imperial Mineral Resource Bureau. The Bureau has been inaugurated, and India is represented on th Governing Body by Mr. R. D. Oldham, F.R.S., formerly of the Geologica Survey of India. This gentleman was selected by the Government of India as one having first-hand knowledge of the mineral resources of India.

(*ii*) One side of the Bureau's activities will deal with the supply of information to other Governments, to individuals, firms or companies on all subjects connected with the production of minerals for industry. The Government of India have therefore recommended the deputation, for a period of tw years at a time, of a senior member of the Geological Survey Service to act a an Intelligence Officer with the Bureau on behalf of India.

(*iii*) The Governors of the Bureau have welcomed the proposal, and an Assistant Superintendent of the Geological Survey of India has been placed on deputation for the purpose.

VII. The Hon'ble Member is referred to the Resolution in the Department of Commerce and Industry, No. 1783-D., dated the 27th February, 1920, appointing a Committee to examine the trade statistics and to consider and report to the Governor General in Council whether or not it is advisable to apply to the Indian Customs Tariff a system of preference in favour of goods of Empire origin, and as to the best method of considering the future fiscal policy of India.

VIII. The principle of reciprocity of treatment between India and the Dominions, which was accepted by the Imperial War Conference, 1917, was brought up again before the Imperial War Conference in 1918. The attention of the Hon'ble Member is drawn to the Resolutions in the Department of Commerce and Industry, No. 2754, dated the 9th May, 1919, and No. 8506, dated the 15th October, 1919, publishing papers on the subject.

APPENDIX E.

[*Referred to in Answer to Question No 39.*]

Statement.

Officer on Special Duty.

Dr. Rushbrook Williams, Fellow of All Souls' College, Oxford, and till lately Professor of History in the Allahabad University. Pay Rs. 2,000 per mensem.

Assistant Officer on Special Duty.

Mr. Bajpai, B.C.L., Oxford, Barrister-at-Law. Pay Rs. 800 per month.

Office Establishment.

Estimated monthly cost, Rs. 1,850.

SGP, Delhi,—472 L D—31-3-20—75